

DURHAM POLICE DEPARTMENT

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Durham, New Hampshire 03824
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POLICY #: 55.1.1

SUBJECT: Victim and Witness Assistance

NOTE: This written directive is for the internal governance of the Durham Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

PURPOSE

This directive establishes department victim/witness assistance procedures that are consistent with the New Hampshire Victim's Bill of Rights [RSA 21-M:8-K].

POLICY

- The victims of crime have a fundamental right to be informed about the status of the investigation of their case, the progress of any subsequent court proceedings, the right to prompt return of property, and the right to be involved in subsequent sentencing.
- In all cases where the Durham Police Department is involved or has control over the investigative process, members of this department will do everything possible to ensure that the rights of the victim are scrupulously honored.
- The victims and witnesses of crimes shall be treated with fairness, compassion, and dignity.
- The Durham Police Department is committed to the application of appropriate Victim/Witness Assistance Programs and activities. State and County Services begin to apply at the Felony crime level through the County and State of New Hampshire. However, for some misdemeanor crimes, the Durham Police Department may be able to employ the services of SHARPP (see the [SHARPP/HAVEN policy](#) of this manual).
- Durham Police Officers will issue the Durham Police Department Victim/Witness Assistance brochure to victims and witnesses of violent crimes or domestic violence, stalking, or sexual assault. The brochure has 24-hour phone numbers to assist victims and witnesses. University of New Hampshire students can be issued SHARPP information; SHARPP can be reached 24-hours each day through the Dispatch Center.

Responsibility and Accountability

- All employees of the Durham Police Department share the responsibility for supporting and assisting the victims of crime.
- Coordination and implementation of the Durham Police Department's victim/witness assistance activities shall be the responsibility of the Investigative function within the department.

Victim/Witness Program Goals and Objectives

- The goals and objectives of the Durham Police Department's Victim/Witness Assistance Program are to:
 1. Ensure, where this agency has a capacity to do so, that the New Hampshire Victim's Bill of Rights contained in NH RSA 21-M:8-K are implemented.
 2. To provide a 24 hour point of contact where information regarding services offered in the Durham area by other organizations can be obtained. This would include referral for medical attention, counseling, or other assistance.
 3. Maintain liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with victim/witness needs and rights.
 4. To arrange for assistance to victims/witnesses during the preliminary and follow-up investigative stages.
 5. To provide appropriate assistance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization.
 6. To provide appropriate victim/witness assistance services required after the suspect has been arrested or released on bail.
 - a. Of particular importance is the safety of the victim/witness following arrest, particularly in cases of domestic assault where the likelihood of further contact is heightened by the relationship between the parties. Officers shall ensure that the requirements of bail are specific in their protection of the victim.

Types of Assistance Available for Victims in Fear or Threatened

- Protective orders.
- Referral to outside assistance such as HAVEN, SHARPP, Strafford County Attorney's Office Advocate.

- Transportation to alternate housing.
- Ensuring victim information remains confidential.

Liaison with Other Organizations

- The Deputy Chief is responsible to maintain liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with victim/witness needs and rights.
- Other agency employees concerned with victim/witness matters will maintain ongoing contact and liaison with outside organizations, consistent with their assignment.

Public Information and the Media

- The Deputy Chief shall periodically ensure that steps are taken to inform the media and the public about the agency's victim/witness assistance services and programs that are available.
- The Deputy Chief shall ensure that the [confidentiality of records](#) and files of victims/witnesses is maintained, consistent with applicable case law and statutes, and as provided for in department directives.

County and State Victim/Witness Resources

- The New Hampshire Attorney General's office provides victim/witness support in cases of homicide and in other cases accepted for prosecution by the County Attorney's office.
 1. Victim/witness services provided by the Attorney General's Office are automatic upon notification to that agency of a homicide situation.
 2. As a matter of practice, the Attorney General's Office will assign victim/witness support personnel at the same time they assign criminal prosecution personnel to the case. As such, victim/witness support personnel are frequently at the scene of homicide investigations, and deliver a valuable service to investigating personnel by providing the emotional support needed by victims/witness at the scene.
 - a. Support is provided from the point of death notification onward, and officers are encouraged to utilize this service in homicide cases where death notifications are required.
 - b. Additional support is provided to the victim/witness on a 24-hour, as required, basis. Crisis support is provided throughout the criminal case proceedings, and advocates attend all hearings and trials with the

victim/witness. Advocates also provide case co-ordination and preparation services to the victim/witness.

- The Strafford County Attorney's Office provides victim/witness support services through their Victim Assistance Program in all cases involving felony crimes. Support services include court tours, employer intervention, referrals to other service agencies, co-ordination and preparation of witnesses for trial, and instruction to victims in victim compensation available under RSA 651.
 1. Generally, support services are provided from the point that the case is received by the County Attorney for prosecution. However, two staff members are on call 24/7 to provide investigative assistance to officers for: victim service referrals, Strafford County Child Advocacy Center (CAC) information, sexual assault RSA, information for parents, court rules, rape kit information, evidence collection, and victim centered investigations. The on call assistance is provided by Nancy Harris Burovac (603-817-9629) and Carolann Jensen (603-817-9630).
 2. In serious cases where there is an immediate need for victim/witness support at the scene of a felony or violent crime, personnel from Victims, Inc., based out of Rochester, NH, are available to respond to the scene. In such cases, authorization for the response of Victims, Inc. shall be at the discretion of the Shift Commander. Contact information for Victims Inc. is available at Strafford County Dispatch.

Victim/Witness Services Available During the Investigation

- Police officers conducting the preliminary investigation for any offense or incident shall provide information to any victims/witnesses about appropriate and applicable services (for example: counseling, medical attention, compensation programs, and victim advocacy)
- Investigating officers shall also inform the victims or witnesses of a crime about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates the victim/witness.
 1. The officer, or any other agency employee, who becomes aware of a victim/witness who has been threatened or who expresses credible reasons for fearing intimidation or further victimization shall:
 - a. Document this information in a report.
 - b. Initiate an investigation if an additional crime has taken place.
 - c. Make recommendations to the individual to assist in avoiding harm.

- It is extremely important that the victims of crimes, and other key individuals involved in various incidents, be provided with the case number and agency telephone number. This assists the investigation in ensuring that follow-up and supplemental information will be forwarded through to the appropriate location. Victims, and other key individuals involved in the case where appropriate, shall be provided with victim/witness information as follows:
 1. Victims of crime shall be provided with the standard DPD victim information sheet, and advised of subsequent steps in the processing of the case.
 2. The victims of crimes involving loss or damage to property shall be provided information to contact the 7th Circuit Court: Dover Division to pursue civil action to recover their losses.
 3. An individual who is the victim of domestic abuse, or an individual where the officer has a reasonable basis to feel potential domestic abuse, shall be provided with the standard departmental victim information sheet containing domestic violence rights and information.

Victim/Witness Services Provided During Follow-up Investigation

- In conducting follow-up investigations, personnel shall make every attempt to consider the needs of any victims/witnesses and make every effort possible to minimize the consequences and traumatic effect of the investigative and prosecutorial process. Towards this end, personnel shall:
 1. Schedule photo displays, interviews, and other required appearances to be as convenient as possible, without compromising the effectiveness of the criminal investigation. At their discretion, officers may provide transportation to the victim/witness.
 2. The victim's property shall be promptly returned, consistent with the police department's policies on property and requirements for prosecution.
 3. Where feasible, and not an endangerment to the successful investigation or prosecution of the case, officers shall explain to victims and witnesses the procedures involved in the follow-up investigation of the case and the subsequent arrest and prosecution of the offender. They shall also be advised of their role in the prosecution of the case.
 4. If the impact of a crime on a victim or witness has been unusually severe, the case shall be maintained for follow-up and the victim or witness may be periodically re-contacted to determine whether the assistance they require is being met.

Post-Arrest Victim/Witness Advocate Services

- In any case where an arrest is made, the Deputy Chief shall ensure that the report package is reviewed for consideration of any victim or witness services that will be required during the prosecution of this case.
- The Deputy Chief or designee must notify the victim or at risk witnesses when a suspect has been arrested.

Referral to Other Agencies

- Communications personnel frequently serve as the primary means by which victims/witnesses obtain round the clock information or services from the agency. It is critical that communications personnel respond appropriately to victim/witness calls for services or information. As such, the following procedures shall be followed by communications personnel when responding to calls from victims/witnesses:
 1. Evaluate the circumstances/characteristics of the call, and determine whether an emergency or non-emergency response by the police or fire department is necessary.
 2. Victims/Witnesses shall be immediately advised of whatever response is being undertaken by the agency, as well as any referrals being made to other agencies as a result of the call.
 3. In those cases where the caller is awaiting a police/fire response or the victim/witness is seeking information or services not available through the police department, but available within the area from other organizations (public or private), the dispatcher shall refer the subject to the proper agency, and shall provide the subject with the proper telephone number, if at all possible.
- As a result of a call for service or general inquiry, the dispatcher shall inform individuals, when appropriate, of specific victim/witness services that are available through this department as established within this directive.