

January 24, 2011

**CITY OF FERGUSON  
OFFICE OF THE CHIEF OF POLICE****Index as:**

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**RIGHTS OF VICTIMS AND WITNESSES****224.00 PURPOSE**

The purpose of this General Order is to familiarize Department personnel with the rights of the victims of crimes and those who witness crimes.

**224.01 POLICY**

Exposure to crime as a victim or witness is often a traumatic event in a person's life. With that in mind, the Department has adopted the following Rights of Victims and Witnesses, as afforded them by RSMo 595.200.

**224.02 DEFINITIONS**

- A. ***Crime*** - An act which would constitute a crime if committed by competent adult, including any act which may result in an adjudication of delinquency.
- B. ***Victim*** - A person who suffers direct or threatened physical, emotional or financial harm as the result of the commission of a crime. The term "victim" also includes family members of a minor, incompetent, or a homicide victim.
- C. ***Witness*** - Any person who has been or is expected to be summoned to testify for the prosecution whether or not any action or proceeding has yet been commenced.

**224.03 RIGHTS OF VICTIMS AND WITNESSES (RSMo 595.200)**

- A. For victims, family members and witnesses, the right to be informed by the prosecutor of the final disposition of the case.
- B. For victims, family members and witnesses, at their request, the right to be informed by the appropriate custodian authority whenever the defendant receives a temporary, provisional or final release from custody or whenever the defendant escapes from custody. Those persons requesting such notice shall provide the appropriate authority with their current address and telephone numbers.

- C. For victims, the right to appear personally or by counsel, at the sentencing proceeding and to express his or her views concerning the seriousness of the crime and the need for restitution.
- D. For victims, the right to be notified of and to appear at any hearing to consider the parole eligibility of inmates who committed crimes against them and were sentenced to serve a term within the Department of Corrections, or to offer a written statement in lieu of a personal appearance. It shall be the responsibility of victims to keep the Board of Probation and Parole informed of their current addresses and telephone numbers.
- E. For victims, family members and witnesses, the right to be notified by the prosecuting attorney, in a timely manner, when a court proceeding to which they have been summoned will not go on as scheduled.
- F. For victims and witnesses, the right to be provided with information by the prosecuting attorney as to the level of protection available and to receive protection from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts.
- G. For victims and witnesses, the right to be informed by the prosecuting attorney of financial assistance and other social services available to victims or witnesses of a crime, including information relative to applying for such assistance or services.
- H. For victims, the right to be informed by the prosecuting attorney of their right to request that restitution be an element of the final disposition of a case and to obtain assistance in the documentation of the victim's losses.
- I. For victims and witnesses, the right to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled.
- J. For victims, family members and witnesses, the right to be provided a secure waiting area or room by the circuit court or prosecuting attorney during court proceedings.
- K. For victims, the right to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property ownership of which is disputed, returned by the court, the prosecuting attorney, or law enforcement agencies within ten days of its taking or recovery if it is not clearly needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes.
- L. For victims and witnesses, the right to be provided, where appropriate, with employer and creditor intercession services by the prosecuting attorney to seek employer cooperation in minimizing employee's loss of pay and other benefits resulting from

their participation in the criminal justice process and to seek consideration from creditors if the victim is unable, temporarily, to continue payments.

- M. For victims, family members and witness, the right to a prompt disposition of the case in which they are involved as a victim or a witness.
- N. For victims, payment to medical providers for the examination of rape victims and victims of other crimes, (child abuse, incest, sexual assault, etc.) who are not covered by insurance, Medicare or Medicaid. The following conditions apply:
  - 1. The victim or victim's guardian consents in writing to the examination;
  - 2. The report of the examination is made on a form approved by the attorney general with the advice of the Department of health; and
  - 3. The report of the examination is filed by the victim with the prosecuting attorney of the county in which the alleged incident occurred.

A minor may consent to examination under this statute. Consent of parent or guardian is not required for such examination. The hospital or physician making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

#### 224.04 VICTIM SERVICE COUNCIL

- A. The Victim Service Council is a division of the Office of the Prosecuting Attorney. It offers a full range of assistance to crime victims in St. Louis County. All services are free of charge. The Victim Service Council offers emotional support and advocacy to victims who feel traumatized and frightened after a crime occurs. When there has been a physical injury or financial loss, the Victim Service Council provides help in obtaining medical care, shelter, replacing personal papers, securing food or filing state victim compensation forms and insurance claims.
- B. The Victim Service Council offers information about the criminal justice system including police procedures, prosecution and other court related matters. Staff and volunteers are available to accompany victims to court hearings and provide support and assistance during the proceedings. The Victim Service Council maintains a victim-witness waiting room for comfort and privacy.

224.05 PROCEDURE FOR PROVIDING SERVICE INFORMATION TO VICTIMS AND WITNESSESA. Telephone Referral

The department communications section will provide contact information for victim services. The directory of victim/witness resources will be available on a 24-hour basis at communications to provide resource information to victim/witnesses. Department personnel will also refer them to the St. Louis County Victim Service Council at 314-615-4872, Monday-Friday, 8:30 AM to 5:00 PM.

B. Preliminary Investigations

Officers conducting preliminary investigations shall render the following to the victim/witness:

1. When responding to a crime, the responding officer will furnish the victim(s) and or witness (es) with a copy of the Victim Service Council pamphlet.
2. Advise the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise attempts to intimidate him or her.
3. Inform the victim/witness of the report number and subsequent steps in the process of the case.
4. Provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.

C. Follow-up Investigation

Officers conducting follow-up investigations shall render the following to victim/witnesses:

1. Periodically recontact victims/witnesses of unusually severe cases to determine whether needs are being met.
2. Explain to victim/witness the procedures involved in the prosecution of their case and their role in those procedures.
3. If feasible, schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness, and if applicable, provide transportation.
4. If feasible, request a victim advocate from the Victim Service Council to be assigned the victim/witness during the follow-up investigation.

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D. Suspect Arrest

Officers/detectives, upon making an arrest for a dangerous felony, shall inform the victim/witness of the following:

1. The suspect's arrest.
2. The suspect's charges.
3. The suspect's present status along with any warrant or bond status.

By Order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in dark ink and is positioned above the printed name of the signatory.

COLONEL THOMAS JACKSON  
Chief of Police

Distribution

All Department Personnel