

## CHAPTER 9.0

### COMMUNITY SERVICES

#### 9.4 VICTIM/WITNESS ASSISTANCE

##### 9.4.1 Organization and Administration

Victims and witnesses of crimes have specific rights and expectations which shall include the right to be treated with dignity, fairness, and compassion by members of this department involved in a criminal investigation. The Norwalk Department of Police Service is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities. Additional victim's rights are provided by the Commission on Victims Services and other legislative mandates. This includes but is not limited to Connecticut General Statutes:

- 54-201 through 54-232 re: Victim Services
- 18-81e Notification of victim of release of inmate from correctional facility
- 51-286e Notification of victims of judicial proceedings
- 54-91c Testimony of crime victim prior to acceptance of plea agreement and at sentencing hearing
- 54-126a Testimony of crime victim at parole hearing
- 54-36a Definitions. Inventory. Return of stolen property. Disposition of other seized property. Return of compliance
- 54-56e Accelerated pretrial rehabilitation
- 54-142c Disclosure of erased records
- 54-85b Employer not to discharge employee appearing as witness. Penalty. Action for damages and reinstatement
- 54-85c Representative of homicide victim entitled to be present at trial of defendant. Exclusion. Hearing
- 54-86g Testimony of victim of child abuse. Court may order testimony taken outside courtroom. Procedure
- 46b-15 Relief from physical abuse by family or household member. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies
- 52-146k Privileged communications between battered women's or sexual assault counselor and victim
- 54-86e Information re: name and address of victim of sexual assault to be confidential
- 54-86f Admissibility of evidence of sexual contact
- 54-82s through 54-82u – Leroy Brown Jr. and Karen Clarke Witness Protection Program

##### 9.4.2 Responsibility for Administering and Coordinating Victim/Witness Assistance

Although victim/witness assistance programs are primarily administered through the State of Connecticut, Commission of Victim Services, the Victim Advocate and Family Relations Office within the court system, the Norwalk Department of Police Service has delegated responsibility for the administration and coordination of activities to the commanding officer of the Community Police Services Division. Such responsibilities include:

1. Ensuring that the department's victim/witness assistance programs and procedures are adequate and meet applicable state statutes

2. Developing and/or amending on the basis of the analysis conducted, departmental policies and procedures that achieve at least the following:
  - Govern the implementation and delivery of victim/witness assistance services by Norwalk Department of Police Service personnel.
  - Ensure the confidentiality of records and files of victim/witness and their role in case development to the extent consistent with applicable law
  - Govern the department efforts to inform periodically the public and media about the police department's victim/witness assistance services
  
3. Maintaining liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with victim/witness needs and rights. The liaison function shall serve two purposes:
  - To ensure that referrals of victims/witnesses to outside sources are based upon accurate and up-to-date knowledge of the services offered by those sources. To this end, the commanding officer of the Community Police Services Division shall ensure that appropriate personnel attend available workshops and seminars pertaining to victim/witness issues.
  - To maintain an ongoing channel of communication by which to offer and receive suggestions about how departmental and outside sources can more effectively work together to better serve the victim/witness.
  
4. Training departmental personnel concerning available victim/witness assistance programs. The purpose of such training shall be to enable personnel to provide knowledgeable answers when asked questions by the public about victim/witness assistance programs offered by the police department or other community and state agencies and organizations. Thereby defining the department's role and objectives to inform and refer victims/witnesses to appropriate outside agencies.

#### **9.4.3 Providing Appropriate Assistance to Victims/Witnesses Who Require Special Attention**

In cases where victim/witness has been threatened or experienced specific, credible reasons for fearing intimidation or further victimization, the Norwalk Department of Police Service will offer appropriate assistance, which may include:

1. transportation to a safe location
2. guarding a victim/witness
3. referral to outside agency

Generally each case will be evaluated on an individual basis. However, the following criteria will be taken into consideration when determining what is deemed appropriate assistance:

1. The nature and seriousness of the incident.
2. The resources immediately available.
3. Is the level of assistance commensurate with the danger faced by the victim/witness?
4. The availability of the victim/witness
  - When a member of the Norwalk Department of Police Service becomes aware of danger to a victim/witness, the victim/witness shall be promptly contacted and alerted to the danger, whenever possible.
  - When a victim/witness is located in another jurisdiction, the appropriate agency in that jurisdiction shall also be promptly notified.
  - Whenever a member of the Norwalk Department of Police Service determines that special assistance to a victim/witness may be required, the member shall notify their supervisor. The supervisor shall notify the commanding officer of the

patrol division and advise them as to the nature of the danger and the proposed service to be rendered. The commanding officer shall evaluate the situation and if special attention is deemed appropriate, shall ensure that such service is rendered. When the service to be rendered is beyond that which can be accommodated utilizing on-duty personnel for a brief time, the Chief of Police shall be contacted to authorize the special expenses and services proposed.

#### **9.4.4 Victim/Witness Assistance to be Rendered During Preliminary Investigation**

Victim/witness assistance to be rendered by the investigating officer during preliminary investigation, over and above normal investigative procedures, shall include at a minimum:

- Providing information to the victim/witness about applicable services and rights (e.g. counseling, medical attention, compensation programs or emergency financial assistance and victim advocacy). Generally this information is easily accessed using information found on the Victim of Crimes/Rights Card which shall be issued to all victims/witnesses as appropriate.
- Advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him/her.
- Informing victim/witness of the case number and subsequent steps in the processing of the case and providing a non-emergency telephone number to the victim/witness so that he/she may call to report additional information about the case or to receive information about the status of the case. This may be accomplished by providing the victim/witness with a case card noting appropriate information.

#### **9.4.5 Victim/Witness Services to be Rendered During Follow-up Investigation**

There are instances during a follow-up investigation when victim/witness assistance services should be provided by the officer/detective assigned to continue the investigation. In such cases, the investigating officer/detective should, in addition to the normal investigatory procedures, provide the following assistance, at a minimum:

- If, in the opinion of the supervisor and/or investigating officer/detective, the impact of a crime on a victim/witness has been unusually severe and has triggered an above/average need for victim/witness assistance, reconnect with the victim/witness within ten (10) days of the follow-up investigations initiation, should be made.
- If not an endangerment to the successful prosecution of the case, explaining to the victim/witness the procedures involved in the prosecution of their cases and their role in those procedures.
- If feasible, scheduling line-ups, interviews and other required appearances at the convenience of the victim/witness and, when warranted, provide transportation.
- If feasible and pursuant to law and with the approval of the States Attorney's Office, expediting the return of victim/witness property taken as evidence.
- If feasible, ensuring a victim advocate is assigned to the victim/witness during the follow-up investigation.

As part of their report review responsibilities, supervisors shall ensure that appropriate and statutory mandated victim/witness assistance was provided by the investigating officer.

#### **9.4.6 Notification of Victim/Witness Upon Arrest of Suspect**

Whenever conditions permit, the investigating officer should make a reasonable effort to notify the victim/witness of the arrest of a suspect and provide the following additional information, if available:

- specific charges

- custody status and subsequent changes in status, if any
- amount of bond, if any
- initial court appearance date

#### **9.4.7 Victim/Witness Assistance to Police Officers and Their Families**

The Norwalk Department of Police Service shall provide victim/witness assistance services to members of the department and their immediate families following line-of-duty death or serious injury. Assistance may include but is not limited to:

##### **Notification**

The on-duty supervisor shall immediately notify the Chief of Police and command staff personnel. Notification to the next of kin shall always be made in person and in a timely, personal manner. Notification shall not be made on the doorstep. The person(s) chosen to make the notification shall be documented on the officer's personal data sheet. The Chief of Police may accompany the person(s), Peer Support Team, and clergy to assist with the notification. The Chief of Police shall also ensure the Mayor is notified immediately.

The name of the officer will not be released to the media or other parties before immediate survivors or next of kin are notified. Communication of information concerning the officer and the incident shall, whenever possible, be restricted to the telephone to avoid interception by the media or others. Should the media obtain the officer's name prematurely, a ranking officer shall request that the information be withheld until proper notification of survivors can be made.

If the health of the survivor is of concern, EMS personnel will be requested to be available. The notification team shall stay with the next of kin until such time as they are relieved by other family, friends, or other officers. The team shall also provide transportation if and when needed.

If the survivors are out of town, the team shall respond to that location and notify the local agency. If the officer has sustained serious injury and time is of the essence, the assistance of out of town law enforcement agencies may be requested to transport the family to the hospital.

##### **Hospital**

Whenever possible the Chief of Police and/or a member of the command staff shall join the family at the hospital in order to emphasize the agency's presence and support. The Chief of Police shall designate a liaison officer that shall be responsible for coordinating the arrival of immediate family, department personnel, the media, and others and assume the following responsibilities:

- Arrange for waiting facilities for family and survivors
- Arrange for a separate staging area for the media
- Ensure medical personnel provide pertinent information of the condition to the family before others
- Assist family members in gaining access to the injured officer, unless injuries preclude this from being done
- Arrange transportation for the family upon departure from the hospital, if needed.

##### **Funeral Services**

The Chief of Police will designate a liaison officer(s) to meet with the family at the residence to determine their wishes regarding departmental participation or assistance in preparation of the funeral or memorial services. The officer(s) responsibilities will include:

- Assist with funeral arrangements and obituaries, if the family desires.
- Provide the family and help coordinate with churches and reception halls that will accommodate the law enforcement funeral and allow the family to make the final decisions. (See Funeral Logistics Checklist, form #NPD016, for guidance).
- Brief the family on the procedures involved in a law enforcement funeral. Direct the funeral activities of the department and visiting agencies according to the decisions of the family.
- Coordinate all official law enforcement notifications and make arrangements to include pallbearers, traffic control (request outside agencies for assistance, if necessary).
- Secure U.S. flag for members who are armed forces veterans.
- If the family desires burial in uniform, obtain uniform and medals, if any, arrange for delivery to funeral home.
- Locate an appropriate department photograph of the officer for use by the media and/or funeral home.
- Ensuring arrangements are made regarding food for the family, lodging, or other necessities.
- Arrange for the delivery of the officer's personal belongings to the family.
- Coordinate any media coverage for funeral events and ensure any restrictions regarding the release of information are adhered to.
- Assign officer(s) to remain at family home during the wake and funeral or coordinate with the local jurisdiction to cover during the services.
- Notify the honor guard regarding their participation in the services based on the family decision.

### **Legal Matters and Benefits**

The Chief of Police will designate an officer(s) to meet with the family at the residence to assist with survivor benefits. This officer shall be familiar with the resources available to survivors, the completion of appropriate documentation, and ensure all benefits that are available are applied for. If the family desires, the officer(s) responsibilities will include:

- Counseling the family regarding finances and other possible problems.
- Supporting the family during criminal proceedings, if any.
- Accompanying the family to criminal proceedings, explain the procedures.
- Referring the officer and/or family to the Employee Assistance Program or outside counseling services.
- Contact CPCA Survivor Benefits Committee for assistance obtaining any additional benefits.

### **Family Support**

- Assigning a human relations officer to the injured officer and/or family.
- Maintain routine long term contact with the family to provide emotional support.
- Relaying the needs and concerns of the family to individuals and department members that may provide assistance.
- Encourage others to visit and help as necessary.

An Officer Personal Data Sheet, NPD Form 014, will be completed/updated during the annual performance evaluation interview.

#### **9.4.8 24 Hour Single Point of Contact**

The Norwalk Department of Police Service maintains a front desk position which is staffed 24 hours a day, 365 days per year. This position serves as the single point of contact for police services, referrals or information.

Officers staffing this position shall arrange for police service, answer questions, or make referrals to other social agencies as appropriate, dependent upon the nature of the need identified. If no particular need can be identified, callers will be referred to INFOLINE (211 statewide).

Whenever Communication personnel receive requests from victim/witnesses for information and/or services, including initial or subsequent requests, they shall refer the victim/witness to the front desk officer for assistance.

#### **9.4.9 Informing Victim/Witness of the Agency's Response**

Communication's Center personnel and all personnel receiving calls for complainants, victims or witnesses, shall inform callers of the agency response to be expected. Examples include:

- Dispatching a police officer to the scene
- Directing the caller to another police agency
- Directing the caller to another unit/division within the agency
- Directing the caller to an outside agency within or outside the city
- Directing the caller to a social service agency

#### **9.4.10 Peer Support Team**

It is the goal of The Norwalk Department of Police Service to provide all employees within the agency the opportunity to receive emotional and tangible peer support through times of personal or professional crisis and to help anticipate and address potential difficulties.

Trained personnel shall respond to any critical incident to provide support and intervention services to Department personnel and their immediate families. Peer Support's primary function is to augment EAP and counseling services, not replace them. Services include but are not limited to:

- One-on-one peer counseling
- A variety of logistic services during funerals or serious injury
- Support to personnel experiencing personal and work related stress
- Support during and following a traumatic incident resulting from performance of duty
- Substance abuse and information on EAP services

#### **Confidentiality**

Confidentiality is a valued principle in the provision of peer support activities and is recognized as an imperative practice necessary to assure the success of the program. Without an assurance of confidentiality, personnel will not utilize the program. Exceptions to confidentiality are strictly limited to legally-mandated reporting and disclosure to manage imminent risk.

Peer Support Team members shall not be asked to give, nor shall they release, identifying or confidential communication (oral or written) about personnel they support to any third person, other than a person to whom disclosure is reasonably necessary for the accomplishment of the purposes for which such member is consulted, any civil or criminal case or proceeding, or any legislative or administrative proceeding. Peer Support Team members shall not:

1. discuss private conversations or confidential information with anyone including peer contacts, other than the team commander
2. take, maintain, or record any notes or conversations
3. be ordered to disclose any information gained in his/her role as a team member during an Internal Affairs investigation, subject to the exceptions outlined below:

- a. child/elder abuse is suspected, alleged, or apparent
  - b. indications of domestic violence
  - c. disclosure of a serious crime
  - d. mandated reporter situations
  - e. circumstances indicate those being assisted are a danger or threat to themselves or others.
  - f. was a witness or party to an incident that resulted in the delivery of services.
4. No person in any civil or criminal case or proceeding may request or require information relating to the officer's participation in a peer support group, including whether or not the officer at any time participated in the program.

## **Breach of Confidentiality**

### Non-emergency situations

When a Peer Support Team member believes a confidentiality exception is present, the team member will, as soon as possible, contact the team commander and discuss the general circumstances without utilizing the name of the affected employee. If, in the judgment of the team commander, immediate attention is required, the team member will disclose relevant information about the situation.

### Emergency situation

When a Peer Support Team member becomes aware of a critical issue involving imminent risk of physical harm to the employee or others, the team member will make appropriate notifications starting with the team commanding officer. The team member must recognize that in any situation described in the confidentiality section, bullet number 3 (exceptions) above, confidentiality will not be required of the peer contact.

### Team member

A Peer Support Team member suspected of violating confidentiality will be given notice and an opportunity to address the allegations in a hearing before a committee comprised of the Deputy Chief of Administration, commanding officer of the Peer Support Team, and union representative. If the hearing results in a finding that confidentiality has been inappropriately breached by the team member, that member will be permanently removed from the Peer Support Team by the committee.

## **Selection**

Peer Support Team members serve on a fully voluntary basis and will not be compensated for off-duty work unless directed to duty by a supervisor. All sworn officers will be eligible for assignment to the Peer Support Team based upon the following criteria:

1. the assignment is voluntary
2. at least 18 months of law enforcement experience in a field assignment
3. ability to function as a member of the team

All appointments to the Peer Support Team shall be at the sole discretion of the Chief of Police. Members wishing to be considered for appointment to the Peer Support Team shall submit a written request to the Chief of Police.

In selecting members of the Peer Support Team, the Chief of Police shall:

- conduct an oral interview with the applicant
- review the applicant's personnel file
- assess past performance and suitability for the Peer Support Team

Once appointed, the candidate must complete a one-year probationary period during which the candidate must:

1. successfully complete all Peer Support schools assigned to attend
2. be recommended for permanent status by the commanding officer of the Peer Support Team

### **Discipline**

The Peer Support program is not a form or an alternative to discipline. The Peer Support Team does not intervene in the disciplinary process. The Peer Support program will not be utilized the Department as a method to deter misconduct, encourage compliance with department rules, or to impose discipline.

A Peer Support Team member may provide support for the employee under investigation or during a disciplinary process but should refrain from discussing the incident itself.

If at any time during the course of an IA investigation, an issue concerning the "scope" of the IA inquiry, with respect to communications that a peer contact engaged in as a peer contact arises, the Deputy Chief of Administration will meet and confer with the Peer Support commanding officer and the employee's union representative to resolve the issue(s).

### **Administration**

The commanding officer of the Peer Support Team shall be responsible for all members training requirements, contact list information, contact list distribution, and yearly statistical reporting.

A list of all active Peer Support Team members and their contact information shall be available in each Unit of this Department. The list will be maintained and updated on an as needed basis.

#### **9.4.11 Military Deployment Support**

The Norwalk Department of Police Service recognizes the need to support members who are deployed for military service, exceeding 181 days, along with their families. The Chief of Police, or his designee, will designate an employee of the Department as the Military Support Liaison. The purpose is to support members who are deployed for military service along with their families and to establish a seamless transition from and reintegration into the department.

##### Notification of Pending Deployment

The Military Support Liaison duties will include, but not be limited to:

- Ensure that contact is made with the Personnel Department to set up all necessary appointment(s) for the deployed employee to discuss benefits and leave rights.
- Provide employee with contact numbers for the Employee Assistance Program, Peer Counselors, and the Military Support Liaison.

The employee will have an exit interview with the Chief of Police or his designee prior to deployment.

Lethal and less lethal weapons will be turned in to the Training and Recruitment Unit. If the employee has an assigned vehicle, it will be turned in to the commanding officer of the Headquarters Unit.

### During Deployment

While the employee is on deployment, it should be the Department's goal to maintain contact with the deployed employee and his/her family to offer assistance and support as needed.

Contact with the employee may be maintained via email or electronically, packages sent, and traditional correspondence. Communication shall include agency news, significant events, and promotion opportunities.

### Return from Deployment

The goal is to be supportive of the returning employee and assist in their transition back to work. The pace of the re-entry will be determined by the Training and Recruitment Unit and will be guided by the following:

- The Liaison Officer will be responsible for contacting the Personnel Department and the employee's supervisor, notifying them of their return.
- The employee will have an interview with the Chief of Police or his designee.
- The employee will meet with the Training and Recruitment Unit to obtain all necessary equipment, confirm all POST certificate training requirements are up to date and review any changes to policies, procedures and protocols.

