



**BURLINGTON POLICE DEPARTMENT  
DEPARTMENT DIRECTIVE  
DD11 Victim/Witness Assistance**

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**PURPOSE:** This agency recognizes that law enforcement is dependent upon the aid of crime victims and witnesses in order to hold criminals accountable for their actions. It is desirable to gain the cooperation of victims and witnesses, thereby enhancing the agency's ability to make arrests that will result in criminal prosecution.

**POLICY:** To provide sensitive, fair, and high quality services to crime victims and witnesses.

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**I. VICTIM & WITNESS CONTACT**

All victims and witnesses shall be treated with courtesy, sensitivity, and respect. Officers shall make reasonable efforts to inform victims of crime of available services. Victims and witnesses will be offered a safe and friendly location for providing statements or other investigatory processes. Officers shall ensure continued safety by reviewing safety planning with victim/witness when appropriate.

**II. ANALYSIS OF NEEDS & AVAILABLE SERVICES**

- A. All Burlington Police Officers are charged with providing high quality assistance to victims and witnesses consistent with Section I of this policy. Additionally, the department maintains a position entitled "Victim's Advocate." This is a non-sworn position that serves as the department's liaison with all local and state victim-oriented groups.
- B. The Vermont Victim Assistance Program provides each county with a Victim Advocate Service that is available to all crime victims and witnesses. The Victim Advocate is engaged in an ongoing evaluation of the needs of crime victims and available services.
- C. The Burlington Police Department shall maintain a close working relationship with all victim service agencies and their respective advocates.
- D. The Chittenden County Domestic Violence Task Force does an annual analysis of services available to victims of domestic violence within the county. The Task Force updates its protocol based on this analysis. The department's Victim's Advocate shall serve on this task force and make available to all employees the findings of the annual analysis.

### III. PROCEDURES FOR VICTIM/WITNESS ASSISTANCE

- A. The Burlington Police Department will ensure the confidentiality of victims and witnesses, and their role in case development, to the extent allowed by law.
- B. Victim/Witness assistance information shall be available to the public 24 hours a day through the department's Communications Center. Dispatchers shall provide callers with appropriate referrals from the list below:
  - 1. **Medical Attention** – an ambulance or referral to one of the local hospitals.
  - 2. **Counseling** – Howard Center for Human Services, Women's Rape Crisis Center, Women Helping Battered Women (WHBW), Crisis, or other agencies.
  - 3. **Emergency Financial Assistance** – WHBW has an emergency assistance fund, or referral to the Department of Social Welfare or the Victim/Witness Advocate of the State's Attorney's Office, or the VT Center for Crime Victim Services (Victim Compensation).
  - 4. **Assisting Immigrant Victims/Witnesses** – To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, Officers will not ask about, or investigate immigration status of crime victims/witnesses. Federal law does not require law enforcement Officers to ask about the immigration status of crime victims/witnesses. Officers will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses. Officers should communicate that they are there to provide assistance and to ensure safety, and not to deport victims/witnesses, and that Officers do not ask victims/witnesses about their immigration status, nor will they report immigrants or immigration status to “BICE” (Bureau of Immigration and Customs Enforcement).
  - 5. **Legal** – Referrals will be made when appropriate to individuals needing assistance in civil restraining orders to appropriate Community-based agencies. Immigration-related matter referrals shall be made to the Vermont Refugee Assistance.
  - 6. For all other requests, the dispatcher shall attempt to provide an appropriate referral from the telephone lists maintained in Communications. For emergencies, the Chittenden County Victim Advocate has a pager, the number of which is maintained in Communications.
- C. Victim/Witness information is available to the public and the media 24 hours a day in the Uniform Services Lobby of headquarters.

### IV. ASSISTANCE DURING PRELIMINARY INVESTIGATION

- A. In addition to investigating alleged criminal incidents, officers should seek to provide assistance to the victims of crime and the persons who witness criminal behavior. During the preliminary investigation of any incident, the investigating officer shall seek to:
  - 1. Ensure victims’/witnesses’ safety and to create a safety plan when appropriate.
  - 2. Provide the victim/witness information regarding available services. Depending on the nature of the incident, the following referrals may be appropriate; counseling, medical attention, emergency shelter, victim advocacy, or compensation programs. Officers may distribute the Chittenden County Support Services Directory to crime victims, and refer to Vermont Victim Services Resource Directory (Appendix A).

3. Provide the victim/witness with the police report number and information regarding subsequent steps, if any, in the processing of the case.
  4. Provide the victim/witness with the appropriate number to call to report additional information or to receive information about the status of the case.
  5. Remind the victim/witness to immediately report any further threats or intimidation from the suspect or the suspect's friends or family.
  6. Victims/witnesses who express specific reasons for fearing future intimidation or victimization should be referred to either Family Court for a Relief from Abuse Order or State's Attorney's Office for Conditions of Release.
- B. When appropriate, any reports received of further victimization or intimidation of victims/witnesses should be investigated as a separate incident.

#### **V. ASSISTANCE DURING FOLLOW-UP INVESTIGATION**

- A. During the follow up investigation, most victim assistance will be the responsibility of the State's Attorney Office Victim Advocate. The Victim Advocate maintains contact with victims until final case disposition to inform them of all court hearings and, if necessary, to provide transportation for the victim to attend. Other services available include, but are not limited to, arranging for daycare so the victim can attend court hearings, arranging for counseling, and assistance with shelter.
- B. The Victim Advocate is mandated by state law to explain to all victims and witnesses the procedures involved in the prosecution of their case and their role in this procedure.
- C. The investigating officer shall schedule necessary lineups and additional interviews with the victim or witness. If needed, transportation can be arranged through the Victim Advocate.
- D. Property taken as evidence from a victim or witness shall be returned as promptly as possible. The Victim Advocate frequently fields requests for return of property and is available to explain to victims and witnesses the evidentiary value of their property if it necessary to hold the item for trial.

#### **VI. NOTIFICATION OF VICTIM UPON ARREST OR CHANGE IN CUSTODY**

When a suspect is arrested for a violent crime or a burglary, the arresting officer should attempt to determine if the victim wants to be notified of any subsequent change in custody status. Officers shall make victims aware of the Vermont Automated Notification Service ("VANS") and provide them with referral cards. If the suspect's custody status changes at arraignment, the Victim Advocate is responsible for notifying the victim. If, at any time after incarceration, the custody status of a suspect changes (escape, furlough, etc.), the Department of Corrections is responsible for notifying the victim via the VANS system.

#### **VII. DEATH/SERIOUS INJURY NOTIFICATIONS**

- A. All requests for next of kin notifications of deceased, seriously injured or seriously ill persons shall be directed to the Officer in Charge (OIC). The OIC shall gather as much information as possible regarding the nature of the notification, the affected parties, and the appropriate person for the next of kin to contact for more information. In the event that the request for a notification comes directly from a family member, the death/injury and the circumstances surrounding it shall be verified by the

law enforcement agency handling the incident. This information shall be given to the officers making the notification.

- B. Next of kin notifications shall be made by two officers. If a second officer is not available, the first officer will try to locate a neighbor, a member of the clergy, or a family friend to accompany them. If a serious medical condition is known prior to the notification, EMS may be called to stand by during the notification in the event of a medical emergency. The following guidelines are also suggested:
1. Officers shall request entry into the residence to make the notification. It is impersonal to make a notification on a doorstep or front porch.
  2. The information shall be relayed in a direct, respectful and compassionate manner. Officers should use direct and clear language, and tell family members what information is available. If the loved one was killed in an accident or murdered and this information is verified, tell the loved ones in an appropriate manner.
  3. The officers shall offer to contact clergy, a counselor, or other person to help provide support.
  4. If requested, the notifying officer shall attempt to contact a friend or family member to attend to the next of kin.
  5. The Chittenden County Victims' Advocate shall also be considered to accompany an officer during a notification or, may be suggested as a resource at a later time.

#### VIII. PARALLEL JUSTICE

The City of Burlington has adopted the concept of Parallel Justice to better meet the needs of victims of crime. The Burlington Police Department supports this project by providing office space and supervision for a Parallel Justice Specialist. In addition, all department members will receive training on Parallel Justice in order to better assist crime victims. Employees shall make referrals to the Parallel Justice Specialist whenever appropriate.

The Goals of the Parallel Justice Pilot Project are:

1. To create a system of response to victims of crime that meets their immediate needs, provides various levels of support, and offers an array of practical assistance as defined by the victim;
2. To educate the community regarding the needs of crime victims and the role community members can play in helping victims of crime recover and rebuild their lives; and
3. To build capacity within government agencies that historically have not served crime victims so that crime victims are treated as a priority population and can access services previously not available to them.

Parallel Justice Specialists are available at the Burlington Police Department and the Community Justice Center. Filing a police report is not required for accessing the Parallel Justice program.

*Reviewed and adopted by the Burlington Police Commission on September 15, 2010.*

  
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Michael E. Schirling, Chief of Police

15 SEPTEMBER 2010  
Date