

	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.9.4	
Subject:		Distribution:
Victim Services Program		All Personnel
Date of Issue:	Expiration Date:	Rescinds:
06-01-2014	Until Amended or Rescinded	Directive: 06-49
References:		
CALEA: 55.2.6; PLEAC: 4.5.1		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish guidelines, responsibilities and procedures for crime victim assistance in conformance with the requirements of the Pennsylvania Crime Victims Act (18 P.S 11.101 et seq).

POLICY

It is the core mission of this department to improve the quality of life of the community by providing the highest level of police service available. In order to accomplish this goal, service to victims of crime or traumatic events will be a high priority.

PROCEDURE

General Guidelines:

The Pennsylvania Crime Victims Act regulates the rights of crime victims of adult and juvenile offenders in Pennsylvania and imposes specific responsibilities on law enforcement agencies. On-duty police officers are also defined as victims under this act.

A. Under the Pa Crime Victims Act, all law enforcement agencies are required to:

1. Provide written notification to victims, or if appropriate the victim's family, within 48 hours of reporting on the availability of victim compensation in a manner and form developed by the office of Victims Services (Police Department Form S&I 20). **(PLEAC 4.5.1 b)**
2. Provide basic information on rights and services available to crime victims, in writing, within 24 hours of the agency's initial contact with the victim in a manner

and form developed by the Office of Victims Services (Police Department Form [S&I 20](#)). (**PLEAC 4.5.1 c**)

3. Provide a Victim's Compensation Claim Form along with form [S&I 20](#) when the following crimes are involved: (**PLEAC 4.5.1 d**)
 - a. 18 Pa. C.S. Ch. 25 relating to Criminal Homicide
 - b. 18 Pa. C.S. Ch. 27 relating to Assault
 - c. 18 Pa. C.S. Ch. 29 relating to Kidnapping
 - d. 18 Pa. C.S. Ch. 31 relating to Sexual Offenses
 - e. 18 Pa. C.S. §3301 relating to Arson and related offenses
 - f. 18 Pa. C.S. Ch. 37 relating to Robbery
 - g. 18 Pa. C.S. Ch. 49 Subch. B relating to Victim and Witness Intimidation
 - h. 30 Pa. C.S. §5502.1 relating to Homicide by Watercraft while Operating under the Influence
 - i. 75 Pa.C.S. §3732 relating to Homicide by Vehicle
 - j. 75 Pa.C.S. §3735 relating to Homicide by Vehicle while Driving Under the Influence
 - k. 75 Pa.C.S. §3735.1 relating to Aggravated Assault by Vehicle while Driving Under the Influence
 - l. 75 Pa.C.S. §3742 relating to Accidents involving Death or Personal Injury
 - m. 75 Pa.C.S. §3802 relating to Driving under the Influence of alcohol or controlled substance in cases involving bodily injury
 4. In personal injury crimes, make a reasonable effort to notify the victim of the suspect's arrest within 24 hours of the arrest, filing or forwarding of the complaint. In cases alleging delinquency, notice of the filing or forwarding of a petition shall be provided not more than 24 hours after the petition has been filed or forwarded to the juvenile probation office or district attorney. (**PLEAC 4.5.1 f**)
 5. In personal injury crimes, notify the victim if the suspects escapes from law enforcement custody. (**PLEAC 4.5.1 g**)
 4. Return to the victim property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution. (**PLEAC 4.5.1h**)
- B.** The term "Victim" means the following:
1. A direct victim, excluding a business.
 2. A parent or legal guardian of a child who is a direct victim, except when the parent or legal guardian of the child is the alleged offender.
 3. A minor child who is a material witness to any of the following crimes and offenses under Title 18 committed or attempted against a member of the child's family:

- Chapter 25 (Relating to Criminal Homicide).
 - Section 2702 (Relating to Aggravated Assault).
 - Section 3121 (Relating to Rape.)
4. A family member of a homicide victim, including stepbrothers or stepsisters, stepchildren, stepparents or a fiancé, one of whom is to be identified to receive communication as provided under Act 85-2002, except where the family member is the alleged offender.
- C. It shall be the responsibility of the initial investigating officer to issue the forms addressed in section A, subsections 1, 2 and 3, during their investigation unless the victim(s) display obvious signs of mental and/or physical trauma. In such cases it shall be the follow-up investigator's responsibility to issue these forms as prescribed under the general guidelines. When an officer does not issue the applicable form(s) it shall be documented in their initial report. A supplemental report shall be prepared by the follow-up investigator documenting the issuance of the form(s). The issuing officer shall also obtain a duplicate copy of form [S&I 20](#) that has been signed by the victim to acknowledge receipt. This signed copy shall accompany the initial/supplemental report. If the victim refuses the form(s), this fact will be recorded in the initial/supplemental report. **(PLEAC 4.5.1 e)**
- D. When an incident involves one or more of the crimes enumerated in section A, subsection 3, the officer who issues form [S&I 20](#) shall encourage the victim to permit the release of their information to the Victim Services Center of Montgomery County. The victim's response shall be documented in the acknowledgement section of form [S&I 20](#). If the victim agrees to the release, the officer shall fax the form to the Victim Services Center at 610-277-6386. These actions shall also be documented in the officer's Alert report.
- E. All personnel shall support crime victim assistance procedures.

ASSIGNMENT OF DUTIES

Telecommunicator's Responsibilities:

- A. Telecommunicators shall be provided a police department directory of department personnel and/or other agencies that can provide information and assistance to victims or their designees. Telecommunicators will also be responsible for giving the appropriate police department referral to the unit in the best position to assist the victims or designees.

Police Officer's Responsibilities:

- A. Officers shall demonstrate concern for the victim after the crime has occurred. To this end, officers shall freely provide information about available social services, the criminal justice process, or accommodate any other reasonable need.

B. Transportation of crime victims:

1. Victims may be transported in department vehicles when necessary to accomplish a legitimate police purpose, such as transportation:
 - a. To a medical facility
 - b. To the police department or other criminal justice agency
 - c. To a safe shelter
 - d. To a physical line-up
 - e. To court hearings and other necessary locations
2. Once the victim is taken to the necessary destination, an officer will escort the victim inside, ensuring that the proper authority is notified of the victim's arrival.

C. Officers shall explain the steps of the investigation to the victim or the victim's representative. Officers shall also inform the victim of the department's interest in their protection from intimidation or threats by defendant, their family, or friends. Instruct the victim to contact the police department if they feel threatened or intimidated.

D. Officers shall notify victims of all scheduled/cancelled hearings where their appearance is/was necessary and accommodate any reasonable needs they might have while in attendance.

Investigations Unit's Responsibilities

A. Care and return of victim's property used as evidence:

1. The Investigations Unit Sergeant or his/her designee shall notify the victim where the property is stored, when it can be reclaimed, and how to reclaim it.

B. Arrest of suspect:

1. The Investigations Unit Sergeant or his/her designee will notify victims of the following:
 - a. The arrest of the suspect
 - b. If the defendant makes bail or has a bail reduction hearing scheduled
 - c. If an arrestee escapes from police custody

C. Case management:

1. The Investigations Unit Sergeant will review the case file and will assure that all provisions of the Victim's Service Program have been complied with.

2. The investigator shall notify the victim when the department closes the case by any of these means:
 - a. Victim non-cooperation – which should happen infrequently if victims are encouraged and supported during the investigation.
 - b. Cases of non-prosecution – explain to the victim that a lack of prosecution does not reflect on his or her credibility.
 - c. Unfounded cases – only when it is proven that the offense did not occur.
 - d. Exceptional clearance – consult the Uniform Crime Reporting guidelines for this procedure and explain reasons to the victim.

Report Review Officer's Responsibilities

The Report Review Officer shall be responsible for maintaining a supply of Victim Services form [S&I 20](#) and the Victim's Compensation Claim Forms.

Training

All employees are to be familiar with crime victim's compensation as provided in the Pennsylvania Crime Victims Act. All new officers will receive crime victim's compensation instruction in the trainee curriculum. **(PLEAC 4.5.1 a)**

Next of Kin Notification (CALEA 55.2.6)

- A. Whenever possible, two uniformed officers shall make the initial contact with next of kin of seriously ill, seriously injured, or deceased persons. This should be made in person, if possible. In the event two uniformed officers are not available, a non-uniformed officer or officers may make the personal notification.
- B. Next of kin notifications should be done in a timely manner. If possible, a clergyman, relative, or close friend should be asked for assistance by the police department.
- C. When the Department receives a request to assist another agency with a next of kin notification, it should be confirmed that the requesting agency and request is valid prior to making any notification, so as to not place undue stress and hardship on the persons contacted. This request should normally be in the form of a written document or some other form of official confirmation.
 1. Whenever possible, an officer from the outside agency shall accompany the officer making the notification.
- D. When a notification needs to be made outside the jurisdiction of this department and it is not feasible for a LMPD officer to handle the notification, the appropriate jurisdiction shall be contacted by telephone. The agency shall be asked to make the notification to the next of kin in person, and shall be asked to provide the next of kin with the phone number of the LMPD. If the department contacted is reluctant or unable to do so, the

shift supervisor shall be notified. The notifying agency shall be asked to recontact the LMPD with the results of the notification.

1. If a LMPD officer is able to respond to another jurisdiction to personally make the notification, the outside jurisdiction should be notified.
2. No explicit details of the death shall be provided over the phone to the next of kin.

RESPONSIBILITY

It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.