



SOUTH MIAMI POLICE DEPARTMENT

GENERAL ORDER NUMBER: 28.2	DATE OF ISSUE: July 31, 2011	EFFECTIVE DATE: November 16, 2023	NUMBER OF PAGES: 06
CFA STANDARD: 17 SUBJECT: <i>Victim/Witness Assistance – OPERATIONS</i>	NEW () RESCINDS () AMENDS (X) OTHER ()	By Order Of:  Reo Hatfield III CHIEF OF POLICE	

CFA STANDARD: 17.05

SECTIONS:

- 28.2.1 **Initial Assistance**
- 28.2.2 **Assistance, Threats**
- 28.2.3 **Assistance, Preliminary Investigation**
- 28.2.4 **Assistance, Follow-up Investigation**
- 28.2.5 **Assistance, Suspect Arrest**
- 28.2.6 **Next-Of-Kin Notification**

RESCINDS: All existing orders conflict.

PURPOSE: To establish policy that defines the South Miami Police Department's determination to guarantee that both juvenile and adult victims and witnesses of crimes have their rights protected; to ensure that the department provides assistance during the preliminary investigation and following the arrest of the suspect.

SCOPE: All departmental personnel.

POLICY: It is the policy of the South Miami Police Department to provide crime victims with initial information (VAN Pamphlet) covering victim's rights in accordance with current Florida State Statutes. Members shall make every effort to keep victims and witnesses informed of all schedule changes, offender status, general assistance and where further information and support can be obtained regarding their case. Each officer shall be responsible for informing all victims of the availability of victim/witness services through the distribution of the VAN Pamphlet.

The agency is committed to the development, implementation and continuation of victim/witness assistance programs and activities and shall comply with Section 960.001, F.S.S., which is known as the Florida Victim/Witness Protection Act of 1984. In 2018, Article 1, Section 16(b), of the Florida Constitution was amended to expand the rights of victims.

PROCEDURE:

28.2.1 Initial Assistance

The South Miami Police Department will provide at least the following level of services for victims/witnesses between victimization and the preliminary investigation:

- A. Information is available 24 hours daily on victim/witness assistance supplied directly by this department. This information can be obtained by calling the CID Supervisor. After hours, a voice mail can be left detailing the message and any needs of the caller. In the event the CID supervisor is not available, information and referral services are available within the Communications Center 24 hours daily. This information can be obtained by calling the South Miami Police Department at the main number. It shall be the responsibility of the arresting or investigating officer to:

1. Advise the victim if an offender has been arrested.
2. Request the victim or next of kin to assist in completing the witness/victim information, located on the back of the pink copy of the Miami-Dade County Arrest Affidavit. This information will travel with the offender's paperwork to the booking facility for prompt notification by the facility upon release of the accused.

It shall be the responsibility of the CID Supervisor to:

1. Ensure detectives contact all part-one crime victims within 1 week, excluding weekends and holidays, except under exigent circumstances when it may be necessary for the CID Supervisor or his designee, to respond immediately to the scene or make immediate contact with the victim and/or family.
 2. Provide intervention and referrals in order to prevent victimization and re- victimization. This is an essential aspect for providing victims with effective services.
- B. Referral information regarding services offered by other organizations for victim and witnesses in need of medical attention, counseling and/or emergency financial assistance is available 24 hours a day. This information can be obtained via dispatch.
- C. Liaison with other Agencies:
1. The CID Lieutenant will be the police department's liaison with other criminal justice agencies and governmental and non-governmental agencies concerned with victim/witness needs and rights.

2. The CID Lieutenant will accomplish this task by becoming a member of various victim/witness organizations and attending appropriate organization meetings.

28.2.2 Assistance / Threats

The investigating officer shall provide victims and witnesses with information on steps available to law enforcement to protect the victims or witness from intimidation. The information will be provided in the same manner as that relating to services of victims. The notification (contained in the VAN Pamphlet) will include the advisement that it is a felony to tamper with or threaten a witness, and that the South Miami Police Department should be promptly contacted if a possible violation has occurred.

If the victim/witness has been threatened or in the judgment of the Department and/or the CID Supervisor, has credible reasons for fearing intimidation or further victimization, the Department will provide assistance as follows:

- Offer a frightened victim or witness words of encouragement.
- When physical protection is a consideration, the Department will alert the victim/witness and refer or take the person to a safe facility (i.e., “Safe Space” for domestic violence victims) or agency. If the victim/witness is in another jurisdiction, the appropriate agency will be contacted and apprised of the situation so that reasonable precautions may be taken.

28.2.3 Assistance, Preliminary Investigation

- A. A VAN Pamphlet will be made available to all victims and witnesses. The information provided in this brochure explains in brief the rights of victims and witnesses, in compliance with Section 960.001, F.S.S. and article 1, Section 16(b), Florida Constitution.
 1. Available services for victims and witnesses, such as medical attention, counseling, compensation programs, victim advocacy and emergency financial assistance.
 2. The victim/witness will be advised what to do if the suspect or the suspect’s companions or family threaten or otherwise intimidate him/her.
 3. Relevant case number and how and where to report additional information about the case.
- B. The South Miami Police Department will provide information to victims and witnesses as to precautions available to protect them from intimidation.

1. Every victim shall be given and requested to complete a **Victim's Right to Confidentiality Form, available in English and Spanish (Attached to Policy)** According to the 2018, Article 1, Section 16(b) of the Florida Constitution.
 - a. The form provides the victim with an opportunity to invoke or decline their right to prevent disclosure of information and/or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.
 2. The notification (contained in the VAN Pamphlet) will include the information that it is a felony to tamper with or threaten a witness and that the police department should be contacted promptly if a possible violation of further contact has occurred.
 3. Other information may be given in cooperation with the State Attorney's Office.
- C. The investigating officer will advise victims and witnesses of the relevant case numbers, the procedures involved in processing the case and the victim/witness role in those procedures. The CID Supervisor will ensure that a detective contact victims and appropriate witnesses to assist them throughout their involvement in the criminal justice process.
- D. The victim/witness will be advised that they can report additional information about the case or receive information about the status of the case by contacting the South Miami Police Department at the main number. The CID Supervisor will provide the victim or witness with information on how to gain further information about their case and/or who they should contact.

28.2.4 Assistance / Follow-Up Investigation

Victim/witness assistance services to be provided during the follow-up investigation, if applicable, will include at a minimum, the following:

- A. If the impact of a crime on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance, the CID Supervisor or the lead detective will contact the victim/witness periodically to determine whether needs are being met.
- B. Explain to the victim/witness the procedures involved in the prosecution of their case and their role in these procedures, if not endangerment to the case. The CID Supervisor will ensure that contact is maintained with

victims and witnesses during the investigation as well as the prosecution of the case to keep them updated.

- C. If possible, detectives of the South Miami Police Department will schedule photo line-ups, interviews and other required appearances at a time that is convenient to both the victim and the department, and if feasible, provide transportation.
- D. The South Miami Police Department will retain the property of crime victims only when necessary for a successful investigation and prosecution.
 - 1. The property will be returned to the victim as soon as possible after completion of the investigation or prosecution or before prosecution if the property can be photographed and returned.
 - 2. The Property and Evidence Section will promptly comply with court orders requiring the return of the victim's property (see G.O. 36.1).

28.2.5 Assistance, Suspect Arrest

The investigating detective will attempt to contact the victim of an offense in a timely manner to provide notification of any arrest(s), the charges and/or the arrestee's status. The CID Supervisor will also be notified. The notification of release (or escape) shall be made to the State Attorney's Office by the correctional facility and the State Attorney's Office shall notify the victim or the victim's next of kin as well as the officer and/or Chief of Police. The South Miami Police Department will provide assistance as requested by the State Attorney's Office and other responsible agencies in attempting to notify the victim of the offender's release from confinement.

28.2.6 Next of Kin Notification

- A. Any time a victim's next-of-kin is notified of a death, serious injury or serious incident which has occurred in the City of South Miami, the notification will be made in person and not by telephone. In cases such as suspicious deaths, homicides, traffic homicides and sexual battery, the notification will normally be made by the Miami-Dade Police Department investigative personnel in charge of the case. In all such cases, the Operations Major will be notified prior to any notification or release of information.
 - 1. Only in **EXTREME** circumstances and after consulting with the Operations Bureau Commander, will notification of next of kin be made by telephone.

2. In the event that a sworn officer has to notify the next of kin, the shift supervisor will consult with the Operations Bureau Commander before requesting the assistance of a relative, clergy or close friend, whenever possible.
- B. At scenes where the victim(s) is deceased or seriously injured and family members are present, next of kin notification will be handled by the assigned detective from the Miami-Dade Police Department if one has been called to the scene or by the supervisor in charge of the scene.
 - C. The Miami-Dade Police Department (MDPD) investigator in charge of the scene, pursuant to their own operating procedures, will attempt to establish the identity of the critically injured or deceased persons as soon as possible, so that notification of the next of kin may be made promptly and in a considerate manner.

Generally, in life threatening cases, the next of kin should be directed to the hospital to which the victim was transported, where notification will be made by the MDPD or the SMPD investigator in charge of the case.

In **all cases**, departmental personnel will ensure that the victim's identity is not released to the news media before a next of kin has been notified. The Chief of Police will be in charge of any information that is to be released to the media.



SOUTH MIAMI POLICE DEPARTMENT



Victim's Right to Confidentiality Form

Marsy's Law (FL Constitution, Article 1, §16(b))

South Miami Police Department Case Number: _____

Florida Constitution, Article 1, Section 16(b)(5): Every victim is entitled to the following right, beginning at the time of his or her victimization: "The right to prevent disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim."

This form is a request for exemption of certain information from public records disclosure involving victims.

I, _____ as the victim and/or witness, here by request to (Check one):

DO NOT make my information public

Make my information public

as it is my right to prevent disclosure of information or records (home or employment telephone number, home or employment address, or information about my personal assets, not be released or revealed) that could be used to locate or harass me or my family, or which could disclose my confidential or privileged information. *As it pertains **only** to the case listed above.

I HAVE READ AND UNDERSTOOD THE ABOVE PARAGRAPH. I HAVE BEEN INFORMED OF MY RIGHT TO NOT HAVE MY PERSONAL INFORMATION BECOME A MATTER OF PUBLIC RECORD.

Victim Signature: _____
(If the victim is under age 18, a parent or guardian's signature should be obtained)

Parent/Guardian Name: _____
(If the victim is under age 18)

Date: _____

Parent/Guardian Signature: _____
(If the victim is under age 18)

Date: _____

Witness Officer (signature) _____ ID#: _____



DEPARTAMENTO DE POLICÍA DEL SUR DE MIAMI

Formulario sobre el derecho de la víctima a la confidencialidad

Ley de Marsy (Constitución de Florida, artículo 1, §16(b))

Número de caso del Departamento de Policía de South Miami: _____

Constitución de Florida, Artículo 1, Sección 16(b)(5): Toda víctima tiene el siguiente derecho, comenzando en el momento de su victimización: "El derecho a impedir la divulgación de información o registros que podrían usarse para localizar o acosar a la víctima o a su familia, o que pueda revelar información confidencial o privilegiada de la víctima".

Este formulario es una solicitud de exención de cierta información de la divulgación de registros públicos que involucran a las víctimas.

I, _____ como víctima y/o testigo, aquí por favor solicite (Marque uno):

NO haga pública mi información

Hacer mi información pública

ya que es mi derecho a evitar la divulgación de información o registros (número de teléfono de mi casa o empleo, dirección de mi casa o empleo, o información sobre mis bienes personales, no divulgados ni revelados) que podrían usarse para localizarme o acosarme a mí o a mi familia, o que pueda revelar mi información confidencial o privilegiada. *En lo que respecta únicamente al caso enumerado anteriormente.

HE LEÍDO Y ENTENDIDO EL PÁRRAFO ANTERIOR. HE SIDO INFORMADO DE MI DERECHO A QUE MI INFORMACIÓN PERSONAL NO SE CONVIERTA EN UN ASUNTO DE REGISTRO PÚBLICO.

Firma de la víctima: _____

Fecha: _____

(Si la víctima es menor de 18 años, se debe obtener la firma de un padre o tutor)

Nombre del Padre de Familia / Guardian: _____

(Si la víctima es menor de 18 años)

Tutor Fecha de firma: _____

Fecha: _____

(Si la víctima es menor de 18 años)

Oficial testigo(firma) _____ IDENTIFICACIÓN#: _____