

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedure
<u>Subject Area:</u>	B. Ethics in Policing and Interpersonal Relations
<u>Module Title:</u>	6. VICTIM RIGHTS
<u>Hours:</u>	Not less than 2 hours

Notes to Instructor:

For the responding officer, the circumstances of each crime scene or criminal situation will differ. The appropriate response to victims of crime will be shaped by the facts of each specific situation. Accordingly, officers will be required to prioritize their tasks within the context of each call.

Instructors should be familiar with the Extreme Risk Protection Order (ERPO) Act 38 of 2023 (MCL 691.1801-691.1821). Reference material provided by the Michigan Supreme Court that may assist instructors can be found at:

<https://www.courts.michigan.gov/4915f8/siteassets/publications/manuals/erpo/manual-extreme-risk-protection-order.pdf> and <https://www.courts.michigan.gov/4936e5/siteassets/court-administration/scao-communications/other-offices/erpo-faq.pdf>

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II.B.6.1. Demonstrate an Understanding of the Nature of Victimization.

- a. Defines a “victim” as anyone who, through no fault of their own, suffers direct or threatened:
 - (1) harm (physically or mentally),
 - (2) economic or financial loss,
 - (3) impairment of fundamental rights.
- b. Recognizes that immediate family members, friends, and others close to the victim may experience vicarious traumatization.
- c. Recognizes that victims need to:
 - (1) feel safe,
 - (2) express their feelings, and
 - (3) know “what comes next.”
- d. Describes behaviors victims may display at the scene, including:
 - (1) anger;
 - (2) fear;
 - (3) powerlessness;
 - (4) self-blame;
 - (5) denial;
 - (6) sadness; and/or
 - (7) no outward behavioral change may occur.
- e. Recognizes that there may be a variety of immediate physical reactions to victimization, including:
 - (1) rapid breathing;
 - (2) rage;
 - (3) fixed stare;
 - (4) loud voice;
 - (5) headache;
 - (6) shaking; and/or
 - (7) nausea.
- f. Recognizes that secondary victimization may occur as the victim interacts with the criminal justice system.
- g. Recognizes that secondary victimization may include children witnessing domestic abuse, homicide, rape, etc.

Notes to Instructor:

Some domestic violence victims may minimize or even deny the violence. They may rationalize the assailant's behavior and attempt to justify it.

II.B.6.2. Identify Situations That Are Likely to Cause Severe Stress or Crisis for Crime Victims.

- a. Describes how various crimes may affect the victim's vulnerability/loss of control, crimes such as:
 - (1) sexual assault,
 - (2) OWI-related deaths,
 - (4) death threats,
 - (5) elder abuse,
 - (6) domestic violence,
 - (7) hate bias crimes,
 - (8) homicide, or
 - (9) child abuse.
- b. Delivers emergency messages to the family by:
 - (1) delivering the notification in person;
 - (2) using a volunteer advocate, when available;
 - (3) being sensitive to the reactions of those receiving the news;
 - (4) using interpersonal communication techniques; and
 - (5) being aware that certain situations may call for a heightened awareness for officer safety.
- c. Recognizes that missing persons, particularly children, the mentally ill, or the emotionally impaired will experience severe stress.

Notes to Instructor:

Review the reporting requirements that accompany certain crimes, e.g., elder abuse (MCL 400.11a), sexual assault (MCL 752.953), domestic violence (MCL 764.15c), and child abuse (MCL 722.633). These statutes appear elsewhere in the curriculum, but a reminder of the reporting mandates for officers is important.

II.B.6.3. Describes the Mental Stages that Persons in Severe Crisis May Experience.

- a. Describes the mental stages in a severe crisis as:
 - (1) high anxiety or emotional shock, either:
 - (a) agitated and/or very active; or
 - (b) stunned, inactive and depressed.
 - (2) denial, which is a protective mechanism that prevents too much from happening too fast;
 - (3) anger, which is a response to frustration;
 - (4) remorse, which has elements of guilt and sorrow (e.g., phrases such as, “If I had only...”)
 - (5) grief, the first real stage of healing; and
 - (6) reconciliation, which occurs when the crisis is resolved, and the person returns to a state of equilibrium.
- b. Recognizes that mental stages can vary by person and type of crime.
- c. Recognizes that victimization is not limited to any race, sexual orientation, age, educational level, or occupation.

II.B.6.4. Advise Victims of Their Rights Under the William Van Regenmorter Crime Victim’s Rights Act.

- a. Advises the victim of a reported crime within 24 hours of the initial contact of the following (MCL 780.753):
 - (1) the availability of emergency and medical services, if applicable;
 - (3) the availability of victims' compensation benefits and the compensation board's address;
 - (3) the address and phone number of the prosecuting attorney; and
 - (4) the required statement regarding information on the status of the case.
- b. Recognizes that the law enforcement agency having responsibility for investigating a reported crime shall promptly return to the victim property belonging to that victim, except property that is:
 - (1) contraband;
 - (2) in dispute regarding ownership; or
 - (3) needed as evidence (MCL 780.754).
- c. Recognizes that within 24 hours after the arraignment of the defendant, law enforcement shall give notice of the following:
 - (1) the arrest of the defendant;
 - (2) the availability of pretrial release;
 - (3) bond revocation procedures;
 - (4) the phone number of the sheriff or juvenile facility; and
 - (5) that the victim may contact the sheriff or juvenile facility to determine if the defendant has been released (MCL 780.755).

II.B.6.4. Advise Victims of Their Rights Under the William Van Regenmorter Crime Victim's Rights Act (continued).

- d. Recognizes that the Crime Victims Service Commission provides assistance to victims, in certain circumstances, which may include:
 - (1) compensation for medical expenses;
 - (2) funeral costs;
 - (3) costs for counseling and rehabilitation; and
 - (4) compensation for loss of earnings (MCL 18.351-368).
- e. Recognizes the fundamental rights enumerated in the State of Michigan Constitution, Article I, Section 24, for the victims of crime.
- f. Maintains the confidentiality of the victim's address, place of employment, telephone number, etc.

II.B.6.5. Demonstrate an Appropriate Law Enforcement Response to the Victims of Crime.

- a. Minimizes the effects of victimization by:
 - (1) providing appropriate notifications;
 - (2) actively listening;
 - (3) avoiding inappropriate body language;
 - (4) showing respect to the victim; and
 - (5) reassuring the victim's immediate safety.
- b. Avoids inappropriate interaction with the victim by NOT:
 - (1) treating the victim as if they are different;
 - (2) blaming the victim;
 - (3) stating that the victim caused or deserved it; and/or
 - (4) being judgmental.
- c. Recognizes that factors outside the control of the officer may affect the response to victims, including:
 - (1) department policies and procedures;
 - (2) the officer's stress management capabilities;
 - (3) county or local protocols (e.g., autopsies, child interviewing, etc.);
 - (4) the availability of resources for assistance; and/or
 - (5) time constraints from supervisory personnel.
- d. Fosters victim confidence in the criminal justice system by:
 - (1) maintaining confidentiality;
 - (2) documenting statements and evidence;
 - (3) preparing thoroughly for court
 - (4) writing a complete criminal offense report (bring to court);
 - (5) conducting post incident reviews; and
 - (6) giving appropriate referrals.

II.B.6.6. Demonstrates an Understanding of the Role of the Victim Advocate.

- a. Recognizes that the role of victim advocates includes:
 - (1) providing crisis intervention services;
 - (2) acting on behalf of the victim as their case moves through the criminal justice system;
 - (3) making the appropriate referrals;
 - (4) making sure that the needs of the victims are met;
 - (5) providing orientation to the criminal court system;
 - (6) helping the criminal justice system to accomplish its mission; and
 - (7) providing appropriate notifications.
- b. Identifies victim assistance programs as resources for victims, including:
 - (1) victim service programs through the Michigan Sheriff's Association;
 - (2) victim witness programs through county prosecutors' offices;
 - (3) Michigan tribal victim assistance;
 - (4) Crime Victim's Service Commission;
 - (5) city and local victim advocates;
 - (6) Michigan Crime Victim Notification Network; and
 - (7) other victim advocacy programs (MADD, DV Hotline, Michigan Coalition Against Domestic and Sexual Violence, etc.).
- c. Describes the role of victim advocacy in a coordinated community response to victimization by working with the assistance of:
 - (1) emergency response personnel;
 - (2) local emergency service providers;
 - (3) court personnel;
 - (4) medical personnel;
 - (5) support groups; and/or
 - (6) legal advocates.

Notes to Instructor:

The role of the victim advocate may differ depending on whether the advocate is prosecutor-based or agency-based. For example, advocates in most prosecutors' offices are not counselors. Generally, they act as a liaison between the victim and the legal system.

II.B.6.7. Deliver Death Notifications.

- a. Recognizes that death or homicide situations will be much more intense emotionally than other types of trauma.
- b. Requests assistance from other parties (e.g., clergy, family, friends, victim support teams) during notification.
- c. Communicates the emergency message to the proper recipient, in person, providing all necessary information in a concerned and dignified manner.
- d. Acts appropriately when delivering a death notification by:
 - (1) knowing the details of the incident;
 - (2) notifying the closest survivor;
 - (3) being direct, compassionate, and unambiguous;
 - (4) showing respect;
 - (5) accepting the survivor's reactions;
 - (6) showing empathy; and
 - (7) providing appropriate assistance.

Module History

Implemented	01/04
Revised	04/06
Revised	10/19
Reviewed	12/22
Revised	09/24