

# POLICY AND PROCEDURES

NUMBER: 505

SUBJECT: Victim/Witness Notification

ACA STANDARDS: 4-ALDF-7F-02

DIRECTOR: Herbert Bernsen

EFFECTIVE DATE: 5/94 REVISION DATE: 9/97, 6/99, 5/05, 7/08,  
11/13, 12/14



## I. POLICY

The St. Louis County Department of Justice Services shall comply with Missouri State Statute 595.209 (RSMo.), by notifying victims and witnesses upon the release or escape of prisoners from the custody of the St. Louis County Department of Justice Services.

## II. RESPONSIBILITIES

All St. Louis County Department of Justice Services ' staff are responsible for the following procedures.

## III. DEFINITIONS

**State Statute 595.209 (RSMo.):** In essence, the following part of Missouri State Statute 595.209 (RSMo.) applies specifically to the Department of Justice Services:

**A.** The following rights shall automatically be afforded to victims of dangerous felonies . . . and, upon written request, shall be afforded to victims of all other crimes and witnesses of crimes:

**1.** (5) the right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

**a.** any release of such person on bond or for any other reason;

- b. within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;
- c. any release of such person on furlough, work release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release.

**Dangerous Felonies:** (per 556.061 RSMo.) include Murder, Rape, Robbery 1st, Sodomy, Assault 1st, Kidnapping and Arson 1st.

**Custodial Authority:** (per 595.200[2] RSMo.) The chief administrative officer or official in charge of a municipal detention facility, a county jail, a correctional facility operated by the department of corrections, a mental health facility or the division of youth services or any agency thereof.

**Victim:** (per 595.200[6] RSMo.) A natural person who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime. The term "victim" also includes the family members of a minor, incompetent or a homicide victim.

**Witness:** (per 595.200[7] RSMo.) Any person who has been or is expected to be summoned to testify for the prosecution whether or not any action or proceeding has yet been commenced. The term "witness" shall include persons employed in the administration of criminal justice who are testifying in the course of their employment except that such persons shall not be entitled to any witness fees.

#### **IV. PROCEDURES**

- A. Any staff member may be contacted at any time by a victim or a witness requesting notification. However, due to the inherent liability of the State Statute, the Bonding Supervisor has the ultimate responsibility in making certain that the following procedures are followed.
- B. Any person who identifies himself or herself as a crime victim or witness requesting notification upon the release of a prisoner in our

custody will be referred to the Bonding/Records Clerk or Bonding Supervisor.

- C. When a Justice Services' staff member receives a request, in person, in writing or by phone, from a victim/witness who wishes to be notified upon the release of a specific inmate, the request will be directed to the Bonding/ Records office. The Bonding/Records staff will attach the victim/witness notification to the Integrated Jail Management System (IJMS) as follows:

Portions of this record are closed pursuant to Section 610.021(21) RSMo and Section 114.020(20) SLCRO because public disclosure of such portions would threaten public safety by compromising the safe and secure operation of the Jail, and the public interest in nondisclosure outweighs the public interest in disclosure of the portions of such records.

- D. At the time of the inmate's release, prior to the Release Approval Report, the Bonding/Records staff will perform the required victim/witness notification and document his/her effort in the IJMS as follows:

Portions of this record are closed pursuant to Section 610.021(21) RSMo and Section 114.020(20) SLCRO because public disclosure of such portions would threaten public safety by compromising the safe and secure operation of the Jail, and the public interest in nondisclosure outweighs the public interest in disclosure of the portions of such records.

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- E. At the time of the prisoner's release, the Bonding/Records Clerk will notify the victim/witness by telephone. If the clerk is unable to reach anyone at the phone number(s) provided, the phone number(s) will be passed on to the Intake Service Center (ISC) Shift Supervisor.
- F. The ISC Shift Supervisor will continue efforts to make contact with the victim/witness for notification. If the ISC Shift Supervisor is unable to contact the victim/witness, he/she will pass on this information to his/her relief. If contact is not made in three shifts, the resolution will be placed in the 'Notes' field of the IJMS, as described in D-3.

NOTE: Acceptable notification includes leaving a message on a phone answering machine or voice mail system with the date, time and person calling, along with the pertinent release information.

- G. The Bonding/Records staff member may now proceed to the Release Approval Report section of the Final Release Navigator.

NOTE: The IJMS contains built-in safeguards which ensure that the appropriate victim notification has been recorded. The IJMS will not allow an inmate's release without the above steps.