



# Division of Criminal Justice

## Office of Victim-Witness Advocacy

### INTERIM ATTORNEY GENERAL STANDARDS TO ENSURE THE RIGHTS OF CRIME VICTIMS

115133

U.S. Department of Justice  
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**LT-PS**  
New Jersey Department of  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
RICHARD J. HUGHES JUSTICE COMPLEX

CN 080  
TRENTON, N.J. 08625  
609 292-4919

April 24, 1987

W. CARY EDWARDS  
ATTORNEY GENERAL

TO: ALL COUNTY PROSECUTORS and  
THE SUPERINTENDENT OF STATE POLICE

RE: Interim Attorney General Standards to Ensure the  
Rights of Crime Victims Pursuant to N.J.S.A. 52:4B-44a.  
and b.

More than 40,000 victims of violent crime are involved with the criminal justice system in New Jersey each year. They are often frightened by their experience and confused by the complexity of the criminal justice process. Therefore, crime victims turn to law enforcement officers for help. We must insure that a compassionate response awaits crime victims, and that their interests are protected. To accomplish this, a clearly structured approach to changing their treatment within the criminal justice system is required. In view of these important concerns, I have issued the attached Interim Attorney General Standards.

All law enforcement personnel are encouraged to take prompt action to assist with rendering the rights and services to crime victims that are provided for within these Interim Attorney General Standards. Through the efforts of the Division of Criminal Justice, Division of State Police, County Prosecutors' Offices, municipal police departments, county sheriffs' offices, the State Parole Board, and the Violent Crimes Compensation Board, significant advances in the treatment of victims and witnesses can be achieved.

Sincerely,

NCJRE

JAN 15 Rec'd

W. CARY EDWARDS  
Attorney General

WCE/mh  
attachment

ACQUISITIONS



State of New Jersey  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE  
25 MARKET STREET  
CN 085  
TRENTON, NEW JERSEY 08625-0085  
TELEPHONE: 609-984-6500

W. CARY EDWARDS  
ATTORNEY GENERAL

DONALD R. BELSOLE  
FIRST ASSISTANT ATTORNEY GENERAL  
DIRECTOR

April 24, 1987

TO: ALL COUNTY PROSECUTORS and  
THE SUPERINTENDENT OF STATE POLICE

Re: Interim Attorney General Standards to Ensure the  
Rights of Crime Victims Pursuant to N.J.S.A. 52:4B-44a.  
and b.

Gentlemen:

Enclosed please find a letter from Attorney General W. Cary Edwards setting forth Interim Attorney General Victim-Witness Standards which are applicable to all law enforcement officers.

Attorney General Edwards has appointed an Advisory Committee that will recommend an implementation plan. The implementation plan shall include a timetable outlining those Standards which can be achieved immediately; those considered to be short-term; and those that require long-term planning. The Attorney General will take these recommendations into account when issuing the finalized Standards.

I would appreciate your promptly bringing this information to the attention of all law enforcement personnel within your jurisdiction.

Thank you for your anticipated cooperation.

Very truly yours,

Donald R. Belsole  
First Assistant Attorney General  
Director, Division of Criminal Justice

DRB/mh  
enclosure  
c John G. Holl, Deputy Director  
Chief of Staff  
Assistant Director Frederick P. DeVesa  
Assistant Director James F. Mulvihill

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## FOREWORD

Victim-witness assistance units have been established in many County Prosecutors' Offices since 1976. However, Assembly Bill No. 1995 signed into law on January 9, 1986 created a State Office of Victim-Witness Advocacy within the Division of Criminal Justice and County Offices of Victim-Witness Advocacy within the 21 County Prosecutors' Offices. The Bill provided for the Attorney General, through the State Office of Victim-Witness Advocacy and in consultation with the County Prosecutors, to promulgate standards for all law enforcement agencies.

The purpose of these Standards is to ensure that the objectives established in current victim-witness legislation are met in a comprehensive and effective manner by all applicable members of law enforcement in all jurisdictions.

An Advisory Committee has been established by Attorney General W. Cary Edwards to develop an implementation plan. Implementation of the provisions set forth in these Standards shall be planned in three phases in order to minimize anticipated increased operating demands on all components of the criminal justice system. A list of Advisory Committee members is enclosed.

Training programs for law enforcement agencies shall be devised and implemented by the State Office of Victim-Witness Advocacy in the Division of Criminal Justice, with the assistance of the County Prosecutors' Offices of Victim-Witness Advocacy, on the theoretical and skill building needs resulting from the Standards.

ADVISORY COMMITTEE  
IMPLEMENTATION OF THE INTERIM ATTORNEY GENERAL  
STANDARDS TO ENSURE THE RIGHTS OF CRIME VICTIMS  
PURSUANT TO N.J.S.A. 52:4B-44a. and b.

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Division of Criminal Justice

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Gloucester County Victim-Witness Coordinator

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Victim Representative

Marilyn Clark  
Assistant Prosecutor  
Bergen County

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Assistant Director  
Division of Criminal Justice

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Prevention Program  
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Mothers Against Drunk Driving (MADD)

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Division of Criminal Justice

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Benevolent Association

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Mercer County Victim-Witness Coordinator

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Administrative Office of the Courts

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Division of Criminal Justice

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Holmdel Police Department

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Governor's Task Force on Child Abuse and Neglect

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Cape May County Sheriff

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President, The County Prosecutors Association  
of New Jersey  
Burlington County Prosecutor

Michael J. Renahan  
Member of the Crime Prevention Advisory Committee  
Department of Community Affairs

Raymond D. Saunders  
Advisor, New Jersey Juvenile Officers' Association  
Middle Township Police Department

Herbert H. Tate, Jr.  
Essex County Prosecutor

Charles Waldron  
Chief, Litigation Section  
Division of Criminal Justice

Kenneth W. Welch  
Chairman, Violent Crimes Compensation Board

Jean B. Wright  
Governing Member, Mercer Area Chapter  
New Jersey Regional Coordinator  
The Compassionate Friends

INTERIM ATTORNEY GENERAL STANDARDS TO ENSURE THE RIGHTS  
OF CRIME VICTIMS PURSUANT TO N.J.S.A. 52:4B-44a. and b.

Law enforcement officials and the State and County Offices of Victim-Witness Advocacy are obligated to ensure that the rights of crime victims are adhered to and protected. To implement these rights and services, the following Standards are set forth.

"Victim" means a person who suffers personal, physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed against that person, or as a result of a motor vehicle accident involving another person's driving while under the influence of drugs or alcohol.

The rights and services provided for within these Standards are also applicable to witnesses and homicide and sudden death survivors, where appropriate.

I. TREATMENT AND SUPPORT SERVICES DURING CRIMINAL INVESTIGATION

Applicable to all law enforcement agencies/officers responding to the scene of a crime (police officers, investigators, detectives, sheriff's officers):

INFORMATION

- In person death notification shall be made to next of kin.

- Notification of the next of kin should occur as soon as possible after the death is discovered and the victim's identity is determined.

- To the extent possible, two officers should be used to effectuate the in-person notification, and one of them should be in uniform.



- The identity of the deceased and/or the facts and circumstances concerning the death should be provided to the next of kin prior to release to the media.
- Victims shall be provided with information about the criminal justice process.
  - Brochures about the criminal justice process and victim rights information shall be displayed in police stations.
  - Face to face case specific explanation of system and process shall be provided.
- Victims shall be provided with information about victim compensation.
- Procedures shall be established to ensure that victims are periodically informed of the status and closing of investigations.
  - Victims shall be advised of any arrest, bail and pre-trial release as soon as possible.
- Information shall be provided on the status of any property stolen or removed as well as procedures and regulations governing property return.
- Motor vehicle crashes/accidents involving death or serious bodily injury shall be reported to the County Prosecutor including the name, address, and telephone number of the victim, or in case of death, the victim's next of kin.

#### TREATMENT

- Accompaniment to line-ups, photo review sessions, body identifications, medical examinations required for evidence, interviews and hearings.
- Victim interviews shall be conducted in as secure, private, and pleasant surroundings as are available.

- An interpreter shall be made available where the victim does not speak English.
- The victim shall be allowed to use the telephone at the police station.
- The victim must receive immediate medical care for injuries. If the victim requests medical attention, it shall be provided through:
  - On-site first-aid.
  - Transport to medical facility.
  - Call for ambulance.
- Procedures shall be established to ensure that medical examinations required for evidence are paid for directly by the law enforcement agency or through eligible claims to the Violent Crimes Compensation Board.
- Every effort shall be made to minimize inconveniences to the victim:
  - Whenever possible, appointments shall be scheduled at the convenience of the victim.
  - Victims and witnesses shall not be forced to wait for long periods of time to be interviewed.
  - Whenever possible, limit the number of times the victim must repeat the facts surrounding the offense.
- Property return accomplished within 30 days unless evidentiary requirements prohibit it (not applicable to firearms).
- Victims (or in the event of death, surviving next of kin) who suffer personal, physical, or psychological injury or death or incur loss of or injury to personal or real property as a result of a motor vehicle accident involving another person's driving while under the influence of drugs or alcohol shall be provided with:

- Sufficient time to relate the facts of the incident as he/she knows it.
- Where applicable and upon verbal or written request, accident reports and/or autopsy reports shall be made available to the victim (or in case of death, the victim's next of kin) as soon as these reports become available.

#### PROTECTION

- A high priority shall be given to investigating victim reports of threats or intimidation and these reports shall be promptly forwarded to the County Prosecutor.
- Victims and witnesses will be encouraged to report any incident of intimidation and harassment. Victims should be informed of available responses to intimidation including bail revocation, additional charges, escort to court.
- Restraining orders shall be sought as a condition of bail and prepared with the complaint.

#### SERVICES

- Crime scene assistance capability to include emergency referrals or direct assistance for:
  - Medical care, shelter, relocation, food, clothing, childcare, property repair.
  - Crisis intervention counseling provided by:
    - trained in-service personnel.
    - 24 hour hotlines.

- Emergency psychiatric services.
- Victim assistance agencies.
- Assistance with completing compensation forms and filing of claim.
- Social service resource directory maintained for referral.
- Referrals to the appropriate County Prosecutor's Office of Victim-Witness Advocacy.

## II. TREATMENT AND SUPPORT SERVICES DURING PROSECUTION

Applicable to County Prosecutors, Assistant Prosecutors, Deputy Attorneys General, investigators, detectives, sheriff's officers, and State and County Prosecutors' Offices of Victim-Witness Advocacy.

### INFORMATION

- Communication to orient victims and witnesses to the criminal justice process shall commence at the same time the case is reported to the Prosecutor's Office and shall continue throughout the prosecution process.
- In addition to providing orientation information through verbal communications, the use of a printed brochure is essential. A pamphlet which provides a general description of the prosecutorial process and the victim's/witness's role must be forwarded to the victim or witness with an introductory letter.
- Re-enactments and courtroom walk-throughs provided for priority victims and for all child victims/witnesses.
- The notification system shall consist of a series of form letters which correspond to each significant phase of criminal prosecution. The events listed below represent the minimum notifications that must be provided to all victims and witnesses and a designated survivor of a homicide victim regarding case status.
  - Initial contact or introduction letter that informs the victim/witness that the case has been referred to the Prosecutor's Office and explains and offers the services of the County Prosecutor's Office of Victim-Witness Advocacy.
  - Supersession
  - Pre-Grand Jury Remand
  - Administrative dismissal
  - Plea to Accusation
  - Grand Jury Remand
  - Grand Jury Dismissal - No Bill

- Indictment Returned - True Bill
  - Acceptance into Pre-Trial Intervention Program
  - Termination from or completion of Pre-Trial Intervention Program
  - Plea to Indictment
  - Plea to other charges
  - Plea to lesser charges
  - Plea to multiple offense
  - Release on Bail/Conditions of Bail
  - Bench Warrant
  - Fugitive Status
  - Disposition on all charges
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- In addition to the above notifications, notification of unique or special occurrences that may arise in the case will also be provided to victims and witnesses. The minimum notification requirements apply as well to law enforcement officers who are case witnesses.
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- Five business days advanced notice must be given to victims of Grand Jury dates; and of trial dates whether or not their presence is required.
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- In cases where on call subpoenas are used, victims and witnesses will be instructed on subpoena to telephone the County Prosecutor's Office of Victim-Witness Advocacy 24 hours in advance of time and date on subpoena to reduce unnecessary trips to the courthouse and waiting time.
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- Victims shall be advised of their right to appear at sentencing.
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- Information shall be provided on the status of any property stolen or removed and on procedures and regulations governing property return. Assistance and advocacy with obtaining property return within 30 days will be provided unless evidentiary requirements prohibit it.
- 
- All victims involved in the prosecution of a case will be informed in writing by the County Prosecutor's Office of Victim-Witness Advocacy of their right to provide victim impact statements at sentencing. The County Prosecutors' Offices of Victim-Witness Advocacy shall offer to provide assistance in preparing the statement.

- The County Prosecutor's Office of Victim-Witness Advocacy will maintain an employer notification form which will be completed and supplied to the victim/witness or mailed to the employer upon request. Verbal notification to the employer may also be made when appropriate.
- The victim, or the next of kin if the victim is deceased, shall be notified of any determination to seek or decline prosecution in motor vehicle crashes/accidents involving another person's driving while under the influence of drugs or alcohol.
- Victims will be notified as soon as possible of defendant's release from custody and any associated conditions of that release.
- Information concerning directions, parking, courthouse and courtroom location, transportation and how to obtain witness fees shall be made available to victims/witnesses in an introductory letter.

#### TREATMENT

- Every effort shall be made to minimize inconveniences to the victim.
  - Whenever possible, limit the number of times the victim must repeat the facts surrounding the offense.
  - Victims must not be forced to wait for long periods of time to be interviewed or to testify.
  - Whenever possible, appointments should be scheduled at the convenience of the victim.
  - Where the victim is subpoenaed for trial, an on-call system must be implemented to prevent unnecessary court appearances.
  - Prosecutors should attempt to limit case continuances. When such delays are necessary, practices should be established which promote continuance dates that are convenient to victims and witnesses; that those dates are secured in advance; and that the reasons for the continuances are adequately explained to the victim.
- Victim interviews shall be conducted in private surroundings.

- Where practical, restitution requests should be made routinely by the Prosecutor based on interviews with the victim.
  - Restitution to the victim should be sought wherever appropriate as part of the plea agreement and or at the sentencing proceeding. In addition, restitution will be sought in connection with applications for pre-trial intervention.
- Whenever possible, victims shall be provided the opportunity to consult with the Prosecutor prior to dismissal of the case or the finalization of a plea agreement with the defense. Nothing contained herein shall be construed to alter or limit the authority or discretion of the Prosecutor to enter into any plea agreement which the Prosecutor deems appropriate.
- The views of victims of violent crime should be brought to the attention of the court on bail decisions, continuances, plea agreements, dismissals, sentencing and restitution. Practices should be established that promote opportunities for victims to make their views on these matters readily known.
- A separate, comfortable waiting area staffed or supervised by the County Prosecutor's Office of Victim-Witness Advocacy shall be provided so that a victim/witness does not have to confront the defendant, defendant's family and friends, defense counsel or defense witnesses. Magazines, newspapers, refreshments, and toys for children of waiting victims/witnesses should also be available.
- Nearby, reserved parking facilities shall be made available to victims/witnesses who are requested to appear. If necessary, this service should be arranged with a parking facility located within the immediate area of the courthouse. Payments arrangements with the parking facility will be negotiated in advance or the victim/witness will be reimbursed for costs incurred.
- Reimbursement for use of public transportation and/or cab fare will be provided upon request when the victim's appearance in court is required.
- Travel and lodging arrangements and expenses for out-of-state witnesses will be provided by the Prosecutor's Office when their appearance in court is required.



PROTECTION

- Defendants who harass, threaten, injure, or otherwise attempt to intimidate or retaliate against victims or witnesses should be charged and pursued to the fullest extent of the law.
- Where the occurrence of threats, harassment and/or intimidation can be substantiated, the victim shall be encouraged to file a complaint charging the offender with an offense pursuant to N.J.S.A. 2C:28-5.1, et seq.; and where applicable, bail revocation or a restraining order as a condition of bail shall be sought.
- Transportation and court accompaniment will be provided for fearful or intimidated victims.
- Crime prevention information includes pamphlets concerning home security and personal safety and will be displayed in an information rack or similar device and placed where victims and witnesses will see them and take them, such as victim-witness waiting/reception areas or courthouses.
- Referral to crime prevention services such as Operation ID, lock repair, and home security surveys will be offered routinely to all victims of property offenses. A resource file of providers of these services and crime prevention officers shall be maintained by the County Victim-Witness Coordinator.

SERVICES

- Services provided by the County Office of Victim-Witness Advocacy will be described in a program brochure and disseminated to victims immediately following receipt of a case. The brochures should additionally be displayed in an information rack or similar device and placed in victims' waiting and reception areas or courthouses. Victims should be informed of the following services:
  - Case status information.
  - Crisis intervention.

- Transportation.
  - Child care.
  - Assistance with VCCB claims.
  - Restitution and other forms of financial entitlements.
  - Assistance with property return.
  - Court accompaniment.
  - Employer, school, landlord, creditor intercession services.
  - Waiting/reception areas.
  - Victim impact statements.
  - Document replacement assistance.
  - Social service referrals.
- Referral services should minimally include:
- Counseling.
  - Support groups.
  - Crime prevention.
  - Treatment programs (drug, alcohol, domestic violence).
  - Medical attention.
  - Emergency shelters.
  - Homemaker services.
  - Food and clothing.
  - Welfare/Social Security.
- Victims will be provided with employer, school and creditor intercession services which shall include verbal or written notification of required court appearance where applicable; as well as advocacy on behalf of the victim in minimizing losses associated with their victimization.
- County Victim-Witness Coordinators shall maintain a current comprehensive resource directory of all available service agencies in their jurisdiction that may provide services. The County Victim-Witness Coordinator will contact the selected service resource prior to actual referral to introduce the client and situation at hand, facilitate effective service, and overcome unnecessary delays. A previously established rapport and protocol with the service resource will be established and a specific contact follow-up concerning service delivery and client satisfaction should be made.

- Compensation for injuries resulting from violent crime is available to qualified applicants from the Violent Crimes Compensation Board. Assistance will be made available to victims by providing information on and referral to the Violent Crimes Compensation Board. This involves advising the victim about compensation, explaining eligibility, providing and assisting with the completion of claim forms, and providing assistance in gathering verification of losses and damages.
- County Victim-Witness Coordinators will advise victims of their right to seek restitution, where applicable, and advocate on behalf of victims in seeking these entitlements.
- Transportation to and from the courthouse will be provided upon request when the victim's appearance in court is required. Transportation services may be provided by personnel in the County Prosecutor's Office of Victim-Witness Advocacy, Prosecutor's investigative personnel, or sheriff's officers. Transportation assistance for meeting counseling appointments or other service needs should involve identifying possible resources, such as public transportation, family, friends or volunteers and making necessary arrangements, when appropriate.
- Child care will be provided when the victim's appearance in court is required. Child care will be provided on-site in a safe, comfortable, appropriately furnished area. The child care facility will be staffed by appropriate personnel from the County Prosecutors' Office of Victim-Witness Advocacy or the Sheriff's Department. An age limit of 3 years old will be maintained. For children under the age of three, child care assistance may be provided through referral to other service resources or reimbursement to the victim for babysitting costs. The County Prosecutor's Office of Victim-Witness Advocacy will develop and maintain a resource file of child care providers for information and referral purposes.
- The State and County Prosecutors' Offices of Victim-Witness Advocacy will provide assistance in preparing victim impact Statements.

### III. TREATMENT AND SUPPORT SERVICES AFTER CASE DISPOSITION

Applicable to Prosecutors, Assistant Prosecutors, Deputy Attorneys General, State and County Offices Of Victim-Witness Advocacy and the Parole Board:

#### INFORMATION

- The victim shall be notified in writing within five working days of:
  - Sentencing date.
  - Sentence imposed on the defendant by the court.
  - Defendant's filing of an appeal and subsequent status changes.
  - Court dismissal.
  - Mistrial/Retrial.
  - Mistrial/ Dismissal.
- Five business days advanced notice shall be given to victims of sentencing date.
- Victims will be notified as soon as possible of defendant's release from custody and any associated conditions of that release.
- Victims of first and second degree offenses shall be routinely informed in writing of their right to provide a victim impact statement at parole.

SERVICES

- The Office of Victim-Witness Advocacy will assist victims with the composition and submission of impact statements at parole.
  
- The Office of Victim-Witness Advocacy will provide social service referrals/long-term counseling referrals.