

Truro Police Department

VICTIM/WITNESS ASSISTANCE

Policy Number: OPS-9.05

Effective Date: June 1, 2000

REFERENCE:

Revised Date: Feb 27, 2002

Accreditation Standards: Std. 55.1.1 - 55.2.7.

Mass. Gen. Law:

Mass. Gen. Law, Chap. 209A, Sec. 6, Chap. 258, Sec. A & B, Chap. 279, Sec. 4

Other:

*Important Information for Victims and Witnesses of Crimes
(prepared by the District Attorney's Office)*

POLICY:

It is the policy of the Truro Police Department to show appropriate concern for victims and witnesses of crimes. Often in the past, police departments have devoted most of their attention to apprehending and prosecuting offenders and thus overlooked the victim or witness until he/she is needed to testify at trial. If victims and other witnesses are subject to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation with law enforcement agencies. The effect of halfhearted cooperation on investigations and subsequent prosecutions can be devastating.

A system of mutual cooperation between the police and victims/witnesses is of critical importance. The chair of the President's Task Force on Victims of Crime--former Assistant Attorney General Lois H. Herrington--highlights this importance by making the following point in a National Sheriffs' Association publication: "In a free society, we are absolutely dependent upon the aid of these victims to hold the criminal accountable. In return, the victim deserves support and fair treatment. As often the first to arrive on the scene of the crime, the [officer] is the initial source of protection for the victim. The manner in which [the officer] treats a victim at the time of the crime and afterwards affects not only [the victim's] immediate and long-term ability to cope with the crime, it can determine his willingness to assist in prosecution."

By increasing awareness of this situation, our goal is to foster a better relationship between the police and the victims/witnesses. Proper maintenance of this relationship will help the victim or witness cope better with the crime and further the notion of the police department as a community-oriented agency, while at the same time greatly increase victim/witness cooperation in matters being investigated and prosecuted.

DEFINITIONS:

VICTIM: A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his person or property. Also regarded as victims are (1) a spouse, child, parent, or legal guardian of a minor victim and (2) a spouse, child, sibling, parent, or legal guardian of a homicide victim. (The definition excludes any person involved in a crime as a perpetrator or accomplice.)

VICTIM ADVOCATE: A person authorized by the agency to assist victims in specified ways. Such advocates may be agency members (sworn or civilian) or volunteers (unpaid citizens).

WITNESS: A person who--as determined by the law enforcement agency--has information or evidence relevant to the investigation of a specified crime (all felonies, all misdemeanor crimes against persons, and, upon the recommendation of the responding officer, other crimes). When the witness is a minor, the term "witness" includes an appropriate family member. "Witness" includes neither defense witnesses nor anyone involved in the crime as a perpetrator or accomplice. All victims are witnesses.

PROCEDURES:

1. **RIGHTS OF VICTIMS AND WITNESSES-GENERAL GUIDELINES:** Victims and witnesses of crimes they reported have the following statutory rights:

- A. Timely notification of:
 - 1. Court appearances;
 - 2. Continuances; and
 - 3. Final disposition of case.
- B. Prompt disposition of the case.
- C. Information and assistance regarding:
 - 1. Witness fee;
 - 2. Restitution;
 - 3. Victim of Violent Crime Compensation (Mass. Gen. Law, Chap. 258A);
 - 4. Employer & Creditor's Assistance;
 - 5. Level of Protection available;
 - 6. Social Services;

7. Inmate Status;
 8. Transportation and Child Care;
 9. Prompt return of property; and
 10. A secure waiting room.
- D. In felony cases and cases involving vehicular homicide, these additional rights apply:
1. Timely notification of time and place of sentencing; and
 2. The opportunity to inform the court, orally or in writing, of the impact of the crime (Mass. Gen. Law, Chap. 279, Sec.4).

In general, all officers of the police department shall treat any victim or witness of a crime with fairness, compassion, and dignity. The police department is committed to fully cooperating with the District Attorney's office and their victim/witness assistance program.

2. **ROLE OF DOMESTIC POLICE PROSECUTOR-VICTIM/WITNESS:** It shall be the responsibility of the every Truro Police Officer, and/or the Investigator/Prosecutor to act as liaison between victims and witnesses of crime and the Victim/Witness Service Bureau of the County District Attorney's office to ensure that all victims and witnesses are notified of their rights.
- A. The Investigator/Prosecutor shall have the authority and responsibility necessary to administer and coordinate the role of the police department in victim and witness assistance services. They shall work to coordinate dissemination of new information or policies.
 - B. As liaison between other victim/witness assistance resources, they shall ensure that referrals of victims and witnesses to other criminal justice agencies and governmental and non-governmental agencies are based upon an accurate and up-to-date knowledge of the services being offered by these agencies. They shall also maintain an ongoing channel of communication by which to offer and receive suggestions about how the police department and outside sources can work together to better serve victims and witnesses. This liaison may be initiated by letter, by phone, or in person.
 - C. To keep the information on the various service agencies current, they shall contact the Victim/Witness Services Bureau at least once a year to check on any changes in the lists of any agencies providing service. Should changes be necessary, they shall contact the inform personnel regarding these changes.

- D. The Domestic Affairs Officer(s) shall ensure that these procedures are also followed:
1. Monitor the implementation and delivery of victim/witness assistance services by department personnel;
 2. Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law; and
3. **TRAINING OF NON-SWORN PERSONNEL:**
- A. All newly-hired non-sworn employees, shall be informed through Chief of Police of those programs available inside and outside the police department that provide victim/witness assistance. Further, at least once every two years a designee shall of the Chief of Police shall conduct a review of departmental policy and the listing of resources available with each non-sworn employee.
 - B. When changes occur in police procedure or in the resources available, a designee of the Chief of Police shall issue a memo to all non-sworn personnel updating these changes.
 - C. Any civilian communication center personnel, and any other non-sworn employees directly involved in agency victim/witness assistance efforts, shall receive training in victim/witness rights commensurate with their roles in this process. It shall be the responsibility of the Chief of Police or his designee to provide said training in accordance with standards set forth by the Massachusetts Criminal Justice Training Council.
4. **TRAINING OF SWORN PERSONNEL:**
- A. Periodic training will be conducted to update employees regarding new information or policy change.
 - B. Sworn personnel directly involved in agency victim/witness assistance efforts shall receive training in victim/witness rights commensurate with their roles in the process.
5. **ABUSE CASES:** The above procedure will apply for all cases with the exception of domestic disputes under Mass. Gen. Law, Chap. 209A. See department policy and procedure on ABUSE (Truro Police Department Manual).
6. **RESPONSE TO INTIMIDATION OF VICTIMS/WITNESSES:**
- A. Whenever an officer becomes aware of victim/witness intimidation, the officer shall:

VICTIM WITNESS ASSISTANCE

OPS-9.05

1. Immediately notify the Shift Commander who shall provide appropriate assistance to arrange for the safety and protection of the victim or witness. Such assistance will be dictated by the nature of the case and the resources available, and is commensurate with the danger faced by the victim/witness. The officer and his supervisor will ensure the safety of the victim/witness, using whatever means necessary.
 2. Notify the department prosecutor for possible further court action.
- B.** When the victim/witness is located outside the jurisdiction of this police department, and personnel of this department become aware of danger to a victim/witness, the Shift Commander will cause immediate contact the police agency servicing that area and advise them of the situation and request that the necessary precautions be taken. The Shift Commander will cause a prompt attempt to alert the victim/witness to the possible threat, and indicate as well that the local police has been notified. He shall also notify the department prosecutor of the situation so that appropriate action can be initiated in the courts.
7. **PRELIMINARY INVESTIGATIONS:** The nature of the contact between police officers and a victim/witness during the preliminary investigation may be critical in determining the victim/witness' cooperation, or lack thereof, in the course of an investigation and prosecution. For this reason, officers conducting preliminary investigations shall provide the following services:
- A. Give the victim/witness information regarding applicable services such as counseling, medical attention, compensation programs, emergency financial assistance, and victim advocacy.
 - B. Advise the victim/witness on what to do if the suspect or the suspect's companions or family threaten or otherwise intimidate him.
 - C. Inform the victim/witness about the case number and subsequent steps in the processing of the case.
 - D. Provide the victim/witness with a telephone number to call in order to report additional information about the case or to receive information about the status of the case.
 - E. Officers assigned to abused person's cases shall give the victim notice of applicable rights by handing the victim a copy of those rights as they appear in Mass. Gen. Law, Chap. 209A, Sec. 6, **AND READING** the victim those rights in English. If the victim does not speak English but another language, the officer shall make every reasonable effort to obtain an interpreter, at the earliest opportunity. (see Truro Police Department Manual on ABUSE, Sec. 9).
 - F. Officers SHALL use Truro Police Department Domestic Violence Rights Form, and obtain a signed receipt acknowledging that notice of rights has been given and read.

8. **FOLLOW-UP INVESTIGATIONS:** Those patrol officers or investigators assigned to conduct the follow-up investigation shall provide the following services:

- A. If, in the opinion of the follow-up investigators, the impact of a crime on a victim/witness has been unusually severe and has therefore necessitated above-average victim/witness assistance, the officer(s) assigned the investigation shall re-contact the victim/witness within 24 hours of initial contact, and periodically thereafter, to determine whether the needs of the victim/witness are being met.
- B. If not an endangerment to the successful prosecution of the case, the investigator(s) shall explain to the victim/witness the procedures involved in the prosecution of the case and their role in those procedures. The designee shall provide, at the earliest convenience, a copy of the pamphlet entitled "Important Information for Victims and Witnesses of Crime" (prepared by the District Attorney's office) to each victim/witness of the case.
- C. If possible, investigators shall schedule all line-ups, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the department, provides transportation as well.
- D. If feasible, the investigator(s) shall return promptly victim/witness property taken as evidence (except for contraband, disputed property, or weapons used in the course of the crime), where permitted by law or rules of evidence.
- E. Inform the designee of the need to have a victim/witness advocate from the Victim/Witness Service Bureau of Court/County District Attorney's office assigned to assist the victim/witness in the course of the investigation. The investigator(s) shall also maintain contact with the court advocate during the investigation to remain informed as to the state of the victim/witness.

9. **PROCEDURE AFTER ARREST/PROCESSING OF SUSPECT:**

- A. Upon the arrest of a suspect, the investigator or his designee shall notify the victim/witness of the arrest that has been made, the charges being brought against the arrestee, and the arrestee's status, whether he is out on bail or incarcerated.
- B. Should the status of the arrestee change, the investigating officer or his designee involved shall notify the victim/witness of the change. See Truro Police Department on ABUSE.

10. **DEATH OR SERIOUS INJURIES IN THE DEPARTMENT:** Police work is inherently dangerous. Therefore, while each officer hopes that neither death nor serious injury will occur while on duty, it is still a possibility. Should any officer of this department be killed or seriously injured on duty, the Chief of Police shall be notified immediately. It shall be the duty of the Chief of Police, or his designee in the absence of the Chief, to do the following:
- A. Notify family members in a timely and personal manner.
 - B. Assist the family with transportation to the hospital.
 - C. Offer support for the family at the funeral and burial.
 - D. Help the family with legal and benefits matters.
 - E. Arrange/provide counseling for the family on financial or other matters.
 - F. Support the family during criminal proceedings, if any.
 - G. Keep in long-term contact with the family to see that their needs are being met.
11. **DEATH OCCURRING TO CITIZENS:** Should someone other than a police officer be killed, the Chief of Police or his designee shall be notified immediately. The Shift Commander shall take charge and have the following procedures followed unless otherwise directed by the Chief of Police or his designee.
- A. Notify family member(s) in a timely and personal manner.
 - B. Assist the family at the hospital.
 - C. Whenever possible, assistance should be obtained from the clergy or a relative.
 - D. These procedures should also be followed when notification requests are initiated by other agencies.
 - E. Deaths resulting from accidents or non-accident situations will be treated in the same manner.
12. **SERIOUS ILLNESS OR INJURY OCCURRING TO CITIZENS:** The Shift Commander shall ensure that the following notification procedure is followed whenever any person is seriously injured or sick. *(Rev 2-27-02)*
- A. Notify family member(s) in a timely and personal manner.
 - B. If the family member lives in Truro, an officer shall visit the residence and notify the family.
 - C. If the family member lives out of the area, the police agency in charge of that jurisdiction should be contacted to notify the family.
 - D. A telephone call can be made for notification if all other options are impractical, or impossible, or if visits to a residence are made but no one is at the residence.
 - E. Injuries or sicknesses resulting from accidents and non-accidents shall be equally treated.
13. **REVIEW OF STATUTORY PROVISIONS ON VICTIMS/WITNESSES:** All officers should read Mass. Gen. Law, Chap. 258A, Compensation of Victims of Violent Crimes, and Chap. 258B, Rights of Victims and Witnesses of Crimes, for a detailed review of statutory provisions.