

## 1.26 VICTIM/WITNESS ASSISTANCE



# VICTIM/WITNESS ASSISTANCE

POLICY & PROCEDURE NO. <b>1.26</b>	SECTION <b>OPERATIONS</b>	PAGES: 6	ISSUE DATE: February 6, 2024
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ISSUING AUTHORITY: 			
Chief Nathan C. Hagglund			

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Throughout history, police departments have traditionally been primarily concerned with apprehending and prosecuting offenders. Equally important are the needs and concerns of victims and witnesses. This policy aims to ensure that the victim or witness receives appropriate attention and access to victim/witness assistance programs.

## II. POLICY

It is the policy of the West Brookfield Police Department that all officers of the police department treat any victim or witness of a crime with fairness, compassion and dignity. The department is committed to cooperating fully with the victim/witness assistance programs of the Worcester District Attorney's office.

### SUMMARY OF RIGHTS: [55.1.1]

Victims of crime have the following rights pursuant to General Law Chapter 258B:

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Information and assistance regarding:

1. Their rights in the criminal process, the manner in which a case progresses through the criminal justice system, what the victim's role is in the process, what the system may expect from the victim, and why the system requires this. M.G.L. ch. 258B, §3(a)
2. Victim of Violent Crime Compensation – Chapter 258C.
3. Social services. G.L. ch. 258B, §3(e)
4. Restitution. G.L. ch. 258B, §3(e) and 3(o)
5. Prompt return of property. G.L. ch. 258B, §3(r)
6. Obtaining inmate status. G.L. ch. 258B, §3(t)
7. Right to pursue a civil action. G.L. ch. 258B, §3(u)
8. Upon request, to be periodically appraised of significant developments in the case. G.L. ch. 258B, §3(a)
9. To be present at all court proceedings. G.L. ch. 258B, §3(b)
10. To confer with the prosecutor before:
  - a. The commencement of the trial;
  - b. Any hearing on motions by the defense to obtain psychiatric or other confidential records;
  - c. Any act by the Commonwealth terminating the prosecution; and
  - d. Submission of proposed sentence recommendations to the court. G.L. ch. 258B, §3(g)
11. To confer with the probation officer prior to the filing of a full presentence report. G.L. ch. 258B, §3(n)
12. In felony cases and any crime where physical injury to the victim resulted, the opportunity to inform the court, orally or in writing, of the impact of the crime. G.L. ch. 258B, §3(p)
13. To be informed of the final disposition of the case. G.L. ch. 258B, §3(q)
14. To request information regarding the defendant's parole eligibility and status in the criminal justice system. G.L. ch. 258B, §3(s)

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Victims and witnesses of crimes have the following rights pursuant to General Law Chapter 258B:

1. Timely notification of changes in the schedule of court proceedings. M.G.L. Chapter 258B, §3(c)
2. Prompt disposition of the case. M.G.L. Chapter 258B, §3(f)
3. To be free from employer sanctions for being absent from work to testify after receiving a subpoena. M.G.L. Chapter 258B, §3(l)
4. Information and assistance regarding:
  - a. Level of protection available. M.G.L. Chapter 258B, §3(d)
  - b. Right to request confidentiality. M.G.L. Chapter 258B, §3(h)
5. A secure waiting room, if available. M.G.L. Chapter 258B, §3(i)
6. Witness fees. M.G.L. Chapter 258B, §3(j)
7. Employer and creditor intercession services. M.G.L. Chapter 258B, §3(k)
8. To submit or decline an interview with defense counsel, except when responding to lawful process. M.G.L. Chapter 258B, §3(m)

### **III. DEFINITIONS**

### **IV. PROCEDURES**

#### **TRAINING**

All full-time sworn employees of the police department will receive training in victim/witness rights during the initial police academy training and during their in-service training in accordance with Municipal Police Training Committee standards. Training on the department's specific procedures will be conducted during the department's Field Training Officer program.

All officers should read General Law Chapter 258B: Rights of Victims and Witnesses of Crimes and Chapter 258C: Compensation of Victims of Violent Crimes for a detailed review of statutory provisions.

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### **PRELIMINARY INVESTIGATIONS**

Officers conducting preliminary investigations often are the first police personnel with whom a victim or witness comes in contact. The success or failure of victim or witness cooperation may rely upon the treatment of this victim or witness during this initial contact. Therefore, officers conducting preliminary investigations shall be prepared to render the following assistance:

1. Provide information to victim/witness regarding available services outside of the police department such as: counseling; medical attention; compensation programs; emergency financial assistance; or victim advocacy. **[55.2.3(2-A)]**
2. Advise the victim/witness on procedures to follow should the suspect, associates of the suspect, or family of the suspect, intimidate the victim/witness. **[55.2.3(2-B)]**
3. Inform victim/witness of the case number assigned the case and the steps that will follow the preliminary investigation. **[55.2.3(2- C)]**
4. Provide victim/witness with a telephone number to call should the victim or witness have additional information to report or wish to check on the status of the investigation. **[55.2.3(2-D,E)]**
5. Provide the telephone number for the Emergency Communication Center as a 24 hour single point of contact for available services outside of the department. **[55.2.1]**
6. Officers handling domestic violence cases shall give the victim notice of applicable rights by handing the victim a copy of those rights as they appear in General Law Chapter 209A, Section 6. The rights shall be provided in the victim's native language whenever possible. The victim will also be given contact information for the Domestic Violence Officer, who is the agencies point of contact for services inside of the department. **[55.2.1]**

### **FOLLOW-UP INVESTIGATIONS**

Patrol officers assigned to conduct the follow-up investigation shall be prepared to offer the victim or witness assistance during the course of their involvement with the case.

1. If the impact of the crime has been unusually severe and has resulted in providing victim or witness assistance beyond the standard, officers assigned the investigation shall, within 24-hours

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- of initial contact, check with the victim or witness to determine if their needs are being met. The officer should periodically check with the victim or witness to ensure that no further services are needed. **[55.2.4(2-A)]**
2. Explain to the victim or witness the procedures involved in the prosecution of the case and their role in that process. The Court Liaison Officer shall periodically check to ensure that the Victim/Witness unit of the district attorney's office is providing written information to victims and witnesses. **[55.2.4(2-B,C)]**
  3. If feasible, department personnel shall schedule all interviews or other required appearances of the victim or witness at such person's convenience and, if necessary, provide transportation to and from the site of such appearance. **[55.2.4(2-D,E)]**
  4. Whenever possible, department personnel shall arrange for the prompt return of the property of the victim or witness as permitted by law or rule of evidence. (The exception being any properties held which are contraband, of disputed ownership, or a weapon used in the commission of the crime.) Refer to departmental policy on **Evidence Management**. **[55.2.4(2-F)]**
  5. The Worcester District Attorney's Office normally assigns a Victim/Witness Advocate to a case once a defendant has been charged. In instances where a victim or witness in an ongoing investigation needs victim/witness services prior to the apprehension of the subject, the investigating officer shall ensure that the Victim/Witness unit at the district attorney's office is notified. **[55.2.4]**

### **STATUS OF SUSPECT/ARRESTEE**

Patrol officers assigned to the follow-up investigation or officers conducting the preliminary investigation who arrest a suspect for the commission of the crime shall notify the victim or witnesses that an arrest has been made, the charges being brought against the arrestee, and the arrestee's status (out on bail or incarcerated). Should the arrestee's status change, the involved officers should keep the victim or witness informed of such a change. **[55.2.5]**

### **INTIMIDATION OF VICTIM/WITNESSES [55.2.2]**

It is the policy of the department to prosecute defendants who assault, threaten, intimidate or attempt to influence victims or witnesses in violation of M.G.L. Chapter 268 § 13B. Whenever department personnel

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become aware that a victim or witness has been threatened or that there are credible reasons for a victim or witness to fear intimidation or further violence, they officer shall determine if the threat is imminent, and, if so, take appropriate steps to ensure that the victim or witness is protected. An on-duty officer can consult with a supervisor if necessary.

If the on-duty officer determines that the victim or witness is outside the service area covered by the West Brookfield Police Department, they shall immediately contact the police agency servicing that area and advise them of the situation and request that the necessary precautions be taken. They shall then notify the victim or witness of the threat (if they were not the person who notified the department of the danger) and indicate that the local police have been notified. They shall notify the department Court Liaison Officer of the situation and ensure that charges are filed.

### **COURT LIAISON OFFICER**

It shall be the responsibility of the department Court Liaison Officer to act as intermediary between victims and witnesses of crime and the victim/witness unit of the district attorney's office to ensure that all victims and witnesses are notified of their rights. The Court Liaison Officer will also administer and coordinate with victim and witness assistance services by:

1. Keeping information regarding the various service agencies current by contacting the victim/witness unit of the district attorney's office at least once each year to update the lists of agencies providing services. **[55.1.2(A)]**
2. Ensuring that court records and files of victims and witnesses are held in confidence, subject to release only under the requirements of Massachusetts Public Records Law – Chapter 4, Section 7(26). **[55.1.2(B)]**

\*\* Procedures concerning domestic abuse can be found in the department's policy regarding **DOMESTIC VIOLENCE**.