



Somerville Police Department 	TYPE: GENERAL ORDER		POLICY NUMBER: 414	VERSION: 2.00
	Subject: Victim Witness Assistance			
	Issuing Authority: Charles Femino Chief of Police	Signature: 	Effective Date: December 31, 2021	
Accreditation Standards (5th Edition) 55.1.1, 55.1.3, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5		<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Amended		
Revision & Reissued Dates:	1/18/2016			

Purpose

The Somerville Police Department's goal is to foster a better relationship between the police and the victims and witnesses of crime. This will ensure full cooperation in matters being investigated and prosecuted. It will also ensure the victim and witness that their concerns will be heard, and that the confidentiality of records and files will be upheld as far as Massachusetts Law permits.

Policy

It is the policy of the Somerville Police Department that:

1. All employees of the department treat every victim or witness of a crime with fairness, compassion, and dignity.
2. The department shall work in partnership with the District Attorney's Office and its Victim/Witness Assistance Program.
3. The department shall keep all records pertaining to victims/witnesses confidential and only release such information to the general public to the extent required by Public Records Law.

Procedure

A. Summary of Victim Bill of Rights [55.1.1]

1. **Generally:** In 1984, the Massachusetts [Victim Bill of Rights, M.G.L. Chapter 258B](#), was enacted into law, creating, at that time, the most comprehensive rights for victims of crime in any state in the United States. The bill applies to victims of crimes or, if a victim

is deceased, to family members. Portions of the bill apply to witnesses of crimes as well. Except where noted, the rights are provided by the prosecutor.

2. **Victim Rights:** Victims of crime have the right to information and assistance regarding:
 - a. Their rights in the criminal process:
 - b. How a case progresses through the criminal justice system
 - c. What the victim's role is in the process
 - d. What the system may expect from the victim
 - e. Why the system requires this
 - f. Level of protection available and ability to receive protection from police, from harm and threats of harm, for cooperating with police and prosecution
 - g. Right to request confidentiality in the criminal justice system from the court.[55.1.3(b)]
 - h. Being present at all court proceedings
 - i. Allowing one family member of a victim of homicide to possess a photo of the victim in the courtroom, with certain restrictions
 - j. A secure waiting room, to the extent available, apart from the defendant, defendant's friends, family, witnesses, and counsel
 - k. Timely notification of changes in the schedule of court proceedings
 - l. Right to confer with the prosecutor before:
 - (1). The commencement of the trial
 - (2). Any hearing on motions by the defense to obtain psychiatric or other confidential records
 - (3). Any act by the Commonwealth terminating the prosecution
 - (4). Submission of proposed sentence recommendations to the court
 - m. Upon request, periodic appraisal of significant developments in the case
 - n. Prompt disposition of the case

- o. Conferring with the probation officer prior to the filing of a full pre-sentence report
 - p. Victim Impact Statement: The opportunity to inform the court, orally, or in writing, of the impact of the crime
 - q. Being informed of the final disposition of the case, conditions of probation, and contact information for the probation officer, if any, assigned to the defendant
 - r. Being informed regarding the defendant's parole eligibility and status in the criminal justice system
 - s. Notification rights and certification process to obtain, from the custodial facility, prior notice of release from custody, movement to a less secure facility, or prompt notification of escape
 - t. Victim of violent crime compensation
 - u. Financial assistance and other social services, and how to apply for them
 - v. Restitution, documenting the loss and a payment schedule from the Probation Department
 - w. Right to pursue a civil action
 - x. Freedom from employer sanctions for being absent from work to testify after receiving a subpoena
 - y. Witness fees
 - z. Employer and creditor intercession services
 - aa. Prompt return of property from the court, prosecutor, or police, within ten (10) days, if not contraband, or evidence for prosecution
- 3. Witness Rights:** Witnesses of crimes have the following rights pursuant to M.G.L. Chapter 258B:
- a. Timely notification of changes in the schedule of court proceedings
 - b. Prompt disposition of the case
 - c. To be free from employer sanctions for being absent from work to testify after receiving a subpoena

- d. Information and assistance regarding:
 - (1). Level of protection available and ability to receive protection from police, from harm and threats of harm, for cooperating with police and prosecution
 - (2). Right to request confidentiality in the criminal justice system from the court
- e. A secure waiting room, to the extent available, apart from the defendant, defendant's friends, family, witnesses and counsel
- f. Witness fees
- g. Employer and creditor intercession services
- h. Submitting or declining an interview with defense counsel, except when responding to lawful process

B. Police Department Role [55.1.3(a)]

- 1. Police Liaison: It shall be the responsibility of the department Victim Witness Advocate to:
 - a. Act as liaison between the police department, victims and witnesses of a crime, and the District Attorney's Office, regarding victim and witness rights.
 - b. Administer and coordinate the role of the police department in victim and witness assistance services
 - c. Monitor the implementation and delivery of victim/witness assistance services by Department personnel.
 - d. Ensure that referrals of victims and witnesses to other agencies are based upon an accurate and up-to-date knowledge of the services being offered by these agencies.
 - e. Ensure that the public and media are periodically informed about the victim/witness assistance services offered.
 - f. Ensure that records and files of victims and witnesses are held in confidential files, subject to release only under the requirements of Massachusetts Public Records Law – Chapter 4, Section 7(26) [55.1.3(b)]
 - g. Advise the prosecutor of the need to have a victim/witness advocate from the Court Victim/Witness Service Bureau of the District Attorney's Office assigned to the case and to maintain contact with the court advocate during the course of events which follow

2. Services Provided: [55.2.1(a)]**a. 24-Hour Access to Victim/Witness Services:**

- (1). A victim or witness of a crime may call the police department dispatch or Station Officers at any time for twenty-four (24) hour information/referral purposes. [55.2.1]
- (2). When dispatch or the Station Officers are contacted by a victim or witness for assistance or services beyond the scope of those the police can provide, dispatch, or the station officers, shall refer to the victim/witness resource directory, entitled Somerville Police Victim Advocacy, prepared by the Family Services Unit, and located in the dispatch area and the Station Officers' area, to provide the name and telephone number of agencies within the county or regional service area that can provide the needed service. This information is also available on the Domestic Violence Resource page of the Somerville Police website, <https://www.somervillepd.com/services/domestic-violence>. [55.2.1]
- (3). For incidents involving domestic violence, see the department policy on Domestic Violence.

b. Status of Suspect/Arrestee.: Upon the request of a victim or witness, or when, in the opinion of the case officer or supervisor, a victim or witness should be notified, officers who arrest a suspect for the commission of the crime shall notify the victim or witnesses on the following: [55.2.5]

- (1). An arrest being made
- (2). The charges being brought against the arrestee
- (3). The arrestee's status (out on bail or incarcerated)
- (4). Should the arrestee's status change, the involved officers should keep the victim or witness informed of this change

c. Victim/Witness Assistance at the Scene

- (1). Patrol officers and detectives conducting preliminary investigations are the first police encounter that victims and witnesses have. The success or failure of victim/witness cooperation relies upon their treatment during this initial contact. Therefore, Officers shall be prepared to render assistance, including the following:

- i. Provide safety and security to the victims/witnesses by securing the crime or incident scene.
 - ii. Providing any medical aid to injured persons.
 - iii. Informing and reassuring the victim that they are no longer in immediate danger in an effort to promote victim communication with the police.
 - iv. Provide emotional support in order to calm and relax the victim by allowing them a reasonable amount of time in which to express their feelings and emotions.
 - v. Express empathy for the victim and recognition that their feelings are normal and understandable.
 - vi. Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator.
 - vii. Do not be overtly judgmental of the victim's feelings, emotions, judgments or actions related to the incident.
 - viii. Emphasize the police department's commitment to assist and work with the victim.
 - ix. Make arrangements for a relative or friend to keep the victim company and provide emotional support and comfort in an effort to not leave the victim alone after police departure.
- d. Preliminary Investigations
- d. During a preliminary investigation, the contact between an investigating officer and the victim/witness may be critical in determining the future of the investigation. Therefore, officers and detectives conducting preliminary investigations shall be prepared to provide the following information/assistance: [55.2.3]
- (1). Provide information to victim/witness regarding services available through the police department, such as medical attention, referrals for counseling and emergency shelter as well as additional resources that are available through the District Attorney's Office such as victim advocacy, compensation programs and emergency financial assistance. [55.2.3(a)]
 - (2). Advise the victim/witness on procedures to follow should the suspect, companions of suspect, or family of suspect, intimidate the victim/witness or family members. [55.2.3(b)]

- (3). Inform victim/witness of the case number assigned to the complaint and the subsequent steps in the processing of the case (i.e. follow up investigation, DCF contact): [55.2.3(c)]
 - i. Whether or not a criminal investigator may contact the victim.
 - ii. What other law enforcement actions might take place in the upcoming days.
- (4). Provide victim/witness with the telephone number to the Family Services Unit and the Victim Witness Advocate should the victim or witness have additional information to report, wish to check on the status of the investigation, or need referrals to services (officers should carry business cards for these purposes) [55.2.3(d)]
- (5). Advise the victim/witness of the provisions Mass Gen Laws Ch. 209A and provide the victim with a copy of the notice of domestic violence rights form LINK. The rights shall be provided in the victim's native language whenever possible. Copies of this form are located in the Family Services unit and available in English, Spanish, Portuguese and Haitian Creole.
 - i. Officers assigned to domestic violence cases and patrol officers shall give the victim a copy of the notice of domestic violence rights form. The rights shall be provided in the victim's native language whenever possible. If available, Officers should also provide the victim/witness with information pamphlets.
- e. Follow-Up Investigations: Detectives or 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, the investigator shall, within twenty-four (24) hours of initial contact, check with the victim or witness to determine if their needs are being met. A second contact shall be made within ten (10) days. [55.2.4(a)]
 - (2). The investigator shall explain to the victim or witness the procedures involved in the prosecution of the case and his/her role in that process. [55.2.4(b)]
 - (3). If feasible, detectives shall schedule all lineups, interviews, or other required appearances of the victim or witness at the person's convenience and, if necessary, provide transportation to and from the site of any appearance. [55.2.4(c)]

- (4). Whenever possible, the investigator shall arrange for the prompt return of the property of the victim or witness as permitted by law or rule of evidence. Property may be held if it is: [55.2.4(d)]
 - i. Contraband
 - ii. Evidence needed for prosecution
 - iii. Property with ownership in dispute
 - iv. For further information, see the department policy on Evidence and Property Control, Policy #600.
 - (5). Cases of Civilian Death: If death is determined to be a result of a crime, or an investigation for possible criminal charges ensues, contact with the District Attorney's Office should be made as soon as possible for an advocate to be assigned to provide services to the family.
- 3. Threats and Intimidation: [55.2.2]**
- a. Evaluating Threats**
 - (1). In the event that a police officer becomes aware that a victim of or a witness to a crime has been threatened or intimidated by the suspect or the suspect's friends, family, attorney, or other associates:
 - (2). The case officer shall be notified
 - (3). The officer shall consider the nature of the threat and potential for its being acted upon
 - (4). If, in the opinion of the investigating officer or supervisor, the threat appears credible, it should be further investigated
 - (5). Appropriate action should be taken if in the opinion of the investigating officer or supervisor, there exists an express, specific, credible reason for fearing intimidation or further intimidation, appropriate action should be taken
 - b. Statutes Addressing Threats and Intimidation of Victims or Witnesses:**
 - (1). M.G.L. Chapter 268, Section 13B; Intimidation of Witnesses. (Felony)
 - (2). M.G.L. Chapter 209A, Section 7; Abuse Prevention Orders: (Misdemeanor with statutory right to arrest)

(3).M.G.L. Chapter 275, Section 2; Threat to Commit a Crime: (Misdemeanor, no statutory right of arrest)

(4).M.G.L. Chapter 265, Section 43; Stalking: (Felony)

c. Police Response

(1).Police response should be appropriate given the circumstances known at the time and may include:

- i. Immediate arrest for appropriate charge
- ii. Application for an arrest warrant
- iii. Summons (may request an expedited hearing date)
- iv. Show Cause Hearing
- v. Conferring with District Attorney's Office regarding appropriate action, including:
 - (a) Arrest or prosecution of appropriate person(s)
 - (b) Security for victim or witness
 - (c) Relocation of victim or witness

(2).In cases of an immediate, credible threat, a supervisor may confer with the C.I.D. Captain regarding emergency measures to provide protection for the victim or witness.

(3).In the event that a victim or witness is located outside of the department's jurisdiction, the agency having jurisdiction where the victim or witness is located shall be notified.

D. Services Provided, Other Than Police Department [55.2.1(b)]: Additional victim and witness services are available from sources other than the department.

1. District Attorney's Office (see Somerville Police Victim/Witness Advocacy Booklet)

E. Training of Department Personnel:

1. Upon hiring, as part of initial in-house training, all employees who interact with victims and/or witnesses shall receive a copy of, and training regarding the Victim Bill of Rights. Employees shall be trained in regard to department and other programs and procedures designed to offer assistance to victims and witnesses of a crime, as specified in this policy.
2. Training documentation shall be filed with the Training Lieutenant in the Academy.