

Waltham Police Department

CHAPTER 58

VICTIM/WITNESS ASSISTANCE

General Order Number: GO-3

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Accreditation Standard #'s: 55.1.1, 55.1.3, 55.2.1-55.2.6

POLICY:

It is the policy of the Waltham 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 they are needed to testify at trial. If victims and other witnesses are subjected 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.

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.

PROCEDURES:

1. RIGHTS OF VICTIMS AND WITNESSES-GENERAL GUIDELINES:

Victims and witnesses of crimes they reported have the following statutory rights:
[55.1.1]

- a. Timely notification of:
 1. Court appearances.
 2. Continuances.
 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 Assistance.
 5. Level of Protection available.
 6. Social Services.
 7. Inmate Status.
 8. Transportation and Child Care.
 9. Prompt return of property.
 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.
 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 VIOLENCE OFFICER(S)-VICTIM/WITNESS:
[55.2.1-3C]

It shall be the responsibility of the Domestic Violence Officer(s) to act as liaison between victims and witnesses of crime and the Victim/Witness Service Bureau of the Middlesex County District Attorney's office to ensure that all victims and witnesses are notified of their rights.

- a. The Domestic Violence Officer(s) 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 in conjunction with the department Training Unit, 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.** The Domestic Violence Officer(s) shall ensure that these procedures are also followed:

 - 1.** Monitor the implementation and delivery of victim/witness assistance services by department personnel. **[55.1.2-1A]**
 - 2.** Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law. **[55.1.2-1B]**
 - 3.** Inform periodically the public and the media about the victim/witness assistance services offered.

3. TRAINING OF NON-SWORN PERSONNEL:

- a.** The designee shall inform all newly-hired non-sworn employees, through the Department Training Unit, of those programs available inside and outside the police department that provide victim/witness assistance. Further, at least once every two years the designee shall conduct a review of departmental policy and the listing of resources available with each nonsworn employee.
- b.** When changes occur in police procedure or in the resources available, the designee shall coordinate with the Department Training Unit to issue a memo to all non-sworn personnel updating these changes.
- c.** Any non-sworn 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 Department Training

Supervisor and the designee to provide said training in accordance with standards set forth by the Massachusetts Police Training Committee.

4. TRAINING OF SWORN PERSONNEL:

- a. All full-time sworn employees of the police department will receive training in victim/witness rights during their initial police academy training. Periodically training will be conducted by the Training Unit, 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. PATROL OFFICER/DEPARTMENT PROCEDURE-24-HOUR REFERRALS:

- a. Whenever a patrol officer encounters during the course of duty a victim/witness of a crime, the patrol officer shall, if requested, provide the victim/witness with the phone number of the Waltham Police Department Operations for 24-hour information/referral purposes. This number may also be used by the victim/witness if they require an emergency police response or additional police assistance. [55.2.1-1A]
- b. If the Waltham Police Department dispatcher is subsequently contacted by the victim/witness for information regarding services such as medical attention, counseling, and emergency financial assistance, beyond the scope of those the police provide, the dispatcher shall also refer to Waltham Police Operations, open 24 hours per day, 7 days per week. [55.2.1-3A]

6. 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 (Waltham Police Department Manual, Chap. 91).

7. RESPONSE TO INTIMIDATION OF VICTIMS/WITNESSES: [55.2.2]

- a. Whenever an officer becomes aware of victim/witness being threatened, intimidated, or expressing credible reasons for fearing intimidation/further victimization, the officer shall: [55.2.2]
 - 1. Immediately notify the Officer-In-Charge, who shall make arrangements for 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 their supervisor will ensure the safety of the victim/witness, using whatever means necessary. Examples of assistance given in certain cases could be use of cell phone, lodging at a shelter or hotel, extra attention of a residence by police.

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 Officer-In-Charge or their designee shall immediately contact the police agency servicing that area and advise them of the situation and request that the necessary precautions be taken. The Officer-In-Charge or their designee shall promptly attempt to alert the victim/witness to the possible threat, and indicate as well that the local police have been notified. They shall also notify the department prosecutor of the situation so that appropriate action can be initiated in the courts.

8. **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, verbally or in writing regarding applicable services such as counseling, medical attention, compensation programs, emergency financial assistance, and victim advocacy. **[55.2.3-2A]**
- b. Advise the victim/witness on what to do if the suspect or the suspect's companions or family threaten or otherwise intimidate them. **[55.2.3-2B]**
- c. Inform the victim/witness about the case number and subsequent steps in the processing of the case. **[55.2.3-2C]**
- 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. **[55.2.3-2D, E]**
- 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 in English and Spanish 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 Chap. 91 of Waltham Police Department Manual on ABUSE, Sec. 9).

- f. Effective immediately and until further notice, a 209A waiver form is **NOT** necessary to be submitted if the person eligible for a restraining order opts to seek a such order. The police narrative will document that the person was made aware of their right to a restraining order and that they sought one – dispensing the need to submit the waiver form. The 209A waiver form will only be required when the person “waives” or **declines** their right to a restraining order.

9. **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 recontact the victim/witness within 24 hours of initial contact, and periodically thereafter, to determine whether the needs of the victim/witness are being met. In the event of a domestic violence issue, the Domestic Violence Detective or their backup detective will follow up with the domestic violence victim. **[55.2.4-2A]**
- 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. **[55.2.4-2B, C]**
- 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, provide transportation as well. **[55.2.4-2D, E]**
- 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. **[55.2.4-2F]**
- 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. [55.2.4]

10. PROCEDURE AFTER ARREST/PROCESSING OF SUSPECT:

- a. Upon the arrest of a suspect, the investigator or their designee shall notify the victim/witness of the arrest that has been made, the charges being brought against the arrestee, the arrestee's status, and that the arrestee will be held for 6 hours and whether they are out on bail or incarcerated. [55.2.5]
- b. Should the status of the arrestee change, the investigating officer or their designee involved shall notify the victim/witness of the change. The victim/witness shall be notified of the arrestee's release. See Waltham Police Department Manual, Chap. 91, on ABUSE.

11. 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 their 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 at 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.

For more information, see also Chap. 22 of the Waltham Police Department Manual on EMPLOYEE SUPPORT SERVICES UNIT. Section #7 discusses support to families of deceased members.

12. DEATH, SERIOUS INJURY OR ILLNESS OCCURRING TO PERSONS OTHER THAN A POLICE OFFICER: [55.2.6]

Should someone other than a police officer be killed or suffer from a serious injury or illness, the Chief of Police or their designee shall be notified immediately. The Chief of Police or their designee shall notify the Officer-In-Charge to take charge and have the following procedures followed:

- 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.

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. If changes occur in these statutes, the Domestic Violence officer(s) shall coordinate with the Department Training Unit to familiarize all members with these changes.