

<b>MELROSE POLICE DEPARTMENT</b>		Department Manual: Policy No. 4 . 01
<b>VICTIM/WITNESS ASSISTANCE</b>		
<ul style="list-style-type: none"> <li>MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 33.7.2, 55.1.1, 55.1.3, 55.2.1, 55.2.2, 55.2.3, 55.2.3, 55.2.4, 55.2.5</li> </ul>		GENERAL ORDER <b>55-001</b>
Effective Date: <b>June 25, 2003</b> Reviewed & Revised: <b>August 21, 2017</b> <b>March 01, 2018</b> REFERENCES: M.G.L C. 209A § 6, C. 258B & C, C. 279 § 4B	Issuing Authority <i>Michael L. Lyle</i> <b>Michael L. Lyle</b> Chief of Police	

**MELROSE POLICE DEPARTMENT**

It is the policy of the Melrose 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 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.

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/her willingness to assist in prosecution." By increasing awareness of this situation, the department's goal is to foster a better relationship between the police and the victims/witnesses of crime. Proper maintenance of this relationship

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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/her 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 department to assist victims in specified ways. Such advocates may be agency members (sworn or non-sworn) or volunteers (unpaid citizens).

**WITNESS:** A person who, as determined by the Melrose Police Department, 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.

### **RIGHTS OF VICTIMS AND WITNESSES**

Victims and witnesses of crimes they reported have the following statutory rights (refer to M.G.L. c. 258B and pamphlet): (55.1.1)

1. Timely notification of:
  - Court appearances;
  - Continuances; and
  - Final disposition of case.
2. Prompt disposition of the case
3. Information and assistance regarding:
  - Witness fee;
  - Restitution;
  - Victim of Violent Crime Compensation (M. G. L., c. 258C);
  - Employer & Creditor's Assistance
  - Level of Protection available;
  - Social Services;
  - Inmate Status;
  - Transportation and Child Care
  - A secure waiting room.

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4. 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)

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

### **ROLE OF THE DOMESTIC VIOLENCE OFFICER**

It shall be the responsibility of the Domestic Violence Officer to act as liaison between victims and witnesses of crime and the Victim/Witness Middlesex District Attorney's Office or Massachusetts Offices for Victim Assistance (**M.O.V.A.**) to ensure that all victims and witnesses are notified of their rights. (55.1.3) (55.1.3A)

- The Domestic Violence Officer shall have the responsibility to administer and coordinate the role of the police department in victim and witness assistance services. The Domestic Violence Officer shall work in conjunction with the Department Training Unit, to coordinate dissemination of new information or policies.
- As liaison between other victim/witness assistance resources, the Domestic Violence Officer shall ensure that referrals of domestic violence victims and witnesses to other criminal justice agencies, governmental and non-governmental agencies. These are based upon an accurate and up-to-date knowledge of the services being offered by these agencies. The Domestic Violence Officer shall also maintain an ongoing channel of communication by which resources 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, e-mail, phone, or in person.
- To keep the information on the various service agencies current, the Domestic Violence Officer shall contact the Middlesex District Attorney's Office or Massachusetts Offices for Victim Assistance (**M.O.V.A.**) at least once a year to check on any changes in the lists of any agencies providing service. Should changes be necessary, the Domestic Violence Officer shall contact the Accreditation Manager, who shall inform personnel regarding these changes.
- The Domestic Violence Officer shall ensure that these procedures are also followed: (55.1.3)

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1. Monitor the implementation and delivery of victim/witness assistance services by department personnel ; (55.1.3A)
2. Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law. (55.1.3B)
3. Periodically inform the public and the media about the victim/witness assistance services offered. (55.1.3C)

### **TRAINING OF NON-SWORN PERSONNEL**

- The Domestic Violence Officer or his/her designee shall inform all newly-hired non-sworn employees, through the Department Accreditation Manager, of those programs available inside and outside the police department that provide victim/witness assistance. Further, at least once every two years, the Domestic Violence Officer or his/her designee shall conduct a review of departmental policy and the listing\_ of resources available with each non-sworn employee. (33.7.2)
- When changes occur in police procedure or in the resources available, the Domestic Violence Officer or his/her designee shall coordinate with the Department Accreditation Manager to issue a memo to all non-sworn personnel updating these changes.
- 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 Melrose Police Department Accreditation Manager and the Domestic Violence Officer or his/her designee to provide said training.

### **TRAINING OF SWORN PERSONNEL**

- All full-time sworn employees of the police department will receive training in victim/witness rights during their initial police academy training and during their in-service training in accordance with MPTC standards. Training on the department's specific procedures will be distributed in training bulletins or presented during the department's in-service training, and Field Training Officer program.
- Sworn personnel directly involved in agency victim/witness assistance efforts shall receive training in victim/witness rights commensurate with their roles in the process.

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### **PATROL OFFICER/ DEPARTMENT PROCEDURE AND 24 HOUR REFERRALS:**

- 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 Melrose Police Department dispatcher for 24-hour information/referral purposes. This number may also be used by the victim/witness if he/she requires an emergency police response or additional police assistance. (55.2.1)
- If the Melrose 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 will refer to the "Massachusetts Abused Person Notice of Rights" & "Referrals/Resources List" found in the Domestic Violence Law Enforcement Guidelines of 2017, (located in police forms) to provide contact information for agencies in the Melrose area that can provide the needed service. (55.2.1b)

### **ABUSE CASES**

The above procedure shall apply to all cases with the exception of domestic disputes that fall under M. G. L., c. 209A. (Refer to Melrose Police Department G.O. 17-005, Domestic Violence Incidents).

### **RESPONSE TO THREATS AND/OR INTIMIDATION OF VICTIMS/WITNESSES**

1. Whenever an officer becomes aware of threats to a victim/witness or any other form of victim/witness intimidation, the officer shall:
  - a. Immediately notify the Officer-in-Charge of the shift, 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/her supervisor will ensure the safety of the victim/witness, using whatever means necessary. (55.2.2)
  - b. Notify the department prosecutor for possible further court action.

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2. When a victim/witness is located outside the jurisdiction of this police department, and personnel of this department become aware of possible danger to the victim/witness, the Officer-in-Charge of the shift 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 of the shift shall promptly attempt to alert the victim/witness of the possible threat, and indicate as well that the local police have been notified. He/she shall also notify the department prosecutor of the situation so that appropriate action can be initiated in the courts.

### **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: (55.2.3)
  1. Give the victim/witness information regarding applicable services such as counseling, medical attention, compensation programs, emergency financial assistance, and victim advocacy.
  2. Advise the victim/witness of what to do if the suspect or the suspect's companions or family threaten or otherwise intimidate him/her. (55.2.3b)
  3. Inform the victim/witness about the case number and subsequent steps in the processing of the case. (55.2.3c)
  4. Provide the victim/witness with The Melrose Police main telephone number (781-665-1212) and dispatch will refer the call appropriately, in order to report additional information about the case or to receive information about the status of the case. (55.2.3d)
  5. Officers assigned to an abused person's case shall give the victim notice of all applicable rights by handing the victim a copy of those rights in English and Spanish as they appear in M. G. L., c. 209A, § 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, or otherwise assist the victim in being advised of his/her rights at the earliest opportunity. Officers will provide THE Abused Person's Notice of Rights, Referrals and Resource Guide and M.A.A.V. Pamphlet if available. (Refer to Melrose Police Department G.O. 17-005, (Domestic Violence).

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### **FOLLOW-UP INVESTIGATIONS**

Those patrol officers or investigators assigned to conduct the follow-up investigation shall provide the following services:

- If, in the opinion of the follow-up investigator(s), 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. (55.2.4) (55.2.4a)
- 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 investigating officer (s) shall provide, at the earliest convenience, a copy of the pamphlet entitled "The Massachusetts Abused Person's Notice of Rights" (as set forth in M.G.L. c258B) to each victim/witness of the case. (55.2.4b)
- If possible, investigator(s) 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 if necessary. (55.2.4c)
- If feasible, the investigator(s) shall return promptly victim/witness's property taken as evidence (except for contraband, disputed property, and/or weapons used in the course of the crime), where permitted by law or rules of evidence. (55.2.4d)

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

- Upon the arrest of a suspect, the arresting officer, investigator, O.I.C. or his/her 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 whether he/she has been allowed on bail or is incarcerated.
- Should the status of the arrestee change the investigating officer, the Domestic Violence Officer, O.I.C. or his/her designee shall notify the victim/witness of the change.

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All of the above victim/witness assistance services outlined above in this policy shall be available to victims and witnesses during post arrest proceedings. (Refer to Melrose Police Department General Order 17-005, Domestic Violence Incidents). ([55.2.5](#))

### **REVIEW OF STATUTORY PROVISIONS**

- All officers shall read M.G.L., c. 258B, Rights of Victims and M.G.L., c. 258C, Compensation of Victims of Violent Crimes 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.