



YARMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE

VICTIM AND WITNESS ASSISTANCE 2014-55

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Policy

It is the policy of the Yarmouth Police Department that all Officers of the department treat any victim or witness of a crime with fairness, compassion and dignity. The department's victim's services specialist is tasked with coordination of support for victims and witnesses of domestic/sexual violence. The department is committed to cooperating fully with the victim/witness assistance programs of the Cape and Islands District Attorney's Office.

Summary of Victim Rights 55.1.1

Victims of crime have the following rights pursuant to General Law Chapter 258B: [55.1.1] Review attached Victim Bill of Rights

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. G.L. 258B, §3(a)
2. Victim of Violent Crime Compensation – Chapter 258C.
3. Social services. G.L. 258B, §3(e)
4. Restitution. G.L. 258B, §3(e) and 3(o)
5. Prompt return of property. G.L. 258B, §3(r)
6. Obtaining inmate status. G.L. 258B, §3(t)
7. Right to pursue a civil action. G.L. 258B, §3(u)

8. Upon request, to be periodically appraised of significant developments in the case. G.L. 258B, §3(a)
9. To be present at all court proceedings. G.L. 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. 258B, §3(g)
11. To confer with the probation officer prior to the filing of a full pre-sentence report. G.L. 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. 258B, §3(p)
13. To be informed of the final disposition of the case. G.L. 258B, §3(q)
14. To request information regarding the defendant's parole eligibility and status in the criminal justice system. G.L. 258B, §3(s)

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. G.L. 258B, §3(c)
2. Prompt disposition of the case. G.L. 258B, §3(f)
3. To be free from employer sanctions for being absent from work to testify after receiving a subpoena. G.L. 258B, §3(l)
4. Information and assistance regarding:
 - a. Level of protection available. G.L. 258B, §3(d)

- b. Right to request confidentiality. G.L. 258B, §3(h)
- 5. A secure waiting room, to the extent available. G.L. 258B, §3(i)
- 6. Witness fees. G.L. 258B, §3(j)
- 7. Employer and creditor intercession services. G.L. 258B, §3(k)
- 8. To submit or decline an interview with defense counsel, except when responding to lawful process. G.L. 258B, §3(m)

Department
Court
Prosecutor/
Victim
Advocate
55.1.3 a, b

It shall be the responsibility of the Yarmouth Police Court Prosecutor or the Department Victim Services Specialist/Advocate to act as liaison between victims and witnesses of crime and the Victim/Witness unit of the Cape and Islands District Attorney’s Office to ensure that all victims and witnesses are notified of their rights. The Court Prosecutor or Department Victim Services Specialist/Advocate will also administer and coordinate with victim and witness assistance services by: [55.1.3 a]

- 1. Keeping information regarding the various service agencies, available to victim/witnesses, 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. Should changes be discovered, he/she shall alert the communications center (Dispatch) to be sure information is updated.
- 2. Ensuring that 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). [55.1.3 b]

Initial Victim
Assistance and
Posting
Victim’s Rights
55.2.1 a b
81.2.1

Whenever an Officer encounter, during the course of duty, a victim/witness of a crime, the Officer shall, if requested, provide the victim/witness with the phone number of the Yarmouth Police Department dispatcher for 24-hour information/referral purposes. [55.2.1 a] This number may also be used by the victim/witness if he/she requires an emergency police response or additional police

assistance. A summary of victim's rights shall be conspicuously posted for view within the building. (lobby area window or notice board)

When the Desk Officer is contacted by a victim/witness for assistance or services, beyond the scope of those the police provide the dispatcher shall refer to the victim/witness resource directory to provide the name and telephone number of agencies that can provide the needed service. [55.2.1 b] The department Victim Services Specialist/Advocate and Victim Witness Advocates of the Cape and Islands District Attorney's Office are also resources available to victims.

Resource Numbers for Victim Witness Assistance Programs
Barnstable District Court Victim Witness Advocate
Massachusetts Office for Victim Assistance
Attorney General Criminal Bureau
Barnstable County Victim Assistance
Victim Compensation and Assistance Division
US Attorney's Office; Victims or Witnesses of a Federal Crime
Department of Criminal Justice Information Services; Victim Service Unit

The Yarmouth Police Department shall maintain continuous toll free communication for service by direct contact or phone service. 508-775-0445, 911, or primary PSAP, and TTY service. [81.2.1]

Intimidation of
Victims or
Witnesses
1.2.3
55.2.2

The Yarmouth Police Department shall prosecute defendants who assault, threaten, intimidate or attempt to influence victims or witnesses in violation of M.G.L. 268 § 13B. Whenever department personnel 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 shall notify the Shift Commander as soon as possible. [1.2.3] The Supervisor shall determine if the threat is imminent, and, if so, take appropriate steps to ensure that the victim or witness is protected. The action taken may be a summons to an immediate felony arrest. A complete and accurate report shall be completed by the investigating Officer by end of shift unless an exigency occurs. Immediate notification shall be made to the victim or witness regarding the action taken in the case. [55.2.2]

If the Shift Commander determines that the victim or witness is outside the service area covered by the Yarmouth Police Department, he/she shall immediately contact the police agency servicing that area and advise them of the situation and request that the necessary

precautions be taken. He/she shall then notify the victim or witness of the threat (if he/she was not the person who notified the department of the danger) and indicate that the local police have been notified. He/she shall notify the department court prosecutor of the situation and ensure that charges are filed.[55.2.2]

Preliminary
Investigations
1.2.3
55.2.3 a-d

Officers conducting preliminary investigations shall be prepared to render the following assistance: [1.2.3]

1. Provide information to victim/witness regarding available services such as: counseling; medical attention; compensation programs; emergency financial assistance; or victim advocacy. [55.2.3 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 b]
3. Inform victim/witness of the case number assigned to the case and the steps that will follow the preliminary investigation. [55.2.3 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 d]
5. Officers assigned to 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 s. 6 [55.2.3 a]

The rights shall be provided in the victim's native language whenever possible. The department language line may be used. Language line service emergencies 1-800-523-1786 non-emergencies 1-800-643-2255 agency ID# 926031.Review policy: **Domestic Violence**

Follow up
Investigations
1.2.3
55.2.4 a-e
81.2.7

Detectives or 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. The department's Victim's Services Specialist/Advocate should be involved to offer any support services[1.2.3]

If the impact of the crime has been unusually severe and has resulted in providing victim or witness assistance beyond the standard, an officer or detective assigned to the investigation shall, within 24-hours of initial contact, check with the victim or witness to determine if his/her needs are being met. The officer should periodically check with the victim or witness to ensure that no further services are needed. [1.2.3] [55.2.3 a]

Explain to the victim or witness the procedures involved in the prosecution of the case and his/her role in that process. The court prosecutor 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 b]

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. [1.2.3] [55.2.4 c]

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 is contraband, of disputed ownership, or a weapon used in the commission of the crime.) Refer to departmental policy: **Evidence and Property Control**. [55.2.4 d]

The Cape and Islands 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 a]

Status of
Suspect or
Arrestee
55.2.5

In cases of a domestic violence related arrest, the arresting officer shall inform the victim that the abuser may be eligible for bail. If the defendant is released on bail the sergeant shall make sure a reasonable attempt is made to notify the victim of the defendant's release.

Investigators or 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 or advocate should keep the victim or witness informed of such a change should they become aware of such information. The District Attorney's Victim Witness Advocate, with assistance from the department Victim Services Specialist and court prosecutor, shall also be responsible for keeping a victim informed regarding the post arrest processing of the suspect.[55.2.5]

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 in-service training or Field Training Officer program.