



MEDFIELD POLICE DEPARTMENT

POLICY NO. 4.04

VICTIM / WITNESS ASSISTANCE

MASSACHUSETTS POLICE ACCREDITATION
STANDARDS

REFERENCED: **55.1.1; 55.1.3, 55.2.1; 55.2.2,
55.2.3; 55.2.4;
81.2.7**

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Chief of Police

I. GENERAL CONSIDERATIONS AND GUIDELINES

Throughout history, police departments have traditionally been primarily concerned with apprehending and prosecuting offenders. They often overlook the victim or witness and are unaware of their needs and concerns until [s]he is needed to testify at the trial. This lack of concern on the part of the police department can lead to only half-hearted cooperation on the part of the victim or witness when called upon to follow through in the system.

This policy aims to ensure that the victim or witness receives the same quality of care we often give the offender. By increasing awareness of this situation, our goal is to foster a better relationship between the police and the victims and witnesses of crime. This will ensure their full and complete cooperation in matters being investigated and prosecuted, and ensure the victim and witness their concerns will be heard and of the confidentiality of records and files in so far as Massachusetts Law permits.

II. POLICY

- A. It is the policy of the 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 district attorney's office and its victim/witness assistance program.
- B. Summary of Rights [55.1.1]
 - 1. Victims of crime have the following rights pursuant to General Law Chapter 258B:
 - a. Information and assistance regarding:
 - i. Their rights in the criminal process, how 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. ch. 258B, s.3(a)
 - ii. Victim of Violent Crime Compensation – Chapter 258C.
 - iii. Social services. G.L. ch. 258B, s.3(e)
 - iv. Restitution. G.L. ch. 258B, s.3(e) and 3(o)
 - v. Prompt return of property. G.L. ch. 258B, s.3(r)
 - vi. Obtaining inmate status. G.L. ch. 258B, s.3(t)
 - vii. Right to pursue a civil action. G.L. ch. 258B, s.3(u)
 - b. Upon request, to be periodically apprised of significant developments in the case. G.L. ch. 258B, s.3(a)
 - c. To be present at all court proceedings. G.L. ch. 258B, s.3(b)
 - d. To confer with the prosecutor before:
 - i. The commencement of the trial;
 - ii. Any hearing on motions by the defense to obtain psychiatric or other confidential records;

- iii. Any act by the Commonwealth terminating the prosecution; and
 - iv. Submission of proposed sentence recommendations to the court. G.L. ch. 258B, s.3(g)
 - e. To confer with the probation officer prior to the filing of a full pre-sentence report. G.L. ch. 258B, s.3(n)
 - f. 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, s.3(p)
 - g. To be informed of the final disposition of the case. G.L. ch. 258B, s.3(q)
 - h. To request information regarding the defendant's parole eligibility and status in the criminal justice system. G.L. ch. 258B, s.3(s)
2. Victims and witnesses of crimes have the following rights pursuant to General Law Chapter 258B:
- a. Timely notification of changes in the schedule of court proceedings. G.L. ch. 258B, s.3(c)
 - b. Prompt disposition of the case. G.L. ch. 258B, s.3(f)
 - c. To be free from employer sanctions for being absent from work to testify after receiving a subpoena. G.L. ch. 258B, s.3(l)
 - d. Information and assistance regarding:
 - i. Level of protection available. G.L. ch. 258B, s.3(d)
 - ii. Right to request confidentiality. G.L. ch. 258B, s.3(h)
 - e. A secure waiting room, to the extent available. G.L. ch. 258B, s.3(i)
 - f. Witness fees. G.L. ch. 258B, s.3(j)
 - g. Employer and creditor intercession services. G.L. ch. 258B, s.3(k)

- h. To submit or decline an interview with defense counsel, except when responding to lawful process. G.L. ch. 258B, s.3(m)

III. PROCEDURE

A. Role of Police Prosecutor/Court Officer

1. It shall be the responsibility of the Domestic Violence Officer or other officer designated by the Chief of Police to:
 - a. Act as liaison between victims and witnesses of crime and the Victim/Witness Service Bureau of the county district attorney's office to ensure that all victims and witnesses are notified of their rights; [55.1.3(a)]
 - b. Keep information regarding the various service agencies current by contacting the Victim/Witness Service Bureau of the county district attorney's office at least once each year to update the lists of agencies providing services; (Should changes be discovered [s]he shall alert dispatch via memo and check the service directory to see that changes are made.)
 - c. As liaison between other victim/witness assistance resources, ensure that referrals of victims and witnesses to outside resources are based upon an accurate and up-to-date communication through which [s]he can receive suggestions about how the police department and outside sources can work together to better serve victims and witnesses.
 - d. 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)]
 - e. Periodically disseminate information to the public, through the use of the media, on the department's victim/witness assistance services. [55.1.3(c)]

B. Victim/Witness Services Analysis [55.1.2]

1. At least once every two years, the crime analysis officer shall review the incidents of crimes reported to the police department to determine the following:
 - a. The extent and major types of victimization;
 - b. The information and services needed by victim/witnesses in generally, including homicide, and special victims such as those victimized by domestic violence, abuse and neglect, sexual crimes and drunk drivers;
 - c. Victim assistance and related community services available within the service area; and
 - d. The types of all needs and those which could be met by the police department.
2. Once the crime analysis officer has completed the review, [s]he shall forward a copy of this review to the department prosecutor who shall recommend to the Chief of Police the amendment or implementation of policies and procedures to meet the needs indicated. The programs provided by the department should not duplicate efforts of other victim or witness agencies within the department's service area.

C. Training of Department Personnel

1. Training of Non-Sworn Personnel
 - a. Upon hiring, non-sworn employees shall receive training in those programs that exist inside and outside the police department that offer assistance to victims and witnesses of a crime.
 - b. At least once every two years, each non-sworn employee shall receive training reviewing department policy on victim and witness assistance programs and a listing of resources available.
 - c. When changes occur to this Policy and Procedure or to the available victim and witness assistance resources, prior to any retraining, the domestic violence officer shall issue a memo to all non-sworn personnel updating these changes.
 - d. Any non-sworn communications personnel shall receive training in victim or witness rights commensurate with their

roles in this process. It shall be the responsibility of the department training manager and the domestic violence officer to provide said training in accordance with standards set forth by the Massachusetts Municipal Police Training Committee.

- e. Training on victim/witness rights shall be based upon the analysis done by the crime analyst in order that the training meets the goals and objectives set forth for the police department.

2. Training of Sworn Employees

- a. All full-time sworn employees of the police department will receive training in victim/witness rights during the initial police academy training and annually during their in-service training in accordance with Massachusetts 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.
- b. Sworn personnel directly involved in agency victim/witness assistance efforts shall receive training on victim/witness rights commensurate with their roles in the process.
- c. Training on victim/witness rights shall be based upon the analysis done by the crime analyst in order that the training meets the goals and objectives set forth for the police department.
- d. 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.

D. Patrol Officer Responsibilities

1. Whenever a patrol officer encounters, during the course of duty, a victim or witness of a crime, [s]he should provide the victim/witness with the telephone number of the department dispatcher for 24 hour information/referral purposes. [55.1.3(a) 55.2.1]
2. When the dispatcher is contacted by a victim/witness for assistance or services, beyond the scope of those the police provide, [s]he shall refer to the victim/witness resource directory located in the

dispatch area to provide the name and telephone number of agencies within the county or regional service area that can provide the needed service. [55.2.1]

3. This procedure will apply for all cases with the exception of domestic disputes under Chapter 209A. (See department policy and procedure on Domestic Violence.)
4. **Danger to Victims/Witnesses [55.2.2]**
 - a. 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 department prosecutor as soon as possible. The prosecutor shall immediately take steps to arrange for the safety of the victim or witness.
 - b. When the prosecutor is not on duty and an officer feels that a threat towards a victim or witness is imminent, [s]he shall notify the shift supervisor. The supervisor shall determine if the threat is imminent, and, if so, notify the department prosecutor so that appropriate protective actions can be taken.
 - c. When department personnel become aware of a danger to a victim or witness who is located outside the service area of this police department, the shift supervisor shall immediately contact the police agency servicing that area and advise them of the situation and request that the necessary precautions be taken. [S]he shall then notify the victim or witness of the threat (if [s]he was not the person who notified the department of the danger) and indicate that the local police have been notified. [S]he shall notify the department prosecutor of the situation so that the appropriate action can be initiated in the courts.

E. Investigations

1. **Preliminary Investigations**
 - a. 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 relies 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.

- i. Provide information to victim/witness regarding available services such as: counseling; medical attention; compensation programs; emergency financial assistance; or victim advocate. [55.2.3(a)]
- ii. Advise the victim/witness on procedures to follow should the suspect, companions of suspect, or family of suspect, intimidate the victim/witness. [55.2.3(b)]
- iii. Inform victim/witness of the case number assigned the complaint and the steps that will follow the preliminary investigation. [55.2.3(c)]
- iv. 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)]
- v. Officers assigned to abused person's 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.

2. Follow-Up Investigations

- a. Investigators 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.
- b. If the impact of the crime has been unusually severe and that has resulted in providing victim or witness assistance beyond the standard, officers assigned the investigation shall, within 24-hours of initial contact, check with the victim or witness to determine if his/her needs are being met. A second contact shall be made within ten days. [55.2.4(a)]
- c. Explain to the victim or witness the procedures involved in the prosecution of the case and his/her role in that process. The prosecutor shall provide, at the earliest convenience, a copy of the pamphlet, "Information for Defendants,

"Victims/Witnesses" prepared by the Probation Department of the District Court to each victim or witness of the case. [55.2.4(b)]

- d. If feasible, investigators shall schedule all line ups, 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(c)]
- e. 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. (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 and Property Control. [55.2.4(d)]
- f. Advise the prosecutor of the need to have a victim/witness advocate from the Victim/Witness Service Bureau of the Court/County District Attorney's office assigned to the case. Maintain contact with the court advocate during the course of events which follow. [55.2.4(e)]

3. Status of Suspect/Arrestee

- a. 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 should keep the victim or witness informed of such a change.