

NORTHAMPTON POLICE DEPARTMENT		
Administration & Operations Manual		
Policy: Victim/Witness Assistance		AOM: O-405
Massachusetts Police Accreditation Standards Referenced: [55.1.1], [55.1.3], [55.1.3.a], [55.2.3.c], [55.2.3.d], [55.2.3.a], [55.1.3.b], [55.2.3.b], [55.2.2], [55.2.1.a&b], [81.2.6a&b], [55.2.1.b], [55.2.4.a], [55.2.5], [55.2.4.b], [55.2.4.c], [55.2.4.d], [55.2.4]		Issuing Authority <hr/> Jody Kasper Chief of Police
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I. Introductory Discussion

It is the policy of this Department, that the victims and witnesses of crimes will be treated with fairness, compassion, and dignity. The standards set forth below aim to ensure that the victim or witness receives quality care from the Northampton Police Department, which is committed to cooperating fully with the District Attorney’s office and it’s Victim/Witness Assistance Program. This will ensure full and complete cooperation from victims/witnesses in matters being investigated and prosecuted, and will ensure them of the confidentiality of records and files in so far as Massachusetts Law permits.

II. Rights of Victims and Witnesses [55.1.1]

- A. Members Must Be Familiar With Victim/Witness Rights: Members of the Northampton Police Department should read and be familiar with current state statutes regarding the rights of victims and witnesses (See *AOM O405.a Rights of Victims/Witnesses* pursuant to current Massachusetts General Laws).
- B. Police Academy Training: All full-time sworn employees of the police department will receive training in victim/witness rights during the initial police

academy training in accordance with Municipal Police Training Committee standards.

III. Role of Department Victim/Witness Liaison

Responsibilities of the Liaison: The Detective Bureau Commander shall be responsible for appointing a member of this Department to act as a liaison between victims and witnesses of crime and the Victim/Witness Assistance Program of the District Attorney's Office. The Department's Victim/Witness Liaison will be responsible for:

1. Administering and coordinating the role of the police department in victim and witness assistance service.
2. 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.
3. Monitor the implementation and delivery of victim/witness assistance services by Department personnel; and
4. Ensure that the public and the media are periodically informed about the victim/witness assistance services offered. [55.1.3]

IV. Victim/Witness Assistance at the Scene [55.1.3, a]

A. Responsibilities of Preliminary Investigators: Officers conducting preliminary investigations are the first police with whom the victim or witness comes in contact. The success or failure of victim/witness cooperation relies upon the treatment of this victim/witness during initial contact. Therefore officers conducting preliminary investigations should be prepared to conduct the following assistance (See also *AOM 0211Domestic Violence*):

1. **Safety & Security:** Officers are responsible for securing the crime or incident scene to protect the lives of victims/witnesses and the ensure safety of all persons.
2. **Medical Aid:** Officers shall render emergency aid to injured persons and summon any necessary medical assistance.
3. **Promote Victim Communication:** In order to reduce fright and promote victim communication, victims should be informed as soon as appropriate that they are no longer in immediate danger.
4. **Do Not Leave Victim Alone:** Whenever possible, police officers should not leave a distraught victim alone. Arrangements should be made to have a relative or friend join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member, or other appropriate service provider.
5. **Provide Emotional Support:** In order to calm and assist the victim in regaining composure, officers shall:
 - a. Allow the victim a reasonable period of time in which to express feelings and emotions while describing what happened during the incident.

- b. Express empathy for the victim and recognition and understanding for emotional reactions.
 - c. Provide reassurance that the victim's feelings are normal and understandable.
 - d. Not be overtly judgmental of the victim's feelings and emotions or the apparent lack thereof, or of victim judgements or actions related to the incident.
 - e. Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator, and;
 - f. Emphasize your commitment and that of the department to assist and work with the victim.
6. **Information & Referral:** Before leaving the scene it is important that officers take the necessary steps to meet victim's needs for support and information. These include:
- a. Providing the victim/witness with the case number assigned to the complaint, and with a brief overview of what actions will be taken shortly thereafter, to include: [55.2.3,c]
 - 1) Whether or not a criminal investigator will contact the victim.
 - 2) Whether or not evidence technicians will be used at the scene; and
 - 3) What other law enforcement actions will be taken.
 - b. Leaving names and telephone numbers where the victim can reach the officer or the primary investigator for the incident, and encouraging the victim to use the number to report additional information about the incident or to request information or assistance. [55.2.3,d]
 - c. Providing information regarding available services such as counseling, medical attention, compensation programs, emergency financial assistance, or victim advocacy programs (See also section V below). Officers should provide the victim/witness with informational pamphlets, if available. [55.2.3,a]
 - d. Ensuring that the Department will do its best to maintain the confidentiality of the victim/witness and their role in the development of the case, to the extent consistent with applicable state law. [55.1.3,b]
 - e. 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]
7. **Dealing with Intimidation of Victims/Witnesses:** The agency will provide appropriate assistance to victims /witnesses who have been threatened or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization. Whenever personnel of the police department become aware of victim or witness intimidation they shall notify the District Attorney (immediately, if necessary), who shall take steps to arrange for the safety of the victim or witness. When an officer feels that the threat of intimidation is imminent, they shall notify the on-duty supervisor, so

that appropriate protective actions can be taken. The officer will be guided by the steps the supervisor recommends. [55.2.2]

- a. When the victim or witness 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. They shall then notify the victim or witness of the threat and indicate that they have notified the local police. They shall notify the District Attorney of the situation, so that the appropriate action can be initiated by the courts.
8. This procedure will apply for all cases with the exception of domestic disputes under Chapter 209A. See *AOM 0211 Domestic Violence*.

V. Providing Information/Referrals

- A. Requests Made to Patrol Officers: Whenever a patrol officer encounters, during the course of duty, a victim or witness whom they feel is in need of services beyond the scope of those the police provide, they shall provide the victim/witness with the telephone number of the Public Safety Dispatcher for 24 hour information/referral purposes. [55.2.1,a & b]
- B. Calls Received By Dispatch: Whenever a dispatcher receives a call for information or services from a caller, they shall determine whether the characteristics of the call require an emergency or non-emergency response (See *AOM 0210 Response to Calls*). Once this determination is made, the dispatcher shall inform the caller that an officer will be dispatched to the scene, or they shall refer the caller to another agency for assistance (i.e. for counseling, emergency financial assistance, etc.). [81.2.6 a & b] [55.2.1,b]

VI. Victim/Witness Services during Follow-Up Investigations

- A. Responsibilities of Follow-Up Investigators: Investigators or patrol officers assigned to conduct follow-up investigations should be prepared to offer the victim/witness assistance during the course of their involvement with the case. Additionally, Follow-Up Investigators will be responsible for:
 1. **Ensure That Victim/Witness's Needs Are Being Met**: If the impact of the crime has been unusually severe and has resulted in the necessity of above average victim or witness assistance, officers assigned to the investigation should, as soon as possible but within 5 days of contact, check with the victim or witness to determine if their needs are being met. If the suspect is not arrested at the scene, upon the suspect's arrest the victim will be contacted and advised that the suspect is in custody. Additionally, if the suspect is released on bail the victim will be notified forthwith. [55.2.4,a] [55.2.5]
 2. **Explain Prosecution Procedures**: Explain to the victim or witness the procedures involved in the prosecution of the case and their role in that process. [55.2.4,b]

3. **Coordinate Victim/Witness Appearances:** If feasible, investigators shall schedule all line-ups, interviews, or other required appearances of the victim or witness at their convenience, and if necessary provide transportation to and from the site of such appearance. [55.2.4,c]
 4. **Arrange for Prompt Return of Property:** Whenever possible, the investigator shall arrange for prompt return of 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 *AOM S210 Evidence & Property Control*. [55.2.4,d]
 5. **Assist the Victim/Witness in Attaining an Advocate:** Advise the prosecutor of the need to have a victim/witness advocate, if available, from the DA's Office assigned to the case. Contact the Northampton Police Department civilian advocate if available, and maintain contact with the court advocate during the course of events which follow. [55.2.4]
- B. Cases of Civilian Death: If death is determined to be the 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 (this includes cases such as vehicular homicides).