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C.A.L.E.A. Standards

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GENERAL CONSIDERATIONS AND GUIDELINES

It is the policy of the Canton 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 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.

By increasing awareness of this situation, 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.

DEFINITIONS

VICTIM: A person who suffers physical, financial, or emotional harm as the direct result of a specified crime or delinquency offense committed upon his 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 District Attorney's Office or another agency to assist victims in specified ways. Such advocates may be paid employees of the District Attorney's Office or trained volunteers (unpaid citizens).

WITNESS: A person who--as determined by the law enforcement agency--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.

PROCEDURES

I. Massachusetts Victim Bill of Rights (VBOR):

RIGHTS OF VICTIMS, WITNESSES or FAMILY MEMBERS- GENERAL GUIDELINES: (See M.G.L. Ch. 258B) Victims and witnesses of crimes, or family members, including family members of homicide victims and parents/guardians of minor aged victims, have the following rights, as indicated: **55.1.1; 55.2.5**

- A. For Victims (including family members of homicide victims and parents/guardians of minor-aged victims):**
 - 1. Right to Information on the Criminal Justice System:**
 - a.** How a criminal case progresses through the system and the role of the victim/witness.
 - b.** Rights and services for victims in the court process.
 - 2. Right to Information on the Criminal Case in which the victim/witness is involved. Upon request, the right to be updated on significant developments in the case.**
 - 3. Right to Confer at Key Stages in the Court Process:**
 - a.** With the prosecutor before the start of the case, before a case is dismissed, and before a sentence recommendation is made, and whenever a defense motion is made to obtain victim's psychiatric records or other confidential information.
 - b.** With the probation officer about the impact of the crime on the victim before the officer files a full present tense report on the offender with the court.
 - 4. Right to Financial Assistance:**
 - a.** Victims of Violent Crime Compensation (See M.G.L., Ch. 258C)
 - b.** Restitution
 - c.** Notification by the probation officer whenever an offender seeks to change a restitution order.
 - d.** Civil Lawsuit for damages caused as a result of the crime by consulting a private attorney.
 - 5. Right to Information on Social Services Available to Victims. Right to be Heard and Present at Court Proceedings:**

- a. The victim and family members have the Right to be Present at all court proceedings unless sequestered at the time of testimony.
 - b. Timely Notification of Time and Place of Sentencing:
In felony cases and any crime against the person or crime where physical injury to a person results, the victim, family members of a homicide victim, or parents/guardians of a minor-aged victim have the right to be heard through an oral and written Victim Impact Statement at sentencing or the disposition of the case against the defendant about the, physical, emotional and financial impact of the crime and as to a recommended sentence, pursuant to M.G.L. Ch. 279, s. 4B.
 - c. The victim has the Right to be Heard at **any other time deemed appropriate by the judge.**
 - 6. Prompt Return of Property: To have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned within ten days of its taking or recovery if it is not needed for law enforcement purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes.
- B. For Victims and Witnesses Rights:** (A)= Rights provided by DA's office (B) Rights provided by our agency (C)= Rights provided by both
- 1. Right to Request Confidentiality for Victims, Witnesses and Family Members during the court proceedings for personal information, including home address, telephone number including cell number, school and place of employment. In addition, confidentiality in their role in case development to the extent consistent with applicable law. **55.1.2 (1B)/C, 55.2.2**
 - 2. Right to Protection by Law Enforcement from harm or threats of harm as a result of cooperation with the court process. **55.2.2 /B**
 - 3. Right to Timely Notification of court appearances, continuances and final disposition of the case. Right to a Prompt Disposition of the case. **/A**
 - 4. Safe Waiting Area during Court Proceedings. **/A**
 - 5. Right to Witness Fee. **/A**
 - 6. Employer and Creditor Intercession: **/A**
 - a. Assistance by the Prosecutor/Advocate to seek Employer Cooperation in minimizing employees' loss of pay and other benefits, and to be free from discharge or penalty by employer resulting from their participation in the criminal justice system or by reason of attendance as a witness at a criminal proceeding.

- b. Assistance by the Prosecutor/Advocate to seek Consideration from Creditors if the victim is unable, temporarily, to make payments.
- 7. Right to Decline or Agree to Submit to any Defense Interview before trial, or to set reasonable conditions on the conduct of any such interview. /A
- 8. Right to be Notified of an Offender's Release or Status:
 - a. If an offender is moved to a less secure facility, if the offender receives a temporary, provisional or final release from custody, or if offender escapes (see also M.G.L. c. 6, s. 172C which mandates that any person who reasonably believes that his/her physical safety is at risk by an inmate shall, upon request, be notified, in advance, of an offender's release under a "Citizen's Initiated Petition"). /A
 - b. Information from the Parole Board of the offender's parole eligibility and status.
- 9. Right to Additional Record Information: Victims, witnesses and family members may be eligible to get additional record information about the offender, such as a criminal record or the offender's compliance with the terms of a sentence (see M.G.L. Ch. 6, s. 178A). /A
- C. In any crime against the person or crime where physical injury to a person result, these additional rights apply:
 - 1. Timely notification of time and place of sentencing; and
 - 2. The opportunity to inform the court, orally or in writing, of the physical, emotional, and financial impact of the crime and as to a recommended sentence (Mass. Gen. Law, Chap. 279, Sec.4).

In general, all officers of the Canton 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.

II. ROLE OF DOMESTIC VIOLENCE OFFICER(S)-VICTIM/WITNESS: The Chief of Police shall designate an officer to act as a liaison with the District Attorney's Office Domestic Violence Unit. 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 Assistance Unit of the Norfolk County District Attorney's Office to ensure that all victims and witnesses are notified of their rights. **55.1.2 (1A), 55.2.1 (3C); 55.2.2**

- 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. The Domestic Violence Officer shall be instrumental in ensuring the 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. **55.2.1 (3A)**
- C. To keep the information on the various service agencies current, they shall contact the District Attorney's Office Victim/Witness Unit at least once a year to check on any changes in the lists of any agencies providing service.
- D. 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;
 - 2. Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law; and
 - 3. Inform periodically the public and the media about the victim/witness assistance services offered.

III. 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 through Roll Call or In-Service Training, 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.

IV. SERVICES PROVIDED BY AGENCY PERSONNEL:

- A. During the course of duty, whenever a patrol officer encounters a victim/witness of a crime, the patrol officer shall provide the victim/witness with referral numbers for services such as medical attention, counseling, shelters, hot-line numbers and emergency financial assistance. In addition, the phone number of the Canton Police Department business line for 24-hour information/referral purposes. This number may also be used by the victim/witness if he/she requires additional police assistance. **55.1.1; 55.1.2 (1A), 55.2.1 (3A)**

- B. If the Canton Police Department dispatching officer 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 officer shall provide the name and telephone number to the Victim/Witness Unit at the District Attorney's Office. **55.2.1 (3B)**

V. **RESPONSE TO INTIMIDATION OF VICTIMS/WITNESSES:**

Those that have been threatened or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization.

- A. Whenever an officer becomes aware of victim/witness intimidation, the officer shall: **55.2.2**
 - 1. Immediately notify the Shift Supervisor, 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 supervisor will ensure the safety of the victim/witness, using whatever means are available.
 - 2. Take out the necessary charges against the defendant; apply for a warrant when necessary.
 - 3. Notify the Criminal Investigation Unit and the Department Court 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 Shift Supervisor shall cause to immediately contact the police agency servicing that area and advise them of the situation and request that the necessary precautions be taken. The Shift Supervisor shall cause to promptly attempt to alert the victim/witness to the possible threat, and indicate as well that the local police have been notified. He shall also notify the Department Court Prosecutor of the situation so that appropriate action can be initiated in the courts.

VI. **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**

- A. Give the victim/witness information verbally or in writing regarding applicable services such as counseling, medical attention, compensation programs (brochure explaining compensation programs are available in both English and Spanish), emergency financial assistance, and victim advocacy. **55.1.1; 55.2.3 (2A)**
- B. Advise the victim/witness on what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him. **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 a reasonable effort to obtain an interpreter, at the earliest opportunity.
- F. Obtain complete and accurate information on Victim/witness for use by the Norfolk County District Attorney's Office of the Victim/Witness Assistance Unit. The information should include their permanent address in addition to both a cell phone number and a residential telephone number.

VII. FOLLOW-UP INVESTIGATIONS: Those patrol officers or investigators assigned to conduct the follow-up investigation shall provide the following services: **55.2.4**

- 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 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, if in the opinion of the agency, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for victim/witness assistance. Further photographic evidence of bruises and injuries may also be obtained at this time. **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 if feasible. **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 Unit of the District Attorney's office assigned to assist the victim/witness in the course of the investigation. The investigator(s) should also

maintain contact with the court advocate during the investigation to remain informed as to the state of the victim/witness.

VIII. PROCEDURE AFTER ARREST/PROCESSING OF SUSPECT: 55.2.5

- A. Upon the arrest of a suspect, the investigator or his designee shall notify the victim/witness of the arrest that has been made, the charges being brought against the arrestee, and the arrestee's status; whether he/she is out on bail or incarcerated.
- B. Should the status of the arrestee change, the investigating officer or his designee involved shall notify the victim/witness of the change. Proper documentation of this notification should be made in the form of a log entry.

IX. REVIEW OF STATUTORY PROVISIONS ON VICTIMS/WITNESSES:

All officers should read Mass. Gen. Law, Chap. 258C, 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 officer designated as the Domestic Violence Officer(s) shall be responsible for familiarizing all members with these changes. **55.1.1**

X. DEATH OR SERIOUS INJURIES IN THE DEPARTMENT: 22.2.4 55.2.6

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 member (sworn or civilian) of this department be killed or seriously injured or ill on duty, the Chief of Police shall be notified immediately. It shall be the duty of the Chief of Police, or his 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.

XI. DEATH OR INJURY OCCURRING TO PERSONS OTHER THAN A POLICE OFFICER:

Should someone other than a police officer be killed (such as in a suicide or apparent heart attack), seriously injured or seriously ill, the Shift Supervisor on Duty shall take charge and have the following procedures followed: **55.2.6**

- A. The Chief of Police or his designee shall be made aware of the incident as soon as possible.
- B. Notify family member(s) in a timely and personal manner.
- C. Assist the family at the hospital.
- D. Whenever possible, assistance should be obtained from a faith or community-based organization or a relative.
- E. These procedures should also be followed when notification requests are initiated by other agencies.
- F. Deaths resulting from accidents or non-accident situations will be treated in the same manner.
- F. If death or injury is determined to be the result of a crime or an investigation for possible criminal charges, officers should contact the District Attorney's Office Director of Victim Witness Unit or his/her designee as soon as possible for an Advocate to be assigned to provide services to the family.
- G. If another agency calls requesting our assistance in making a notification, a log entry will be made. **55.2.6**

XII. SURVIVORS 55.2.6

The Incident Commander of an incident involving a death/critical injury at which survivors are present shall designate an officer to provide assistance to them. This officer should not be the investigating officer of the incident.

The officer providing survivor assistance will coordinate with fire service, EMS, and any outside law enforcement agency personnel in providing information and services to the survivors.

The officer charged with survivor assistance duties should attempt to answer any questions or help with any needs to better help the survivors to cope with the situation.