



# ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations		
POLICY & PROCEDURE # 1.29	DATE OF ISSUE: 03/30/2020	EFFECTIVE DATE: 04/03/2020
SUBJECT: Rights Of Victims And Witnesses	ISSUING AUTHORITY: Chief Richard Burrows	
REFERENCE(S): Massachusetts Police Accreditation Commission # 55.1.1; 55.2.2	___NEW    __X__AMENDS    ___RESCINDS	

## I. POLICY

After the commission of a crime, victims and witnesses are often neglected until such time they are called upon to testify in the suspect's trial. The Acton Police Department and its employees will ensure the victim/witness the same quality of care and concern we often give to the offender. It is hoped that by fostering a better relationship with the victim/witness we will ensure they receive professional care consistent with their importance to both the investigative and prosecution role.

The Acton Police Department will provide appropriate assistance to victims and witnesses who have been threatened or who, in the judgment of an officer, express specific and credible reasons for fearing intimidating or further victimization. **[55.2.2]**

## II. PROCEDURE

All members of the Acton Police Department shall adhere to the M.G.L. Chapter 258B (Massachusetts Bill of Rights) whenever they contact any member of the community and shall reinforce the Department's position on the treatment of the victim/witness. Victims and witnesses shall be treated with dignity, fairness, and compassion at all times.

Under M.G.L. 258B (effective March 20, 1984) the Commonwealth of Massachusetts granted victims and witnesses of crimes certain rights. The following is a summary of those rights: **[55.1.1]**

### A. THE RIGHT TO INFORMATION ON THE CRIMINAL JUSTICE SYSTEM

1. Victims and witnesses have the right to be informed of how a criminal case progresses through the system. Victims and witnesses should be informed of what their role in the process will be, and what will be expected of them, and why.
2. Victims and witnesses have the right to be informed of rights and services in the court process.
3. Victims and witnesses have the right to assistance in applying for social services, financial assistance, and certification to receive information about an offender.

## B. THE RIGHT TO INFORMATION ON THE CRIMINAL CASE

1. Upon request, victims and witnesses have the right to be updated on significant developments in their case.
2. Victims and witnesses have the right to be notified in a timely manner of any changes in the schedule for appearances for which they have to appear.
3. Victims and witnesses have the right to be notified of the final disposition of their case, including an explanation of the type of sentence imposed and a copy of the conditions of probation (if any).
4. Victims and witnesses have the right to be notified by the Supervising Probation Officer whenever an offender seeks to change a restitution order.

## C. THE RIGHT TO BE HEARD AND PRESENT AT COURT PROCEEDINGS

1. Victims and their family members have the right to present a Victim Impact Statement to the court about the physical, emotional, and financial effects of the crime on the victim and their opinion regarding the sentence to be imposed.
2. Victims have the right to submit their Victim Impact Statement to the Parole Board as part of its records on the offender.
3. Victims have the right to be heard at any other time deemed appropriate by the judge.

## D. THE RIGHT TO CONFER AT KEY STAGES IN THE COURT PROCESS

1. Victims have the right to confer with the Prosecutor before the start of the case, before the case is dismissed, and before a sentence recommendation is made.
2. Victims have the right to confer with the Prosecutor whenever a defense motion is made to obtain their psychiatric records or other confidential information.
3. Victims have the right to confer with the Probation Officer about the impact of the crime on them before the officer files a full presentence report on the offender with the court.

## E. THE RIGHT TO FINANCIAL ASSISTANCE

1. Victims may be eligible to apply for Victim Compensation for certain out-of-pocket expenses such as medical, counseling, or funeral costs, or lost wages incurred as a direct result of the crime.

2. Victims and witnesses have the right to a witness fee for each day that they are required to be in court.
3. Victims have the right to request the judge order the offender to pay restitution for their losses related to the crime and to receive a copy of the offender's schedule of restitution payments.
4. Victims may be able to pursue a civil lawsuit for damages caused as a result of the crime by consulting a private attorney.

**F. THE RIGHT TO BE NOTIFIED OF AN OFFENDER'S RELEASE**

1. Upon request, victims and witnesses have the right to advance notification whenever the offender is moved to a less secure correctional facility.
2. Upon request, victims and witnesses have the right to advance notification whenever the offender receives a temporary, provisional, or final release from custody.
3. Victims have the right to be informed by the parole board of the offender's parole eligibility.
4. Victims may be eligible to get additional information about the offender, such as a criminal record or the offender's compliance with the terms of a sentence.

**G. THE RIGHT TO OTHER PROTECTIONS IN THE CRIMINAL JUSTICE SYSTEM**

1. Victims have the right to request confidentiality for themselves and their family members during the court proceedings for personal information, including home address, telephone number(s), school, and place of employment.
2. Victims and witnesses have the right to protection by law enforcement from harm or threats of harm as a result of their cooperation with the court proceedings.
3. Victims and witnesses have the right to a safe waiting area that is separate from the defendant and the defendant's family during the court proceedings.
4. Victims and witnesses have the right to a prompt disposition of the case.
5. Victims have the right to request employer and creditor intercession by the prosecutor's office if the crime or their involvement in the court process causes problems with an employer or in meeting financial obligations.

6. Victims and witnesses have the right to have any property seized as evidence returned to them as soon as possible once it is no longer needed for law enforcement purposes.
7. As a homicide survivor victims and witnesses have the right to possess in the courtroom an 8x10 or smaller photograph of the victim so long as it is not displayed.

The complete version of the victim/witness rights is found in M.G.L. Chapter 258B s. 3. Officers should refer victims and witnesses to review and provide a copy when requested, of M.G.L. Chapter 258B s. 3 when dealing with victims, witnesses, and their rights.

## **RIGHTS OF VICTIMS AND WITNESSES**

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**History: Manual I, Section III**