





## **POLICIES AND PROCEDURES MANUAL**

	<b>VICTIM/WITNESS ASSISTANCE</b>	
	<b>POLICY NUMBER: 55-1</b>	ISSUING AUTHORITY 
	<b>EFFECTIVE DATE: June 12, 2025</b>	Christine A. Elow Police Commissioner

### **I. GENERAL CONSIDERATIONS AND GUIDELINES**

Effective victim advocacy programs are an important element of the broader law enforcement mission; they build positive relationships with the community and promote public confidence. In addition, they can enhance a department's ability to bring criminal investigations to appropriate conclusions while supporting prosecutorial efforts.

Research findings over time and across jurisdictions consistently show that a major cause of case attrition after arrest but before plea or trial is witness-related. Similarly, the probability of rightful convictions increases with the cooperation of victims and witnesses who have access to support during the criminal justice process.

The Victim Bill of Rights, M.G.L. c. 258B, provides victims and witnesses with guidance on services and support in the criminal justice system. These rights help victims, witnesses, and families seek justice by focusing on their safety and their right to participate in the legal system.

Sensitivity to the special needs of those impacted by domestic violence, child abuse, sexual assault, crimes involving gender identity/expression, and abuse of the elderly is important because of the effect these crimes have on persons, families, and the community in general. In all cases, attention to the needs of victims and other witnesses throughout any criminal investigative process is critical.

### **II. POLICY**

It is the policy of the Cambridge Police Department to:

- A. treat all victims and witnesses of crimes with fairness, compassion, and dignity throughout the investigative, follow-up, and prosecutorial process;
- B. work with the courts, the Office of the District Attorney and its Victim/Witness Assistance Program, and outside resources in support of all involved in these cases; and to
- C. protect the confidentiality of records and files related to victims and witnesses insofar as Massachusetts law permits.

### III. DEFINITIONS

- A. *CABHART*: Cambridge, Arlington, Belmont High Risk Assessment and Response Team.
- B. *DVSC*: Domestic Violence Steering Committee.
- C. *Massachusetts Victim Bill of Rights*: The Massachusetts Victim Bill of Rights, M.G.L. c. 258B, provides rights and services to crime victims and survivors to ensure a meaningful role for them in the criminal justice system. While the Bill of Rights applies to all crimes, it prioritizes the needs of victims and survivors of violent crimes.
- D. *SART*: Cambridge Sexual Assault Response Team.

### IV. PROCEDURES

- A. 55.1.1 (M) Victim Advocate Assistance (DV/SA Victim Assistance Program)
  - 1. The department shall maintain a victim/witness assistance program, specifically for victims of domestic violence and sexual assault, for the implementation and delivery of victim advocate assistance services by department personnel.
    - a. The victim advocates, under the command of the Lieutenant of the Family and Social Justice Section, is staffed by non-sworn employees, a victim advocate and an assistant, whose responsibilities include the following.
      - (1) Outreach to persons involved in domestic-related incidents and the victims identified in reports involving sexual assault.
      - (2) Analysis, education, and prevention efforts regarding domestic violence in collaboration with community-based agencies.
      - (3) Communicating with departments and agencies within the City of Cambridge as well as any available resources outside the city to assist and connect victims with appropriate services.
      - (4) Working with internal and external support systems as well as other law enforcement agencies such as other police departments, the Middlesex District Attorney's Office, probation, and parole to reduce harm and create a safety net for victims of domestic violence and sexual assault.
    - b. Department personnel typically follow up with a phone call to the victim after a report has been submitted from a responding officer.
    - c. In most cases, it is a department requirement to provide information regarding resources and services to victims.

- d. Advocates assist the detectives with the development of the case; may stand by to assist victims who come in for an interview; and conduct and coordinate case management for the Family and Social Justice Unit.
2. The confidentiality of victims/witnesses and their role in case development shall be protected to the extent consistent with applicable law.
  - a. Confidentiality is key to building trust with victims and to successful advocacy work.
  - b. Advocates may know all the information that is available to police officers and detectives; however, they maintain confidential communications, produce sensitive reports, and enter information into a confidential data base.
  - c. Advocates are bound by the rules and regulations of discovery as set forth by Massachusetts General Laws.
3. The department supports efforts to inform the public and the media regarding its victim/witness assistance services through the department website and social media outlets.
  - a. At outreach and training events, advocates distribute printed resources with contact and service information.
  - b. Public information regarding resources for victims of domestic violence and sexual assault can be found on the department website.
4. The department has a relationship with many service providers and entities that serve as resources in their advocacy work.
  - a. As a co-facilitator of CABHART, the department seeks and develops partnerships with over 30 public, private, and non-profit organizations, representing various areas of expertise in the field of domestic violence assistance and advocacy, including but not limited to law enforcement, social services, legal services, and health care in order to create a safety net for high risk domestic violence cases within the Cambridge, Arlington, Belmont communities.
  - b. As a co-facilitator of SART, the department seeks to collaborate, educate, and build relationships with providers to improve systems and multidisciplinary services for sexual violence survivors. The participating entities herein share certain community goals and purposes when providing victim-centered care through medical, advocacy, law enforcement, prosecution, institutions of higher education, community-based services, and other agencies.
  - c. As a member of the DVSC, the department seeks to engage and mobilize Cambridge's communities, agencies, and City departments to change attitudes, behaviors, policies, and practices to prevent and bring attention to domestic and gender-based violence.
5. In 1984, the Massachusetts Victim Bill of Rights, M.G.L. c. 258B, was enacted into law, creating, at that time, the most comprehensive rights for victims of crime in any state in the country. The bill applies to victims of crimes or, if a victim is deceased, to family members;

portions of the bill apply to witnesses of crimes as well. Except where noted, the rights are provided by the prosecutor.

B. 55.1.2 (O) Review Need/Services

1. The department shall conduct a documented review of victim/witness assistance needs and services within the Cambridge service area at least once every two years.

C. 55.2.1 (O) Initial Assistance

- a. Information regarding victim/witness assistance will be made available 24 hours a day, through patrol operations, when appropriate and depending on the availability of staff.
  - (1) Whenever an officer responds to a call for service and encounters victims or witnesses of a crime, it is that officer's responsibility to provide to the victims and/or witnesses information regarding the services supplied directly by the police department, whenever practical and appropriate.
  - (2) The department generally has the resources to provide victim/witness assistance expeditiously.
  - (3) In addition to an immediate response, the department connects victims of domestic violence and sexual assault with support services through follow-up by the Domestic Violence/Sexual Assault Unit.

D. 55.2.2 (M) Assistance, Threats

1. Depending on the severity and credibility of any threats of harm or intimidation to victims and/or witnesses, the department may provide various forms of assistance, including the following.
  - a. Officers may advise victims and witnesses of their 209A/258E rights. Victims and witnesses may be referred to court during business hours. The department may assist with the emergency 209A/258E process when applicable outside of regular business hours.
  - b. Police presence in the area in the form of additional patrol cars as a deterrence.
  - c. If the threat is severe enough, the department may seek a warrant for the arrest of the suspect.
  - d. The department may coordinate safety measures with other law enforcement agencies if the victim or witness lives or works in another jurisdiction.
  - e. Information regarding emergency domestic violence shelters may be provided to victims of domestic violence.

E. 55.2.3 (M) Assistance/Preliminary Investigation

1. The officer on scene provides applicable victims and/or witnesses with contact information for the department's victim advocates. In addition, police cruisers are supplied with printed material that may be handed to a victim or witness, if appropriate.
  2. If the suspect, the suspect's companions, or family threatens or otherwise intimidates a victim or witness, the officer on scene will ask the victim/witness if it is advisable to stay somewhere else or at a safe location.
  3. The responding officer should provide the victims/witnesses with the report number if applicable.
    - a. If a crime is involved, a report number will be assigned, and a detective will follow up with victims/witnesses in a timely manner.
    - b. If there is no crime but rather a domestic dispute, the call will be documented, assigned a report number, and follow up will be provided by an advocate.
  4. The phone number to be used by the victim/witness to access additional information on the case may be provided by the officer on scene, if applicable.
    - a. The detective assigned to conduct the follow up investigation will provide important information, including telephone numbers.
    - b. For domestic disputes, the department's victim advocate is the primary contact.
- F. 55.2.4 (M) Assistance, Follow-Up Investigation
1. Once a police officer has responded to the scene of a call, provides immediate assistance, clears the call, and writes the report, the follow-up investigation and/or services are provided expeditiously by a detective or an advocate.
    - a. In cases of domestic violence and sexual assault, both a detective and an advocate will follow up, usually the following day or immediately if required due to the severity of the situation.
    - b. In cases of non-domestic or sexual violence related cases, detectives are responsible for follow up with victims and witnesses.
  2. The ability of the department to provide follow-up services is dependent on the desire and cooperation of the victims.
    - a. Both detectives and advocates, if applicable, will explain to victims/witnesses the procedures involved in prosecution.
    - b. This can be a daunting experience for the victims, and they may be reluctant to go to court. The department will do as much as it can to go forward as circumstances allow.
    - c. Research shows that the cooperation of the victim and other witnesses can greatly impact the success or failure of the prosecution.

3. The department should schedule line-ups, interviews, and other required appearances at the convenience of the victims/witnesses and will provide transportation to and from required appearances if requested.
  - a. Transportation may be provided by uniformed officers or detectives.
  - b. The department typically provides transportation in an unmarked vehicle but may assign a marked vehicle if an unmarked vehicle is not available.
4. Any property seized from a victim or witness as evidence will be returned promptly in accordance with department procedures regarding property in its custody.
5. Copies of incident and supplemental reports should be forwarded to the prosecutor in the Office of the District Attorney, if required
  - a. Detectives and advocates will stay in contact with the victim/witness throughout the follow-up investigation and work with the prosecutor's office for as long as necessary in the event the case does not go to trial for months.

G. 55.2.5 (O) Assistance, Suspect Arrest

1. Upon arrest and during post-arrest processing of the suspect, victims and/or witnesses in domestic violence and sexual assault cases may be provided information regarding services by the Domestic Violence/Sexual Assault Unit.
2. The victim advocate will assist the victim/witness with coordinating with the Middlesex District Attorney's Office victim witness advocates. The victim advocate will assist with providing timely updates regarding pending court cases to victims and witnesses of crimes.
3. Bail information will be provided by the department or the court-assigned advocate.
4. The department adheres to the M.G.L. requirement of a six-hour hold following an arrest for domestic violence.

H. 55.2.6 (M) Next-of-Kin Notification

1. Procedures for notifying next-of-kin of deceased, seriously injured, or seriously ill persons are as follows.
  - a. Department personnel should attempt to make in-person notifications when notifying the next-of-kin for deceased persons. If the next-of-kin do not reside locally and it is not practical for the department to make an in-person notification, members of the department should contact the police department in the jurisdiction where the next-of-kin reside and request that the department make timely notification to the next-of-kin. If contact is made by phone and no one picks up, a message may be left to call back regarding an important matter.
  - b. In the event a person is seriously injured, officers should attempt to notify their next-of-kin as soon as possible, including by phone if time is a factor.

- c. During an in-person visit, the member of the department making the notification should be accompanied by a second person, either another employee of the department, a member of the clergy, a relative, or friend.
  - d. If the notification is being made outside of the City of Cambridge, the department may contact the police department in the local jurisdiction to make the notification.
  - e. During a face-to-face notification, the responding officer or other member of the department should:
    - (1) display care and empathy;
    - (2) acknowledge the feelings of those receiving the notification; and
    - (3) try as much as possible to make the person comfortable.
  - f. Department personnel may seek assistance from family nearby and provide transportation if necessary. It is important to stay with family as long as necessary to ensure that all involved are safe and cared for.
- I. U and T Visas
- 1. Certain crime victims who are deemed to be without lawful immigration status and are present in the U.S. without proper inspection by federal authorities may be reluctant to come forward to report their victimization and fail to cooperate and assist in the legal process against their perpetrator for fear of detention or deportation.
  - 2. As a result, Congress created the U and T Visa Programs within the TVPA, Victims of Trafficking and Violence Protection Act, in 2000. The purpose of the Visa programs is to encourage immigrant crime victims to come forward and report criminal activity to law enforcement agencies thereby strengthening the ability of both local and state agencies to investigate and prosecute serious crimes.
  - 3. U and T Visas allow the victims of serious crimes who are helpful to police to temporarily stay in the United States for up to four years. The visas may be issued by the United States Citizenship and Immigration Service after review of an application packet that includes a certification from a certifying official or agency, such as a police chief/commissioner, prosecutor, or Department of Children and Families official, that the applicant has been, is being, or is likely to be helpful in the detection, investigation, or prosecution of a qualifying criminal activity.
  - 4. As a certifying entity and pursuant to M.G.L. c. 258F, §§ 1-4 the department shall assist immigrant victims of crime with their U and T Visa applications when requested and when they are found to be cooperating with the detection, investigation, or prosecution of criminal activity and to respond to such requests for nonimmigrant status certification forms within ninety (90) days.
  - 5. The certifying entity shall respond to the request by:
    - a. completing and signing the certification forms; or

- b. issuing a written denial of the request, without prejudice, informing the victim of the reason that the request does not meet the requirements of the certifying entity's policy under section 2; or
  - c. in extenuating circumstances outside the control of the certifying entity that prevent a response to the certification request in the required time, the entity will issue a written explanation of the delay, the process the certifying entity will undertake to respond, and a projected time frame for such response.
6. When an immigrant applies for a U or T Visa, local police have a limited role in the process. They certify to federal authorities that the applicant was a victim of a qualifying crime and was helpful to the police. Victims are responsible for submitting their own applications. Signing a U or T certification does not confer any immigration benefit to the victim; nor is a signed certification a guarantee that USCIS will approve the application.

J. Trauma Informed Law Enforcement

- 1. Trauma informed law enforcement strives for a workplace culture that focuses on the impacts of trauma on law enforcement staff, as well as the public being served, through consistent recognition of the signs and impacts of trauma. Trauma informed policing provides support, skills, and strategies to manage staff trauma, promote well-being and resiliency of staff, and actively works to avoid re-victimization/re-traumatization of victims when they are engaged in the criminal justice system.
- 2. The Cambridge Police Department is committed to the principles of trauma-informed policing and will continue to make efforts in this regard.