



Fitchburg State University Police Department

Subject: VICTIM WITNESS	
Reference: IACLEA: 13.3.1, 13.3.2, 13.3.3 MPAC: 55.1.3, 55.1.2, 55.2.2	
Rescinds: Section: 66	
Effective Date: April 5, 2021	Review Date:
By Order of: Michael J. Cloutier, Chief of Police	

General Order

13.3

PURPOSE

The purpose of this general order is to ensure that the department by way of written directives provides victims and witnesses the proper and mandated notifications, information, service and assistance. Members of the department should inform victims/witnesses of what steps to take in the event they feel threatened or intimidated by any involved party.

POLICY

It shall be the policy of the department to provide appropriate assistance to victims and witnesses who have been threatened, or who express specific, credible reasons for fearing intimidation, retaliation, or further victimization.

All department members regardless of duties or job title will treat all victims or witnesses of a crime with fairness, compassion, and dignity. The department is committed to cooperating fully with the Office of Student Affairs, Title IX, the District Attorney's Office, and the Victim/Witness Assistance Program.

PROCEDURE

- A. If an officer becomes aware that a victim or a witness, has been threatened or intimidated:
 1. A supervisor and the investigating officer shall be notified.
 2. If the threat appears credible, it should be further investigated and appropriate action should be taken.

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3. The department shall take steps to arrange for the safety of the person, considering the nature of the threat and the potential for its being acted upon.
4. The specific level of danger of physical harm may be determined by the supervisor, the investigating officer, or detectives.
5. Assistance is determined by the nature of the case and is commensurate with the danger faced by the victim or witness.
6. When officers are dispatched or approached by a victim of sexual assault or relationship violence that has taken place **on or off campus**, the officer will provide the victim a Crisis Resource Card. The officer will note in their report that they provided and explain to the victim Crisis Resource Card. The Crisis Resource Card provides contact information for several different offices that provide services to those victimized by sexual and, or, relationship violence.
 - a. Department members should also make known to the victim/witness about the University's Annual Security Report (also known as Clery Report) which contains further information on individual's right and investigative procedures of the university.

IACLEA 13.3.1.b

- B. The response should be appropriate given the known circumstances and may include:
1. Immediate arrest for appropriate charges;
 2. Application for an arrest warrant, Summons, or Show Cause Hearing; and
 3. Conferring with District Attorney's Office regarding appropriate action, including:
 - a. Arrest or prosecution of appropriate person(s);
 - b. Security for victim or witness; and
 - c. Relocation of victim or witness.
 4. Conferring with Housing and Residential Services or the Office of Student Affairs regarding appropriate action, including:
 - a. Interim restriction or other administrative disposition of appropriate person(s);
 - b. Security for victim or witness; and
 - c. Relocation of victim or witness.
- C. Protective measures which may be utilized to protect victims and witnesses include, but are not limited to, the following:
1. Additional patrols in the area of their residence or place of employment;

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2. Escorts between residence halls, academic buildings;
3. Transporting them to a safe location until the threat is over;
4. Victims may be referred to a safe room located on campus or a shelter;
5. The department may work with the Dean of Students Office to move a victim or witness to another residence on campus.
6. Defendants may be moved to another section of campus or removed from university housing.

MPAC 55.1.3a, 55.2.1a

D. Other services the department may provide:

1. Ensure that the victim or witness is in touch with a victim advocate from the District Attorney's office or the City of Fitchburg Police Department.
2. Advise them of MGL 258B, Massachusetts Victim Bill of Rights (See G.O. 13.3.1 VICTIM WITNESS RIGHTS).
3. Advise them what to do if they are further threatened or intimidated by the suspect, or any friends or family of the suspect.
4. Officers should notify the Dean of Students Office to request consideration for absences.

MPAC 55.1.3a, 55.2.1a

E. Department Responsibilities

1. Dispatchers may receive calls from victims and witnesses requesting information, or services. Since the individual may be in danger, these calls cannot be held until a particular officer may become available. Officers should be immediately dispatched.
2. The Detective Sergeant will act as the liaison between the police department and victims and witnesses, the Office of Student Conduct, as well as the District Attorney's Office.
3. The District Attorney's Victim Witness Advocate will guide the victim/witness through the Court process.
4. The Detective Sergeant will also be responsible for coordinating emergency measures to provide protection.
5. The Chief is responsible for approving the use of additional protection resources.

IACLEA 13.3.1.a / MPAC 55.1.3a

F. Confidentiality of Victims and Witnesses

1. The information provided by most victims and witnesses becomes part of the police report that is used for Court, Student Conduct, and Title IX.
 - a. Court action is usually a public process and unless the Court impounds information, it becomes a public record at the arraignment of the defendant. Victims, witnesses, and their family members have the right to Request Confidentiality during the court proceedings for personal information, including home address, telephone number, school, and place of employment.

MPAC 55.1.3b

2. There are situations that legally require record and information confidentiality and restricts a victim's name and identity from being disclosed (i.e. sexual assault [MGL C 41 § 97D](#)) or witnesses of a confidential nature (see G.O 13.2.1 CONFIDENTIAL INFORMANTS).
3. The records management system used by this department (IMC), allows for the reporting officer to check a box marked "Confidential" which will remove the victim/witness name and identifiers from the report to a separate "Confidential" page, thereby preventing that information to be shared during initial Court proceedings.
4. *Dissemination of Department records shall be strictly controlled by Record Access Officers according to the guidelines of CORI (Criminal Offender Record Information), and M.G.L. Ch. 4 § 7 and Ch. 66 §10, which govern the inspection and examination of Public Records. It should be noted that, in general, all police reports are public records and access can only be denied if one of the state-approved exemptions exists. See G.O. 16.1 REPORTS AND RECORDS*

G. Victim/Witness Role in Case Development

1. Victim/Witnesses will be informed by officers that they will need to be available for case developments to the extent consistent with applicable law. As investigations proceed, it is sometimes necessary for police officers, university case managers, and/or court personnel to contact victims or witnesses for input or appearance at Court. Victim/Witnesses play a vital role in successful Court outcomes.

MPAC 55.1.3b

H. Department Procedure-24-Hour Referrals:

1. Whenever a patrol officer encounters during the course of duty a victim/witness of a crime, the patrol officer shall, if requested, provide the victim/witness with the phone number of the Fitchburg State University Police Department (978-665-3111). This

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number may also be used by the victim/witness if he/she requires an emergency police response or additional police assistance.

- a. Victim and Witnesses should also be advised that the department can be contacted 24 hours a day, to assist or provide a referral to other services that may be able to assist them.
2. When officers are contacted by a victim of an alleged crime that has occurred outside of FSUPD's jurisdiction, the officer will assist the victim in contacting the appropriate police department. With the victim's permission, the officer shall contact the identified police department and facilitate contact with the victim. This contact may include FSUPD awaiting the arrival of the other police department so the victim can meet them or transporting the victim to the other department if extenuating circumstances exist. The on-duty supervisor shall be notified and their approval sought prior to the transporting of crime victims. The officer's actions shall be documented in the call log or if circumstances dictate, in a report.
3. If the Department's dispatcher is subsequently contacted by the victim or witness, for information regarding services such as medical attention, counseling, and emergency financial assistance, beyond the scope of those the police provide, the dispatcher will provide the name and telephone number of agencies within the area, or University Office that can provide the needed service and/or provide the telephone number to the Victim/Witness Unit at the District Attorney's Office, or City of Fitchburg.

IACLEA 13.3.1.c & d / MPAC 55.2.1a & b

I. Preliminary Investigations:

1. 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:
 - a. Give the victim/witness information regarding applicable services such as counseling, medical attention, compensation potential through the Court process, emergency financial assistance through the Dean of Students office, and victim advocacy from the District Attorney's office. *MPAC 55.1.3a, 55.2.3a*
 - b. Advise the victim/witness on what to do if the suspect or the suspect's companions or family threaten or otherwise intimidate him/her. *MPAC 55.2.3b*
 - c. Inform the victim/witness about the case number and subsequent steps in the processing of the case. *MPAC 55.2.3c*

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- 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. *MPAC 55.2.3d*
- e. Provide the victim/witness, if applicable, information on how to obtain a protective order or interim restriction, and assist with obtaining services through the appropriate agency/department.
- f. Provide the victim/witness a list of university services, such as safety escorts, RAVE Guardian. Etc.

IACLEA 13.3.3

2. In cases of domestic violence, officers assigned to abused person's cases shall give the victim notice of applicable rights by handing them and reading the Abuse Prevention form stating their rights.

MPAC 55.2.3a/55.2.1a

3. Obtain complete and accurate information on victim/witness for use by the District Attorney's Office of the Victim/Witness Assistance Unit. The information should include complete local and permanent addresses and telephone numbers.

MPAC 55.2.3a/55.2.1a

J. Follow-Up Investigations:

1. Those patrol officers or investigators assigned to conduct the follow-up investigation shall provide the following services:
 - 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. Further photographic evidence of bruises and injuries may also be obtained at this time. *MPAC 55.2.4 a/ 55.2.1a b*
 - 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 these procedures. *MPAC 55.2.4 b*
 - c. If possible, investigators shall schedule all photo arrays, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the department, provide transportation as well. *MPAC 55.2.4 c*

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- 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. *MPAC 55.2.4d*

K. Procedure After Arrest/Processing Of Suspect:

1. 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.

L. Review of Services

1. The department will review victim/witness needs and available services at least once every two years.
2. This review will be documented that it was completed and who was part of the conversation. Participants should include other stakeholders on campus such as the Title IX coordinator, Student Affairs, and/or Counselling Services.

IACLEA 13.3.2 / MPAC 55.1.2

Approval:

M. J. Clout

Chief of Police

April 6, 2021

Date