



**RANDOLPH POLICE DEPARTMENT**  
**POLICY AND PROCEDURE**  
**VICTIM AND WITNESS**  
**ASSISTANCE**  
**ADM - 41**

Date of Issue: 9/15/13

Review Date/Revised: 12/14/13, 9/21/14, 11/21/15,  
11/20/16, 9/12/18, 10/6/19, 10/21/20, 12/8/21, 12/1/22,  
3/15/23, 9/17/23

Issuing Authority:

**Chief Anthony T. Marag**

Certification Standards: 55.2.2

Accreditation Standards: 55.1.1; 55.1.2; 55.2.3; 55.2.4

Optional Accreditation Standards: 55.2.1; 55.2.5

**Policy**

It is the policy of the Randolph Police Department that all officers of the department treat any victim or witness to a crime with fairness, compassion and dignity. The department is committed to cooperating fully with the victim/witness assistance programs of the Norfolk District Attorney's Office.

**Summary of  
Victim  
Rights  
55.1.1**

Victims of crime have the following rights pursuant to General Law Chapter 258B: [55.1.1]

Information and assistance regarding:

- Their rights in the criminal process, the manner in which a case progresses through the criminal justice system, what the victim's role is in the process, what the system may expect from the victim, and why the system requires this. G.L. 258B, §3(a)
- Victim of Violent Crime Compensation – Chapter 258C.
- Social Services G.L. 258B, §3(e)
- Restitution. G.L. 258B, §3(e) and 3(o)
- Prompt return of property. G.L. 258B, §3(r)
- Obtaining inmate status. G.L. 258B, §3(t)
- Right to pursue a civil action. G.L. 258B, §3(u)
- Upon request, to be periodically appraised of significant developments in the case. G.L. 258B, §3(a)
- To be present at all court proceedings. G.L. 258B, §3(b)
- To confer with the prosecutor before:
  - The commencement of the trial;
  - Any hearing on motions by the defense to obtain psychiatric or

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other confidential records;

- Any act by the Commonwealth terminating the prosecution; and
- Submission of proposed sentence recommendations to the court. G.L. 258B, §3(g)
- To confer with the probation officer prior to the filing of a full pre-sentence report. G.L. 258B, §3(n)
- In felony cases and any crime where physical injury to the victim resulted, the opportunity to inform the court, orally or in writing, of the impact of the crime. G.L. 258B, §3(p)
- To be informed of the final disposition of the case. G.L. 258B, §3(q)
- To request information regarding the defendant's parole eligibility and status in the criminal justice system. G.L. 258B, §3(s)

Victims and witnesses of crimes have the following rights pursuant to General Law Chapter 258B:

- Timely notification of changes in the schedule of court proceedings. G.L. 258B, §3(c)
- Prompt disposition of the case. G.L. 258B, §3(f)
- To be free from employer sanctions for being absent from work to testify after receiving a subpoena. G.L. 258B, §3(l)
- Information and assistance regarding:
  - Level of protection available. G.L. 258B, §3(d)
  - Right to request confidentiality. G.L. 258B, §3(h)
- A secure waiting room, to the extent available. G.L. 258B, §3(i)
- Witness fees. G.L. 258B, §3(j)
- Employer and creditor intercession services. G.L. 258B, §3(k)
- To submit or decline an interview with defense counsel, except when responding to lawful process. G.L. 258B, §3(m)

### **Department Court Prosecutor 55.1.2**

It will be the responsibility of the department court prosecutor to act as liaison between victims and witnesses of crime and the Victim/Witness unit of the Norfolk County District Attorney's Office to ensure that all victims and witnesses are notified of their rights. The court prosecutor will also administer and coordinate with victim and witness assistance services by:

- Keeping information regarding the various service agencies current by contacting the Victim/Witness unit of the district attorney's office at least once each year to update the lists of agencies providing services. Should changes be discovered he/she should alert the communications center, Dispatch Area, to be sure information is updated. [55.1.2 (1A)]

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- Court prosecutor should act as a liaison with victim/witnesses between services and the court to enable the victim to understand the process of which he/she is going through. This may include case status, dispositions, and procedures. [55.1.2 (1A)]
- Ensuring that records and files of victims and witnesses are held in confidence, subject to release only under the requirements of Massachusetts Public Records Law – Chapter 4, Section 7(26). [55.1.2 (1B)]
- Should any member of the public or the news media request such information, the court prosecutor should provide them with witness and victim advocacy programs.
- The court prosecutor should maintain an open and professional relationship with victim/witness advocacy programs.

### **Initial Victim Assistance** **55.1.2** **55.2.1**

Whenever an officer encounters a victim during the course of duty, officers should explain that victim information is confidential and vital for case development and will only be revealed according to law [55.1.2 (1B)]. When speaking with a victim/witness of a crime, the officer shall, if requested, provide the victim/witness with the information they are requesting. If the officer's knowledge is exhausted, he/she will provide the victim/witness with the phone number of the Randolph Police Department dispatcher for 24-hour information/referral purposes [55.2.1 (1)]. This number may also be used by the victim/witness if they require an emergency police response or additional police assistance. A summary of victim's rights should be conspicuously posted for view within the building (lobby area notice board and dispatch). Officers should be familiar with these rights. [55.2.1 (3A)]

When the desk officer [55.2.1 (3C)] is contacted by a victim/witness for assistance or services, beyond the scope of those the police provide at the scene, the dispatcher shall refer to the victim/witness resource directory to provide the name and telephone number of agencies that can provide the needed service, including shelters, courts, and specialized officers. The department domestic violence officer and Victim Witness Advocates Norfolk County District Attorney's Office are also resources available to victims. [55.2.1 (3B)]

### **Intimidation of Victim or Witnesses** **52.2.2**

The Randolph Police Department shall prosecute defendants who assault, threaten, intimidate, or attempt to influence victims or witnesses in violation of M.G.L. 268 § 13B. Whenever department personnel become aware that a victim or witness has been threatened

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or that there are credible reasons for a victim or witness to fear intimidation or further violence, they shall notify the shift commander as soon as possible. The supervisor shall determine if the threat is imminent, and, if so, take appropriate steps to ensure that the victim or witness is protected. The action taken may be a summons to an immediate felony arrest. A complete and accurate report shall be completed by the investigating officer by end of shift unless an exigency occurs. Immediate notification shall be made to the victim or witness. Emergency relief options (209A, 258E) will also be offered and given to the victim/witness. Other agencies can also be given as a resource, i.e. DOVE (should be listed as a "community resource" as to not compromise the relationship with DOVE and the victim). [55.2.1 (3A); 55.2.2 (1AB)]

If the shift commander determines that the victim or witness is outside the service area covered by the Randolph Police Department, he/she shall immediately contact the police agency servicing that area and advise them of the situation and request that the necessary precautions be taken. He/she shall then notify the victim or witness of the threat (if he/she was not the person who notified the department of the danger) and indicate that the local police have been notified. He/she shall notify the department court prosecutor of the situation and ensure that charges are filed. [55.2.2]

In accordance with the Acts of Criminal Justice Reform of 2018, intimidation will include:

"Investigator", an individual or group of individuals lawfully authorized by a department or agency of the federal government or any political subdivision thereof or a department or agency of the commonwealth or any political subdivision thereof to conduct or engage in an investigation of, prosecution of, or defense of a violation of the laws of the United States or of the commonwealth in the course of such individual's or group's official duties.

"Harass", to engage in an act directed at a specific person or group of persons that seriously alarms or annoys such person or group of persons and would cause a reasonable person or group of persons to suffer substantial emotional distress including, but not limited to, an act conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, a device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system

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including, but not limited to, electronic mail, internet communications, instant messages and facsimile communications.

(b) Whoever willfully, either directly or indirectly:

- (i) threatens, attempts or causes physical, emotional or economic injury or property damage to;
- (ii) conveys a gift, offer or promise of anything of value to; or
- (iii) misleads, intimidates or harasses another person who is a:

(A) witness or potential witness;

(B) person who is or was aware of information, records, documents or objects that relate to a violation of a criminal law or a violation of conditions of probation, parole, bail or other court order;

(C) judge, juror, grand juror, attorney, victim witness advocate, police officer, correction officer, federal agent, investigator, clerk, court officer, court reporter, court interpreter, probation officer or parole officer;

(D) person who is or was attending or a person who had made known an intention to attend a proceeding described in this section; or

(E) family member of a person described in this section, with the intent to or with reckless disregard for the fact that it may;

(1) impede, obstruct, delay, prevent or otherwise interfere with: a criminal investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or probation violation proceeding; or an administrative hearing or a probate or family court proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court ordered mediation or any other civil proceeding of any type; or

(2) punish, harm or otherwise retaliate against any such person described in this section for such person or such person's family member's participation in any of the proceedings described in this section, shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not less than \$1,000 or more than \$5,000 or by both such fine and imprisonment. If the proceeding in which the misconduct is directed at is the investigation or prosecution of a crime punishable by life imprisonment or the parole of a person convicted of a crime punishable by life imprisonment, such person shall be punished by imprisonment in the state prison for not more than 20 years or by imprisonment in the house of corrections for

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not more 2½ years or by a fine of not more than \$10,000 or by both such fine and imprisonment.

(3) A prosecution under this section may be brought in the county in which the criminal investigation, trial or other proceeding was being conducted or took place or in the county in which the alleged conduct constituting the offense occurred [55.2.2 (3)].

### **Preliminary Investigations 55.2.3**

Officers conducting preliminary investigations shall be prepared to render the following assistance:

- Provide information to victim/witness regarding available services such as: counseling; medical attention; compensation programs; emergency financial assistance; or victim advocacy. [55.2.3 (2A)]
- Advise the victim/witness on procedures to follow should the suspect, associates of the suspect, or family of the suspect, intimidate the victim/witness. [55.2.3 (2B)]
- Inform victim/witness of the case number assigned to the case and the steps that will follow the preliminary investigation. [55.2.3 (2C)]
- Provide victim/witness with a telephone number to call should the victim or witness have additional information to report or wish to check on the status of the investigation. [55.2.3 (2DE)]
- Officers assigned to domestic violence cases shall give the victim notice of applicable rights by handing the victim a copy of those rights as they appear in General Law Chapter 209A s. 6 [55.2.3 (2A)] The rights shall be provided in the victim's native language whenever possible. Any officer who speaks the victim's native language may be used to interpret if necessary. The District Attorney's office may also have access to language lines to assist in investigations.

### **Mandatory Reporting**

If during any stage of any investigation or incident that an officer responds to, the officer(s) have reasonable cause to believe that a disabled person (defined as a person between the ages of eighteen to fifty-nine, who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs) is suffering from a serious physical or emotional injury resulting from abuse, immediately must make a full written report and DPPC form for transmittal to the Disabled Persons Protection Commission, in accordance with Mass. Gen. Law, Chap. 19C, Sec. 10.

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An Officer who upon responding to a case has reasonable cause to believe that a person who is sixty years of age or over is suffering from abuse (an act or omission resulting in serious physical or emotional injury) or neglect (self-neglect or otherwise) immediately must make a full written report and completed Elder Abuse form for transmittal to the Department of Elder Affairs, in accordance with Mass. Gen. Law, Chap. 19A, Sec. 15.

Whenever children are present at any incident that officers respond to, their welfare and safety must be a consideration. Officers responding to a dispute of any kind must be particularly observant for any indications of neglect or physical or sexual abuse of children.

Whenever a police officer has reasonable cause to believe that a child under eighteen is suffering serious physical or emotional injury resulting from abuse or from neglect, the officer must make a full written report and 51A form for transmittal to the Department of Children and Families (DCF), in accordance with Mass. Gen. Law, Chap. 119, sec. 51A. Officers should be aware that in serious cases of child neglect or abuse, any person may apply to an appropriate juvenile court to have custody of a child under eighteen taken away from the parents or other neglectful or abusing custodian and have custody transferred, on an emergency basis, to the Department of Public Welfare or a licensed child care agency or individual in accordance with Mass. Gen. Law, Chap 119, Sec. 24.

In cases involving abuse of a child, disabled person, or elder, officers must address the issue of whether or not the victim can be left alone safely, if the abuser is arrested.

If the child, disabled person, or elder cannot be left alone, the appropriate protective agency must be contacted, in order to arrange for temporary care.

### **Follow up Investigations 55.2.4**

Detectives or officers assigned to conduct the follow-up investigation will be prepared to offer the victim or witness assistance during the course of their involvement with the case.

If the impact of the crime has been unusually severe and has resulted in providing victim or witness assistance beyond the standard, Officers assigned to the investigation should, within 24-hours of initial contact, check with the victim or witness to determine if his/her needs are being

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met. The officer should periodically check with the victim or witness to ensure that no further services are needed. [55.2.4 (2A)]

Explain to the victim or witness the procedures involved in the prosecution of the case and his/her role in that process. The court prosecutor may periodically check to ensure that the Victim/Witness unit of the district attorney's office is providing written information to victims and witnesses. [55.2.4 (2BC)]

If feasible, department personnel will schedule all interviews or other required appearances of the victim or witness at such person's convenience and, if necessary, provides transportation to and from the site of such appearance. [55.2.4 (2DE)]

Whenever possible, department personnel will arrange for the prompt return of the property of the victim or witness as permitted by law or rule of evidence. (The exception being any properties held which is contraband, of disputed ownership, or a weapon used in the commission of the crime.) Refer to departmental policy on Evidence and Property Control. [55.2.4 (2F)]

The Norfolk District Attorney's Office normally assigns a Victim/Witness Advocate to a case once a defendant has been charged. In instances where a victim or witness in an ongoing investigation needs victim/witness services prior to the apprehension of the subject, the investigating officer will ensure that the Victim/Witness unit at the district attorney's office is notified.

### **Status of Suspect or Arrestee 55.2.5**

Investigators or patrol officers assigned to the follow-up investigation or officers conducting the preliminary investigation who arrest a suspect for the commission of the crime will notify the victim or witnesses that an arrest has been made, the charges being brought against the arrestee, and the arrestee's status (out on bail or incarcerated). Should the arrestee's status change, the involved officers should keep the victim or witness informed of such a change. [55.2.5]

### **Training**

All full-time sworn employees of the police department will receive training in victim/witness rights during the initial police academy training and during their in-service training in accordance with Municipal Police Training Committee standards. Training on the department's specific procedures will be conducted during the department's in-service training or Field Training Officer program.



Officers should read General Law Chapter 258B: Rights of Victims and Witnesses of Crimes and Chapter 258C: Compensation of Victims of Violent Crimes for a detailed review of statutory provisions.

**U-VISA &  
T-VISA**

**M.G.L. c. 258F §§ 1-4 – Certification for Victims of Violent Crime and Human Trafficking**

A certifying entity shall adopt a policy for completing and signing nonimmigrant status certification forms for: (i) victims of criminal activity who intend to petition for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(U); and (ii) victims of severe forms of trafficking in persons who intend to petition for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(T). See M.G.L. Chapter 258F Section 2.

A certifying entity shall respond to a nonimmigrant status certification request from a victim of criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(T) not later than ninety (90) days after receiving the request for certification.

The certifying entity shall respond to the request by either:

- completing and signing the certification forms; or
- 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; or
- in extenuating circumstances outside the control of the certifying entity that prevent the certifying entity from responding to the certification request in the required time period, issuing a written explanation of the delay, the process the certifying entity will undertake to respond and a projected time frame for such response.

Annually, not later than February 1, each certifying entity shall report to the executive office of public safety and security:

- the number of individuals that requested nonimmigrant status certification;
- the number of certification forms that were completed and signed; and

- the number of such requests that were denied.

**Note:** The information reported under this subsection shall not include any personal identifying information of an individual requesting nonimmigrant status certification.

### **Purpose of U and T Visas**

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 (4) years. U Visas are approved and granted by U.S. Citizenship and Immigration Services (USCIS), which is a component of DHS. U and T Visas provide recipients with nonimmigrant status that comes with certain benefits, including the ability to work in the United States.

If certain conditions are met, U or T Visa holders can apply for lawful permanent resident status (i.e., seek a green card), which can provide a pathway to citizenship. When Congress created the U-Visa program, it explained that the purpose of U and T Visas was primarily twofold:

- to provide humanitarian relief to immigrant crime victims, and
- to provide a mechanism that encourages immigrants to come forward and report crimes to local police to improve public safety.

The U Visa is especially important for immigrant victims of domestic violence, sexual assault, and human trafficking, who comprise roughly 75 percent of U Visa holders. This is because abusers often use the threat of deportation as a tool to control victims; for example, abusers often tell their victims that they will contact federal immigration authorities if the victim calls the police to report the abuse. In fact, research shows that more than a quarter of U Visa applicants were reported to immigration authorities by their abusers at some point during their abuse. Knowing that a U Visa can provide safety and protection allows many domestic violence and sexual assault victims to feel more comfortable seeking help and following through with legal action against their abusers.

Similarly, T visas are important for immigrant victims because human traffickers often take advantage of those who are vulnerable. Immigrants, particularly those without status, may be susceptible to human trafficking for a variety of reasons including the lack a social safety net, language barriers, less knowledge of U.S. laws and their legal rights, as well as fear of deportation. Due to these vulnerabilities,

Congress created the T Visa to protect immigrant victims and strengthen the relationship between law enforcement and immigrant communities.

## **U Visa**

The U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, tracking of aliens and other crimes, while also protecting victims of crime who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.

**Eligibility** - To be eligible for a U-Visa, victims must have suffered substantial physical or mental abuse due to a qualifying criminal activity, possess information concerning the qualifying criminal activity and be able to demonstrate they have been helpful, are being helpful or are likely to be helpful to law enforcement, prosecutors or other authorities in the investigation and that the crime occurred in the United States or violated the laws of the United States.

- A family member of a U-Visa applicant cannot apply for a U-Visa on his or her own behalf. However, the U-Visa applicant can file a petition on behalf of family members:
- If the U-Visa applicant is less than 21 years of age, the applicant can file for his or her spouse, children, unmarried siblings under 18, and parents.
- If the U-Visa applicant is 21 or older, he or she can file for his or her spouse and the applicant's children.
- The applicant must file Form I-918, Supplement A, for qualifying family members.

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Immigrants, who are victims of a qualifying crime, and their family members, can apply for a U-Visa either from outside the United States, as long as the qualifying crime was committed either:

- While the immigrant was in the United States, or
- By a United States citizen.
- The immigrant and family members will file for the U-Visa with the U.S. Embassy or Consulate in the immigrant's country.

### **A person may be eligible for a U nonimmigrant visa if:**

He or she is the victim of a qualifying criminal activity. A qualifying criminal activity includes rape, torture, incest, human trafficking, domestic violence, abusive sexual assault, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, perjury, involuntary servitude, slavery, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, fraud in foreign labor contracting, stalking, and other related crimes which include any similar activity where the elements of the crime is substantially similar to the above specified offenses.

### **Form I-918**

One of the documents a person must complete and submit as part of the U visa process is Form I-918, Supplement B, U Nonimmigrant Status Certification. The Form I-918, Supplement B, must be signed by an authorized official of the certifying law enforcement agency (The Chief of Police, or his or her designee). The official must confirm that the U visa applicant was helpful, and currently being helpful, or will likely be helpful in the investigation or prosecution of the case. The Chief has designated the Lieutenant of the Human Trafficking Unit his or her designee.

When the department receives a request for a certifying signature, the application shall be forwarded to the Lieutenant of the Human Trafficking Unit. The Human Trafficking Unit is responsible for researching records to determine if the applicant is a cooperating victim of a qualifying crime that meets the criteria for a U Visa.

Applications which meet the established guidelines and are determined to be under the under the police department's jurisdiction may be signed

by the Chief of Police, or his or her designee, and returned to the requesting party for submission. Recommendations will be based on whether:

- The applicant's victim status meets the criteria, spirit and intent of the U visa program;
- The applicant cooperates with the Department at all stages of the investigation;
- The applicant follows instructions to facilitate prosecution;
- Other criteria described in the U visa program.

When a U visa applicant's case has been prosecuted, the U visa application will be forwarded to the prosecutor's office that handled the prosecution. The department will request that the prosecutor make the decision on whether to sign the application, based on the applicant's cooperativeness with the prosecution and other U Visa criteria.

### **T Visa**

In October 2000, Congress created the "T" nonimmigrant status by passing the Victims of Trafficking and Violence Protection Act (VTVPA). The legislation strengthens the ability of law enforcement agencies to investigate and prosecute human trafficking, and also offer protection to victims. Human trafficking, also known as trafficking in persons, is a form of modern-day slavery in which traffickers lure individuals with false promises of employment and a better life. Traffickers often take advantage of poor, unemployed individuals who lack access to social services. The T Nonimmigrant Status (T visa) is set aside for those who are or have been victims of human trafficking, protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking.

**Eligibility** - A person may be eligible for a T visa if:

- He or she is the victim of trafficking, as defined by law;
- He or she is in the United States [et al] due to trafficking;
- He or she complies with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (or is under the age of 18, is unable to cooperate due to physical or psychological trauma);

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- He or she demonstrates that he or she would suffer extreme hardship involving unusual and severe harm if he or she was removed from the United States; and
- The person is admissible to the United States. If not admissible, a person may apply for a waiver.

### **Form I-914**

An applicant is encouraged to submit Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, to show law enforcement agency support. Form I-914, Supplement B serves as the primary evidence that a person is a victim of trafficking and that he or she has complied with reasonable requests from law enforcement. Form I-914, Supplement B, is required to be signed by the officer who is identified on the form as the “certifying officer”. The certifying officer’s supervisor is also required to sign the form.

***When the department receives a request for a certifying signature, the application shall be forwarded to the Lieutenant that oversees the Human Trafficking Unit. The Human Traffic Unit is responsible for researching records to determine if the applicant meets the criteria for a T Visa or U Visa.***

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## **Massachusetts Victim Bill of Rights**

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### Massachusetts Victim Bill of Rights

In the event a criminal proceeding is initiated against your attacker, the Massachusetts Victim Bill of Rights provides the following additional rights:

#### The Right to Information on the Criminal Justice System:

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- You have the right to be informed of how a criminal case progresses through the system, what your role is in the process, what will be expected of you, and why.
  - You have the right to be informed of rights and services for victims in the court process.
  - You have the right to assistance in applying for social services, financial assistance and certification to receive information about an offender.
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#### The Right to Information on the Criminal Case Involving You:

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- Upon request, you have the right to be updated on significant developments in the case.
  - You have the right to be notified in a timely manner of any changes in schedule for court appearances for which you have been ordered to appear.
  - You have the right to be notified of the final disposition of the case, including an explanation of the type of sentence imposed and a copy of the conditions of probation, if any.
  - You have the right to be notified by the Supervising Probation Officer whenever an offender seeks to change a restitution order.
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#### The Right to be heard and Present at Court Proceedings:

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- You and your 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 you and about your opinion regarding the sentence to be imposed.
  - You have the right to submit your Victim Impact Statement to the Parole Board as part of its records on the offender.
  - You have the right to be heard at any other time deemed appropriate by the judge.
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The Right to Confer at Key Stages in the Court Process:

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

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The Right to Financial Assistance:

- You 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.
- You have the right to a witness fee for each day that you are required to be in court.
- You have the right to request that the judge order the offender to pay restitution for your crime related losses, and to receive a copy of the offender's schedule of restitution payments.
- You may be able to pursue a civil lawsuit for damages caused as a result of the crime by consulting a private attorney.

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The Right to be notified of an Offender's Release:

- Upon request, you have the right to advance notification whenever the offender is moved to a less secure correction facility.
- Upon request, you have the right to advance notification whenever the offender receives a temporary, provisional or final release from custody.
- You have the right to be informed by the Parole Board of the offender's parole eligibility.
- You 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.

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The Right to Other Protections in the Criminal Justice System:

- You have the right to request confidentiality for yourself and family members during the court proceedings for personal information, including home address, telephone number, school and place of employment.



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- You have the right to protection by law enforcement from harm or threats of harm as a result of your cooperation with the court process.
- You have the right to a safe waiting area which is separate from the defendant and the defendant's family during court proceedings.
- You have the right to a prompt disposition of the case involving you.
- You have the right to request employer and creditor intercession by the prosecutor's office if the crime or your involvement in the court process causes problems with an employer or in meeting financial obligations.
- You have the right to have any property seized as evidence returned to you as soon as possible once it is no longer needed for law enforcement purposes.
- You, as a homicide survivor, have the right to possess in the courtroom an 8x10 or smaller photograph of the victim so long as it is not displayed.

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The Victim Bill of Rights is set forth in state law in [Chapter 258B](#) of the Massachusetts General Laws, March 1998.