



VICTIM/WITNESS ASSISTANCE

INDEX CODE: 1602
EFFECTIVE DATE: 11-07-08

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I. COMMITMENT TO VICTIM & WITNESS ASSISTANCE

The Anne Arundel County Police Department is committed to the development, implementation and continuation of appropriate victim/witness assistance programs and activities. All members of the department will treat victims and witnesses with fairness, compassion, and dignity.

Law enforcement officers are often in a unique position to provide assistance to victims of crime and other traumatic incidents that may have both immediate and long-term impact on victims' emotional recovery. It is the policy of this department to enhance the treatment of victims by providing the assistance and services necessary to speed their physical and emotional recovery, and to support and aid them as they continue to interact with the criminal justice system.

II. LEGAL GUIDELINES

Guidelines for the treatment of and assistance to crime victims and witnesses have been established in the MD. CODE ANN., CRIMINAL PROCEDURE ARTICLE Section 11-1001 - 11-1002)(Chapter 125, SB 274). Under these guidelines, a crime victim or witness should:

- * Be treated with dignity, respect, courtesy and sensitivity;
- * Receive emergency help as needed;
- * Be notified in advance of dates and times of trial court proceedings and cancellations of these dates;
- * Be advised of the protection available, and on request, to be protected by criminal justice agencies, to the extent reasonable, practicable, and necessary, from harm or threats of harm arising out of the crime victim's or witness's cooperation with law enforcement and prosecution efforts;
- * Be provided a waiting area apart from the accused during investigative and court proceedings;
- * Be informed of financial assistance, criminal injuries compensation, and any other social services available;
- * Be kept reasonably informed by the police or State's Attorney of the apprehension of a suspect, closing of the case, and an office to contact for information about the case;
- * Have stolen or other property promptly returned by law enforcement agencies when means can be employed to otherwise satisfy evidentiary requirements for prosecution unless there is a compelling law enforcement reason for retaining it;
- * For a crime of violence, on written request and completion of a one-step form, be kept informed by pretrial release personnel, the State's Attorney or Attorney General, as appropriate, of any proceeding that affects the crime victim's interests, including bail hearing, dismissal, nolle pros, or setting of charges (MD. CODE ANN., CRIMINAL PROCEDURE ARTICLE Section 11-104)(Chapter 641, SB 699/HB 975);
- * On request of the State's Attorney, and in the discretion of the judge, be permitted to address the judge or jury or have a victim impact statement read by the judge or jury at sentencing before the imposition of the sentence or at any hearing to consider altering the sentence (MD. CODE ANN., CRIMINAL PROCEDURE ARTICLE Section 11-402)(Chapter 297, SB 132);

- * Be informed of the right to request restitution and be provided with assistance in requesting and collecting restitution (MD. CODE ANN., CRIMINAL PROCEDURE ARTICLE Section 11-603 - 11-614)(Chapter 487, SB 417) and Section 11-603 - 11-614)(Chapters 385 & 386);
- * On written request to the parole authority, be informed any time there is to be a hearing on provisional release from custody and any time the offender is to receive such a release (MD. CODE ANN., CORRECTIONAL SERVICES ARTICLE Sections 7-305, 7-401, 7-804, 7-805)(Chapter 139, HB 263) ;
- * On written request to the Patuxent Institution, Division of Correction, or Parole Commission, as appropriate, have a victim impact statement read at any hearing to consider temporary leave status or a provisional release; and
- * On written request to the agency that has custody of the offender after sentencing, be informed by the agency any time the offender escapes or receives a mandatory supervision release.

III. VICTIM/WITNESS PROCEDURES

A. Communications Section

Communications is responsible for providing the following victim/witness assistance information between victimization and preliminary investigation, either directly or on a cooperative basis with other area agencies:

1. Information, available 24 hours daily, regarding victim/witness assistance supplied by the department, including instructions to call 911 if the victim/witness requires an emergency response;
2. Referral information, available 24 hours daily, regarding services offered in Anne Arundel County by other organizations (governmental or private sector) for victims/witnesses in need of medical attention, counseling, and emergency financial assistance.

This policy applies in those instances when neither a patrol officer nor an investigator can be assigned to the case in a timely manner, thereby creating a significant delay between victimization and initial contact with the victim/witness by officers conducting the preliminary investigation.

B. All Personnel

1. Officers will provide assistance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. Officers will provide appropriate assistance as determined by the nature of the case. At a minimum, officers should calm and assist frightened victims by allowing victims to express their feelings by understanding their reactions, providing reassurance that their feelings are normal and understandable, and by offering words of encouragement.
2. Officers will provide each victim/witness, regardless of the type of offense, with a copy of the brochure entitled "CRIME VICTIMS AND WITNESSES: Your Rights and Services." This does not just apply to victims of domestic violence – ALL victims and witnesses should be given this brochure. If necessary, officers should arrange to have threatened victims placed in protective custody. (Please note that there is a State Compliance Initiative that monitors the distribution of these brochures to ensure that all police officers distribute them to all crime victims and witnesses.)
3. When officers become aware of danger to a victim/witness, the officer will promptly attempt to contact and alert the victim/witness. If the victim/witness is located in an outside jurisdiction, the officer will contact the appropriate agency and inform it of the situation and request that reasonable precautions be taken.

C. Preliminary Investigators

1. Officers will not leave a distraught victim alone. Arrangements will be made to have a relative, friend, family member, crisis center representative, or departmental clergyman join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member or other appropriate service provider.
2. The officer in charge of the preliminary investigation will take the following steps necessary to meet victims' needs for support and information:
 - a. Give information to the victim/witness about applicable services (i.e., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy);
 - b. Advise the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her;
 - c. Inform victims/witnesses about the case number and subsequent steps in the processing of the case; and

- d. Provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.
- e. Distribute the "Crime Victims and Witnesses" brochure to victims and witnesses and point out that the above information is included in the brochure.

D. Follow up Investigators

1. If, in the opinion of the investigator, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance, the investigator will recontact the victim/witness periodically to determine whether needs are being met;
2. If not an endangerment to the successful prosecution of the case, the follow-up investigator will explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures;
3. If feasible, the investigator will schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness and, if necessary, provide transportation;
4. If feasible, the investigator will return promptly victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence;
5. If feasible, the investigator will contact the State's Attorney's Office, Victim/Witness Assistance Unit to arrange for assigning a victim advocate to the victim/witness during follow-up investigation.

E. Post-Arrest Procedures

Upon arrest and during post-arrest processing of the suspect, the officer in charge of the investigation will notify the victim/witness of the arrest, the charges, and the arrestee's custody status and changes thereto.

1. VINE (Victim Information and Notification Everyday) is a free, anonymous, automated telephone service that provides victims of crime with two important services: information and notification. VINE will provide victims and police with vital court case and custody information for an offender currently involved in the criminal justice system in Maryland. For offender information, call the statewide VINE program at 1-866-MD4VINE (1-866-634-8463). There is also a website at www.vinelink.com.
2. Maryland Sex Offender Alert Line: Call 1-866-559-8017 (toll free) to find out if a registered sex offender has moved into a certain area. Call the alert line and enter a phone number and zip code. There is also a website for more information at www.socem.info.

IV. FUNCTIONAL RESPONSIBILITIES

The director of the *Juvenile-Victim/Witness Assistance Section* is responsible for coordinating the department's victim/witness assistance activities. Specific functional responsibilities include:

- A. Administering and coordinating the department's role in victim/witness assistance.
- B. Completing (or obtaining) an analysis of victim/witness needs and available services within Anne Arundel County, at least once every two years. The analysis will include the following elements:
 1. The extent and major types of victimization in Anne Arundel County;
 2. An inventory of information and service needs of victims/witnesses in general (including homicide and suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers;
 3. Victim assistance and related community services available within Anne Arundel County; and
 4. Identification of all unfulfilled needs, and selection of those needs that are appropriate for the Police Department to meet.

It is recommended that this analysis be coordinated with the State's Attorney's office.

- C. Developing goals and objectives regarding the department's role in victim/witness assistance, based on the analysis described above.

D. Based on the analysis described above, developing policies and procedures that achieve at least the following:

1. Govern 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 roles in case development consistent with applicable law; and
3. Govern department efforts to inform periodically the public and the media about the department's victim/witness assistance services.

E. Maintaining liaison with the State's Attorney's Office, other criminal justice agencies, and other agencies and organizations concerned with victim/witness needs and rights. The director of the ***Juvenile-Victim/Witness Assistance Section*** will meet periodically with such agencies to maintain ongoing channels of communication by which to offer and receive suggestions about how the department can work more effectively to better serve the victim/witness.

F. Maintaining an up-to-date list of existing department and community victim/witness assistance programs, and ensuring that all newly hired non-sworn employees are informed of these available programs. Subsequent orientations at least once every two years will be conducted for non-sworn personnel.

G. Assisting the Training Academy staff by sponsoring or conducting training of sworn personnel, non-sworn Communications Section personnel, and other non-sworn employees directly involved in the department's victim/witness assistance efforts. Appropriate training will be conducted on victim/witness rights and needs.

H. In conjunction with the Public Information Office, informing periodically the public and the media about the department's victim/witness assistance services.

V. PROPONENT UNIT: Juvenile-Victim/Witness Assistance Section.

VI. CANCELLATION: This directive cancels Index Code 1602, dated 12-22-06.