

## 55.0 VICTIM/WITNESS ASSISTANCE

**PURPOSE:** To establish procedures aimed at assisting witnesses and victims of crime through information and departmental action as specified by law and departmental policy.

### Definitions

**Victim** – An Individual who suffers direct or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act, including a family member or guardian of a minor, incompetent, or homicide victim.

**Pamphlet** - Notice published by the Victim Services Board, which notifies victims of the rights, services, and procedures relating to the period of time before and after the filing of a charging document.

### Organization and Administration

The ability of law enforcement officers to solve crimes and have successful prosecutions depends a great deal upon the willingness of victims and witnesses of crimes to become involved in the criminal justice system, (during investigation and subsequent judicial actions). Victims are often the forgotten element in the criminal justice process. Defendant's Constitutional Rights must be stringently upheld, or successful prosecution of the case is in jeopardy. A State's Attorney prosecutes the crime, but in actuality, represents the State of Maryland, and not the victim. More often than not, the victim is left in the dark as to the status of the investigation, expectations as a victim/witness, and procedures/organizations available to assist victims.

The Sheriff's Office is committed to treating victims and witnesses with fairness, compassion, and dignity, and to provide assistance.

- A. Developing, implementing, and the fostering of a victim/witness assistance program.
- B. The Sheriff's Office will provide In-Service Training stressing actions that deputies can take to aid victims and witnesses.
- C. Identifying specific personnel to receive appropriate victim/witness assistance training, and to coordinate the department's efforts.

#### 55.1.1 Summarize of Rights of Victims and Witnesses under Maryland Law

The rights of Victims and Witness under Maryland Law can be find in the Criminal Procedure Article, Section 11-101 to 11-1005.

#### 55.1.2 Review of Victim / Witness Assistance Needs

- A. The Department will, at a minimum of every three years, conduct an analysis of victim/witness assistance needs and available services within the department's

service area. At a minimum, the analysis will include:

1. The extent and major types of victimization within the department's service area.
  2. Compilation of information and service needs of victim/witness in general to include victims of:
    - a. Homicide related crimes
    - b. Suicide survivors
    - c. Victims of domestic violence
    - d. Abused and neglected (children and elderly)
    - e. Sexual crimes
    - f. Victims resulting from drunken driving offenses
  3. Victim assistance and related community services available with the department's service area.
  4. Identification of any unfulfilled needs and the selection of needs that are appropriate for the department to meet.
- B. The goal of the Sheriff's Office is to develop a victims/witnesses assistance function, which will benefit the department through citizen good will and increased participation in the criminal justice process, while meeting certain specific needs of individual victims or witnesses. The Patrol Commander will assign specific personnel to coordinate the department's victims/witnesses function. Personnel assigned responsibilities of coordinator will report directly to the Patrol Commander regarding the activities of the Victim/Witness Assistance Program.

#### 55.1.3 Sheriff's Office Role in Victim / Witness Assistance

- A. This Order details the plan and specifies implementation and delivery of victim and witness assistance services.
- B. The Sheriff's Office will protect the records and files of victims and witnesses, to include their role in case development to the extent consistent with Maryland's Freedom of Information Act.
- C. The Crime Prevention Deputies will periodically inform the public and media about the agency's victim/witness assistance services.

D. Liaison with other agencies

The coordinator will ensure that the department maintains liaison with other organizations, governmental and non-governmental, having such programs or offering specific assistance services. Such a relationship between the department and other organizations will serve to:

1. Allow governmental agencies with like goals and objectives regarding victim/witness assistance programs to maintain an exchange of ideas and training information that will enhance mutual efforts.
2. Continually update agencies available to the community outside the department who provide services to victims/witnesses that cannot be offered by the Sheriff's Office, and who may be used as referral sources.
3. Inform a variety of agencies working toward a common goal of victim assistance that other such sources exist, and through liaison create a working network with common goals.

55.2 Operations

55.2.1 Victim / Witness Assistance Information

A. 24-Hour Victim Assistance Contact

1. Individual departmental personnel will be responsible, as situations arise, for informing victims/witnesses of available departmental services and of appropriate referral agencies.
2. Information as to assistance provided by the department or other agencies in the County to victims/witnesses will be available 24 hours a day to people calling (240) 313-2878, or referred through the "911" emergency number.
3. The Washington County Communications Center will be in operation 24 hours a day. Should a victim/witness make an inquiry and a specific deputy or the Victim/Witness Assistance Coordinator not available, the Duty Officer will serve as a 24-hour point of contact. Information will be provided regarding services by the Department as well as other agencies available, (both government and private), for victims/witnesses with specific needs to include: medical attention, counseling, or emergency financial assistance.

B. An excellent source of organizations, which may be able to address specific needs of

a victim is the “Community Services Directory” compiled by the United Way. A copy of the directory will be maintained in the Communications Center. Examples of other agencies with the common goal of victim/witness assistance and examples of relationship with the department include, but are not limited to:

1. **Washington County State’s Attorney Office**, The State’s Attorney’s Office has a victim/witness coordinator primarily concerned with situations in which a suspect has been charged with a crime. Since departmental personnel will be assisting victims/witnesses primarily in crimes where no charges have been brought, a working relationship with the State’s Attorney’s Office will compliment the joint effort of the two agencies in meeting the needs of victims/witnesses.
  2. **CASA**, Offers safer shelter for women who have been a victim of domestic violence. Departmental personnel responding to domestic disputes requiring a temporary separation of parties due to violent behavior can refer the victim to CASA.
  3. **Washington County Department of Social Services**, Provides financial and social support to people in need.
  4. **Department of Juvenile Justice**, Provides information and support for juvenile and their families.
  5. **Language Line** provides assistance to non English speaking victims and witnesses to assist in providing services through oral interpretation. Language Line can be reached at 1-800-523-1786. Our client numbers is 930016, and please provide them with your agency identification number.
- C. Departmental personnel will be diligent in assisting victims, if at all possible, through services the department may provide or by referring the victim to an appropriate organization, (if available), that can address specific needs of victims.
- D. The department will keep sworn and non-sworn personnel informed as to agency and community victim/witness assistance programs activities. In-Service Training will be conducted, as needed, focusing on victims and methods of assisting them. New personnel will receive orientation on victim/witness assistance as part of their initial training.

#### 55.2.2 Protection for Victims/Witnesses

- A. The department will provide appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the department, express

specific, credible reasons for fearing intimidation or further victimization. The decision to assign departmental personnel to physically protect a victim/witness will be made by the Patrol Commander or higher authority.

- B. “Appropriate Assistance” will be determined by:
  - 1. The nature of the case
  - 2. Resources available to the department
  - 3. Other requirements of the department
  - 4. The amount of apparent danger involved
- C. “Appropriate Assistance” may include, but not be limited to:
  - 1. Physically guarding a victim/witness, (only within department’s jurisdiction)
  - 2. Escorts
  - 3. Words of encouragement or advice
- D. If the department becomes aware of danger to a victim or witness, a prompt attempt will be made to contact and alert the victim/witness, along with appropriate action. If the victim/witness is in another jurisdiction, an enforcement agency in that area will be contacted, informed of the situation, and a request for reasonable precautions made.
- E. Advocacy assistance will be afforded to victims of the following criminal activity:
  - 1. All felonies
  - 2. Misdemeanor offenses involving crimes against person
  - 3. Other crimes as deemed appropriate by the responding deputy

#### 55.2.3 Victim / Witness Assistance Services to be Rendered during the Preliminary Investigation

Assistance to be given along with normal investigative routines during the preliminary investigation will include, at a minimum:

- A. Giving the victim/witness information of applicable assistance, which may be provided by the department or other agencies, (i.e. counseling, medical attention, or victim advocacy.

- B. Giving advice as to a possible course of action if a suspect or suspect's companion / family threatens or otherwise intimidates the victim or witness, to include re-contact the Sheriff's Office and or getting a protective order for the court system.
- D. Giving the victim the case number, and subsequent steps in the processing of the case.
- E. Giving telephone number(s) that the victim/witness may call to report additional information about the case or to receive information about the status of the case, as to whether it is open, suspended, or closed.

55.2.4 Assistance services to be provided during follow-up investigations, if any, include at a minimum:

- A. If in the opinion of the department, the impact of a crime on a victim/witness has been unusually severe, and has triggered above average victim/witness assistance, re-contacting the victim/witness periodically to determine whether needs are being met.
- B. If not an endangerment to the successful prosecution of the case, explaining to the victim / witness procedures involved in the prosecution of their case and their role in the procedures.
- C. If feasible, schedule line-ups, interviews, and other required appearances at the convenience of the victim / witness. Transportation may be provided by the department if the victim / witness have no transportation.
- D. If feasible, return property of victim / witness promptly, which was taken as evidence, (excepting for contraband, disputed property, or weapons used in the course of the crime), as permitted by law or rules of evidence.
- E. If feasible, assign a victim advocate to the victim / witness during the follow-up investigation.
- F. On first contact with a victim, the deputy shall give the victim a copy of the victim pamphlet.

55.2.6 Notifying of Next of Kin

- A. The Deputy in charge at the crime or accident scene of a serious, or life threatening incident, shall notify, or shall have notified by phone or in person, the next of kin or nearest relative (in the jurisdiction) when a victim of a crime or driver or passenger of a vehicle has been taken to a hospital.

- B. The deputy shall make no medical statements other than to say the subject has been injured and that they have been transported to this or that hospital, and the hospital's location.
- C. The Deputy in Charge at the Scene of a Fatal shall notify in person with the assistance of the Chaplin, (if available), the next of kin or nearest relative (in the jurisdiction) when a victim, driver or passenger has died. If there is no relative near our jurisdiction, the duty officer shall notify the law enforcement agency, which has jurisdiction, where the next of kin reside, and ask that agency to make notification to the next of kin.
- D. These procedures shall be used by the Duty Officer when there is a request from another agency to make notification for them.