

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

It is the responsibility of every member of this agency to assist crime victims and their families through their victimization period by providing comprehensive services, education about the justice system and information regarding victim's rights. It is important to remember that appropriate assistance is a judgment call made by the case officer and the agency, which is determined by the nature of the case and by the resources available to the agency and commensurate with the danger faced by the victim/witnesses.

Appropriate assistance may range from offering words of encouragement to a frightened witness to placing victim/witnesses in protective custody. These services are available to survivors of homicide, survivors of traumatic death, children and families of physical and sexual abuse, domestic violence victims and victims of robbery. When victim(s)/witnesses feel threatened, the case officer will provide help in obtaining a peace or protective order, when appropriate.

318.2 POLICY

The St. Mary's County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the St. Mary's County Sheriff's Office will show dignity, respect, courtesy, sensitivity, compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 VICTIM SERVICES COORDINATOR

The Victim Services Coordinator will be the point of contact for individuals requiring further assistance or information from the St. Mary's County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 DNA PROFILE INFORMATION

The crime victim liaison shall ensure that a system is in place to provide victims of violent crime who have made a written request for notice of DNA profile information with the following (Md. Code CP § 11-104):

- (a) Whether an evidentiary DNA profile is obtained from evidence in the case
- (b) When a DNA profile developed in the case is entered into the statewide DNA database system
- (c) When a confirmed match or hit on the DNA profile is received

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Saint Mary's County Sheriff's Office LE Procedures Manual: DNA NOTIFICATION REQUEST PROCEDURES

318.4 CRIME VICTIMS AND WITNESSES

Deputies on first contact shall provide all victims or victim's representative with the applicable victim and witness rights pamphlet (Md. Code CP § 11-104).

Deputies should never guarantee a victim's or witness' safety from future harm but should take reasonable safety precautions and make practical safety suggestions to victims who express fear of future harm or retaliation (Md. Code CP § 11-1002(b)(4)).

Deputies should provide a separate area away from suspects or the family and friends of suspects during an investigation and should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but should direct him/her to the proper written office material or available victim resources (Md. Code CP § 11-1002).

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

When interacting with individuals suspected of being or claiming to be victims of sexually assaultive behavior as defined by Md. Code CJ § 10-923, members should not present to the victim any form purporting to (Md. Code CP § 11-929):

- (a) Relieve the Office of any obligation to the victim.
- (b) Preclude or define the scope of the investigation.
- (c) Prevent or limit a prosecution of an act allegedly committed against the victim.
- (d) Limit a victim's private right of action pertaining to an act allegedly committed against the victim or the victim's interaction with the Office.

If such a victim requests the investigation be suspended or limited in scope, the responding member should thoroughly document that request and follow-up according to the practices recommended by the MPTSC (Md. Code CP § 11-929).

318.5 VICTIM AND WITNESS INFORMATION

The Administrative Division Commander or designee shall ensure that victim and witness information handouts are available and current. These should include as appropriate (Md. Code CP § 11-1002):

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Crisis intervention help, including medical treatment, creditor intervention services, counseling, or other social services.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Md. Code CP § 11-925).

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- (d) Contact information for the Maryland Sex Offender Alert Line.
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Available compensation for qualifying victims of crime (Md. Code CP § 11-916).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) The victim's right, upon written request, to the following:
 - 1. To be kept reasonably informed of the arrest of a suspect and closing of the case.
 - 2. Which office to contact for information about the case.
 - 3. For victims of a violent crime, to be notified and updated on matters related to a suspect's DNA profile pursuant to Md. Code CP § 11-104.
- (l) The right to have stolen or other property promptly returned and, upon written request, should have the property promptly returned when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it.
- (m) If an Offense Report is written, deputy sheriffs must give the victim a copy of the pamphlet, or, in the case of a minor or incompetent, to a guardian or family member.
 - (a) On the front of the pamphlet the officer will write his/her name, the name of their immediate supervisor, the complaint control number, and the agency telephone number to report additional information, or find status of case investigation.
- (n) How a victim may keep the victim's address confidential (Md. Code SG § 7-303; Md. Code SG § 7-304).
- (o) Maryland Electronic Courts (MDEC) system for requesting and receiving notices electronically, if applicable (Md. Code CP § 11-104).
- (p) How to request information regarding an unsolved case (Md. Code CP § 11-104).

318.5.1 CONFIDENTIAL INFORMATION

The Office, on request of the state, may withhold the address or telephone number of the victim, victim's representative, witness to a felony, domestically related crime, or other covered crime before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information (Md. Code CP § 11-205).

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318.6 CASE OFFICER RESPONSIBILITIES

- (a) Advise the victim/witnesses what to do in case the victim/witnesses are threatened or intimidated by the suspect, the suspect's family and/or companions.
- (b) Provide contact information that the victim/witnesses may call to report supplemental information, and/or receive information about the status of the case.
- (c) Provide the victims with the agency case number, the subsequent procedures and/or steps in the processing and prosecution of the case, and their role in those procedures.
- (d) Schedule line-ups, interviews, and other required appearances at the convenience of the victim/witnesses, and at the option of the agency, providing transportation if feasible.
- (e) Promptly return property taken as evidence from the victim/witnesses (except for disputed property, contraband, and weapons used during the crime), where permitted by law.
- (f) Provide information on protective orders in cases of domestic violence.
- (g) Provide information on peace orders for those individuals who are not eligible for protective orders.
- (h) Inform the victim/witnesses how to register with the Victim Information and Notification Everyday (VINE) System, the steps in the processing of the case.
- (i) Work to ensure that the agency makes every reasonable effort to guarantee that the personal rights, confidentiality, and safety of victims/witnesses are protected by its actions.
- (j) Deputies/detectives are encouraged to assist the victim in obtaining advocate services when and where available.
- (k) Work closely with the Criminal Investigations Division (CID) to periodically contact the victim(s)/witnesses involved in unusually severe Part I offenses, in which the victim/witness has an above average need for assistance, to determine if needs are being met.

318.6.1 VICTIM/WITNESS INTIMIDATION

The agency will provide appropriate assistance to victim(s)/witnesses who are threatened and who express credible reasons for fearing intimidation or further victimization. The case officer will determine the appropriate assistance necessary; this is commensurate with the danger faced by the victim/witnesses.

When protective custody is a consideration, approval is required through the case officer's chain of command. When the victim/witnesses are located in another jurisdiction, the agency is not responsible for the custody itself, but should immediately notify the involved jurisdiction of the situation and the reasonable precautions to be taken.

When possible, victims shall be notified of the arrest of the suspect(s) in their case. Notifications may be made in person, by phone or by mail, and should be documented in report.

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318.7 BIENNIAL REVIEW OF POLICY AND SERVICE NEEDS

It is the responsibility of the CID Commander, or the authorized designee to review the Victim Services Policy annually to ensure that the agency is meeting the needs of victims and other witnesses. A documented review of victim/witness needs, and available services will be completed biannually in December of odd numbered years.