

# Victim/Witness Services Program

**Index Code: 902**

**Effective Date: 01/01/12**

## I. Purpose

The purpose of this directive is to establish a Victim/Witness Services Program and delineate responsibilities to ensure its success.

## II. Policy

The Office of the Sheriff recognizes that providing assistance to victims and witnesses of crimes is as important in its law enforcement role as identifying and apprehending criminal perpetrators. The Office of the Sheriff recognizes that law enforcement agencies are dependent upon the aid of victims and witnesses to hold criminals accountable. If victims and witnesses are subjected to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation, which in turn can have negative effects on investigations and subsequent prosecutions.

It is the policy of the Office of the Sheriff to maintain a successful Victim/Witness Services Program in an effort to better serve the public by ensuring that victims and witnesses of crimes have access to all available services needed. To ensure its success, the Office of the Sheriff has created the position of Victim/Witness Service Provider (VWSP), who is responsible for coordinating support services to crime victims and witnesses in Queen Anne's County. The VWSP may be a sworn employee, non-sworn employee, civilian volunteer, or a representative from an outside entity, as availability and need dictate.

## III. Rights of Victims

The rights of Maryland victims of crimes are established in Article 47 of the Declaration of Rights of the Maryland Constitution:

- *A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.*
- *In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed*

*of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime", "criminal justice proceeding", and "victim" are specified by law.*

- *Nothing in this article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.*

## IV. Program Responsibility

A. The Commander of the Criminal Investigations Unit (CIU) will have primary responsibility for the Victim/Witness Services Program. Under the direction of the CIU Commander, the VWSP will implement the program, including:

1. Ensuring the implementation and delivery of victim/witness assistance services by agency personnel, including the VWSP;
2. Ensuring the confidentiality of victims and witnesses, and their role in case development to the extent that it is consistent with State law;
3. Using press releases and other appropriate means to inform the public of victim/witness services;
4. Establishing and maintaining relationships with the State's Attorney's Office, the Maryland State Board of Victim Services, and other allied agencies to ensure that the Office of the Sheriff has the most current victim/witness information;
5. Reviewing and recommending changes to Office of the Sheriff procedures, staff training, or other measures to ensure an effective program; and
6. Providing a report to the Sheriff on a monthly basis regarding VWSP activities performed.

B. At least once every 3 years the VWSP will conduct, under the direction of the CIU Commander, a documented review of victim/witness assistance needs and available services within Queen Anne's County as provided by the Office of the Sheriff. The review will be provided to the Undersheriff for distribution.

## **V. Information for Victims/Witnesses**

### **A. Telephone Assistance**

A victim or witness who calls the Office of the Sheriff during normal business hours will be referred to the VWSP or the CIU Commander in their absence.

The telephones at Headquarters are set to forward any after-hours call to the Department of Emergency Services (DES). Any after-hours call by a citizen seeking information about victim/witness assistance will be referred by DES to the senior supervisor on duty. The supervisor can direct a deputy to respond to the citizen or can telephone the citizen to provide the required information about available services. If the situation requires, the supervisor may also call out VWSP personnel to provide assistance.

In the event that foreign language interpretation is necessary to effectively communicate with a victim or witness, the VWSP or affected deputy will contact an authorized interpreter or utilize the "Language Line" if available.

### **B. Pamphlets**

1. The Office of the Sheriff stocks a pamphlet prepared by the Maryland State Board of Victim Services, *Crime Victims and Witnesses: Your Rights and Services*, which contains specific contact information for victim/witness services for the Mid-Shore Counties, including Queen Anne's County. Every deputy will have a supply of the pamphlet available in his/her vehicle.

Every victim of a crime will be given a copy of the pamphlet along with the deputy's business card, or with the deputy's name and telephone number filled in on the cover of the pamphlet.

2. The Office of the Sheriff also stocks a pamphlet prepared by the Maryland Network against Domestic Violence, *What to do when your home isn't SAFE*, which contains information about obtaining Protective Orders and Peace Orders and includes a "hotline" number for victims of abuse. Every deputy will

have a supply of the pamphlet available in his/her vehicle.

A responding deputy will give a copy of this pamphlet to the complaining party in every domestic complaint. If a person has been the victim of a crime in a domestic situation, the person will be given copies of both pamphlets.

## **VI. Preliminary Investigations**

In most cases the law enforcement officer is the first to arrive on the scene of a crime, and is the initial source of protection for the victim. The manner in which a deputy treats the victim affects not only the victim's immediate and long-term ability to cope with the crime; it can determine the victim's willingness to assist in the prosecution stage.

In addition to providing the pamphlets described above deputies will provide victims with information about available services. Deputies will:

A. Advise the victim of the existence of the Victim/Witness Services Program, and note the VWSP's business card to the victim. Deputies will explain that information concerning counseling, medical attention, compensation programs, and victim advocacy are available from the VWSP;

B. Advise the victim to call if there are any subsequent attempts at victimization or intimidation;

C. Point out the sections of the pamphlets which identify subsequent steps in the legal process; and

D. Encourage the victim to call the deputy if he/she has any questions, wants to report any additional information about the case, or wants to receive information about the status of the case.

## **VII. Follow-Up Investigations**

A. The Office of the Sheriff also has obligations to victims during the follow-up investigation, if applicable.

B. The VWSP will coordinate activities with the deputy assigned a follow-up investigation, and upon request of the deputy or their supervisor contact the victim(s) and witnesses within 15 days of initiation of the investigation.

The VWSP will be responsible for the following victim/witness assistance services:

1. If, in the opinion of the VWSP, the impact of a crime on a victim or witness has been unusually severe and has triggered an above average need for victim/witness assistance, the VWSP will re-contact the victim/witness periodically to determine whether his/her needs are being met;
2. If it will not endanger the successful prosecution of the case, the VWSP will assist the investigator in explaining to the victim and to witnesses the procedures involved in the prosecution of their case and their role in those procedures;
3. With the assistance of the VWSP, when available, deputies will make reasonable attempts to schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness and will, with the approval of their supervisor provide transportation for the victim or witness;
4. Victim/witness property taken as evidence (except contraband, disputed property, and weapons used in the course of a crime) will be returned promptly where permitted by law and the rules of evidence; and
5. The VWSP will refer victims/witnesses to other agencies which can provide additional advocate services during the follow-up, if appropriate and necessary.

#### **VIII. Arrest of Suspect or Change of Status**

Upon the arrest of a suspect the case investigator, or the VWSP with the concurrence of the case investigator, notify the victim of the arrest, the charges, and the arrestee's custody status. The victim and witnesses will also be notified of any change in status of a case.

#### **IX. Intimidation of Victims and Witnesses**

A. The Office of the Sheriff will provide appropriate assistance to victims and witnesses who have been threatened or who, in the judgment of the VWSP (with the concurrence of the CIU Commander), express specific, credible reasons for fearing intimidation or further victimization.

B. What constitutes appropriate assistance will vary with the nature and credibility of the threat

and the resources available. However, deputies will provide at a minimum the following:

1. Inform victims and witnesses that at any sign of danger they should call 911, and can expect an appropriate law enforcement response;
2. Victims of abuse will be provided with the pamphlets as described above, and made aware of their ability to seek Protective or Peace Orders if applicable;
3. Ensure that the VWSP and CIU Commander are notified, and make any other necessary arrangements such as periodic checks; and
4. If other action is necessary, the VWSP and CIU Commander will work with the State's Attorney's Office to coordinate an appropriate response.

#### **X. Juveniles**

Juvenile victims and witnesses retain all the same rights and privileges as adult victims and witnesses, as allowed by law. A juvenile's parent/guardian must be informed of any service(s) made available, and agree to same, unless exigent circumstances exist and the safety of the juvenile is at risk. Due to the sensitivity of certain juvenile cases the responsibility of contacting juvenile victims and witnesses with the case investigator.

#### **XI. Victim/Witness Assistance to Office of the Sheriff Personnel**

The VWSP is also responsible for rendering victim/witness assistance services to Office of the Sheriff personnel and their families following line-of-duty deaths, serious injuries, or traumatic events. That assistance includes:

- A. If requested, accompany Office personnel in notifying the employee's family in a timely and personal manner, in the company of the Sheriff, Undersheriff, Chaplin, or their designee;
- B. Assisting the family at the hospital;
- C. Referring the family with questions concerning legal, financial, and benefit matters to the Undersheriff or Senior Commander, who will provide assistance in conjunction with the Queen Anne's County Department of Human Resources;

D. Supporting the family during any criminal proceeding if applicable and appropriate; and

E. Maintaining long-term contact with the family, remaining aware of their needs.

**XII. Emergency and Death Notifications**

A. Under certain circumstances, including requests by law enforcement officials of another jurisdiction, the Office of the Sheriff may be required to notify next of kin of the serious injury or death of a family member.

B. Office of the Sheriff personnel will observe the following procedures for such notifications:

1. In all cases, the assigned deputy or the VWSP will verify with notifying officials the cause of injury or death, and how the identity of the victim was established;

2. The assigned deputy or the VWSP will attempt to locate a law enforcement chaplain, other clergy, or family members to accompany the deputy on the notification. However, notification should not be unduly delayed by such attempt; and

3. If the person notified is alone, the deputy or the VWSP will, unless operational considerations prevent it, remain with the individual for a reasonable amount of time, or until family, friends, or responsible neighbors arrive.

**XIII.CALEA References:** 22.2.4, 55.1.1, 55.1.2, 55.1.3a, 55.1.3b, 55.1.3c, 55.1.3d, 55.2.1a, 55.2.1b, 55.2.2, 55.2.3a, 55.2.3b, 55.2.3c, 55.2.3d, 55.2.4a, 55.2.4b, 55.2.4c, 55.2.4d, 55.2.4e, 55.2.5 & 55.2.6.

**XIV.Proponent Unit:** Support Services Division

**XV. Cancellation:** None

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Sheriff Gary Hofmann