



## VICTIM / WITNESS ASSISTANCE

**Directive: 15-114**

Date of Issue: July 2013    Amends/Cancel: 14-127

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### **I. PURPOSE**

The purpose of this Directive is to provide guidelines for the treatment of and assistance to crime victims and witnesses.

### **II. POLICY**

All members of DGS-MCP will treat victims and witnesses with fairness, compassion, and dignity.

DGS-MCP will support victims by providing assistance and services necessary to speed their recovery, and to support them as they continue to interact with the criminal justice system.

### **III. BACKGROUND**

A. 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:

1. Be treated with dignity, respect, courtesy and sensitivity;
2. Receive emergency help as needed;
3. Be notified in advance of dates and times of trial court proceedings and cancellations of these dates;
4. 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;
5. Be provided a waiting area apart from the accused during investigative and court proceedings;
6. Be informed of financial assistance, criminal injuries compensation, and any other social services available;
7. 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;

8. 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;
9. 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);
10. 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);
11. 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);
12. 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) ;
13. 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
14. 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.

#### **IV. PROCEDURES**

##### **A. All Personnel**

1. All members of DGS-MCP will provide assistance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization.
2. Police Communication Operators will dispatch without delay Police Officers to all calls for service when it is apparent an emergency response is required for the victim/witness.
3. 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.

4. DGS-MCP 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. (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.)
5. When Police 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.
6. DGS-MCP personnel 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.
7. The Police 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.
  - d. If necessary, officers should arrange to have threatened victims placed in protective custody.
  - e. 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](http://www.vinelink.com).

## 8. Post-Arrest Procedures

- a. 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.