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# THURMONT POLICE DEPARTMENT

<b>GENERAL ORDER</b>	Date Issued: August 27, 2007	Effective Date: August 27, 2007	Order No: Chapter 10.0
Authority: Chief of Police Gregory L. Eyer		Manual Page No:	
Subject: <b>Victim/Witness Assistance</b>		Replaces Page No:	
Accreditation Standard: Chapter 55	Distribution: <b>ALL</b>	Amends:	Number of Pages: 8
Related Documents:		Rescinds:	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

**I. PURPOSE:**

To establish guidelines, responsibilities, and procedures for crime victim/witness assistance.

**II. POLICY:**

The Thurmont Police Department is committed to a policy of working closely with and assisting victims of crimes. All victims and witnesses have a right to be treated with fairness, respect, compassion, and dignity, and to be protected from harm. Therefore, all personnel of the Department will treat these persons accordingly, consistent with the department's mission statement and State law, specifically, Article 27, Section 761, governing police - victim/witness interaction.

**III. DEFINITIONS:**

NONE

**V. PROCEDURE:**

The rights of suspects and defendants involved in the criminal process are unquestionably important, yet it is equally important to protect the rights of the

victims of crime. Crime victims often suffer physical, psychological, and financial injuries. The first source of protection for most victims is the police officer. A victim treated well during crisis provides the officer with a better witness who will give a more accurate account of what happened. For purposes of this order, victim and witness are used interchangeably.

A. All personnel will:

1. Protect the rights of crime victims and witnesses;
2. Provide referral to appropriate services;
3. Preserve the confidentiality of crime victims and witnesses;
4. Provide a statement and explanation of the rights of crime victims at the initial contact with officers;
5. Provide, at the request of the crime victim, notice of the status of the investigation, as long as doing so will not jeopardize the investigation;
6. Advise the crime victim or victim's dependents of the availability of compensation through the Criminal Injuries Compensation Board;
7. Use interpreters and translation services as appropriate to deal with culture/language differences; and,
8. Provide victims of domestic violence a written notice of their rights as required by Article 27, Sec. 799 of the Annotated Code of Maryland.

B. Responding Officer's Responsibilities

1. During their contact with victims and witnesses, officers will conduct a thorough preliminary investigation and provide reasonable and appropriate assistance to victims as dictated by the circumstances and degree of need.
2. Members will distribute the brochure, "Crime Victims and Witnesses: Your Rights and Services" supplied by the Governor's Office of Crime Control and Prevention for the State of Maryland that deals with compensation programs, emergency financial assistance, medical attention, counseling, etc.
3. Officers will advise the victim what to do if the suspect or the suspect's companions/family threaten or intimidate them, to include, but not limited

to:

- a. explaining the provisions of Article 27, Section 761 of the Annotated Code of Maryland dealing with witness intimidation;
  - b. giving the phone number to call for an appropriate police response;
  - c. explaining the laws governing telephone misuse, criminal harassment, and stalking;
  - d. notifying the Frederick County State's Attorney assigned to the case about the threats;
  - e. providing appropriate assistance to those victims who express specific, credible reasons for fearing intimidation or further victimization. This assistance may range from placing a victim in protective custody to completing periodic drive-bys of their residence to offering a frightened witness words of encouragement. The State's Attorney's Office will be informed as soon as possible when witness protection is considered or warranted. When evaluating these types of requests, the evaluation will be based on the nature of the case, the availability of resources, and/or the danger faced by the victim; and,
  - f. notifying the law enforcement agency of the jurisdiction in which a victim is currently located if the victim is in another jurisdiction. If the witness is a participant in the Federal Witness Protection Plan, the officers will promptly notify the U.S. Marshall's Service.
4. Officers will provide the victim with their name and identification number, the case report number, and a telephone number that the victim may call to report additional information about the case or to receive information about the status of the case. Officers will advise the victim of subsequent steps in the processing of the case, which includes, but may not be limited to:
- a. advising the victim of the necessity for the victim to follow-through with the case;
  - b. making the victim aware of any statements made by the defendant of threatening nature, especially if directed at the victim;
  - c. notifying the victim of the defendant's bond status, e.g., released on personal recognizance, personal bond, incarcerated, etc., if known, or referring them to the District Court Commissioner for information; and,

- d. explaining the confidentiality clause pertaining to juveniles who are not charged as an adult, and the need to refer the victim to the Department of Juvenile Justice (DJJ) for specific information.

C. Follow-Up Investigation Responsibilities

Personnel assigned to conduct the follow-up investigation will:

1. periodically re-contact the victim to determine whether needs are being met if, in the opinion of the officer and the Department, the impact of a crime on a victim has been unusually severe and has triggered the need for above-average assistance;
2. explain to the victim the procedures involved in the prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case. The State's Attorney's Office also has individuals assigned to assist victims (as Victim/Witness coordinators) that may wish to assist the officer during the explanation;
3. schedule line-ups, interviews, and other required appearances at the convenience of the victim and provide transportation, if feasible;
4. subject to the approval of the State's Attorney's Office, and if feasible, return property to the victim taken as evidence promptly (except for contraband, disputed property, and weapons used in the course of the crime);
5. whenever possible, notify the victim of the issuance of a warrant, arrest of the offender, charges placed, and status of the defendant (if known); and,
6. keep victims apprised of the status of their case and notify them when the Department closes the case by any means. These contacts with the victim will be documented in a supplemental report.

D. Confidentiality Considerations Regarding Victims

1. While the Department realizes that victims must be kept informed of the status of the case in which they are involved, personnel are nonetheless cautioned about releasing information to victims regarding juvenile offenders unless the juvenile is charged as an adult.
2. Past arrests, criminal history, and/or other matters that a particular victim is not involved, will not be discussed or divulged.

3. Records pertaining to victims, especially if they are juveniles, will NOT be divulged by personnel to anyone not associated with the case. Such records include, and are not limited to:
  - a. any background information, such as prior arrest/criminal records;
  - b. school reports;
  - c. photographs of the victim;
  - d. medical records pertaining to the victim;
  - e. statements made by the victim;
  - f. the name, address, and phone number of the victim; and,
  - g. any other information of a sensitive nature or that would potentially place the victim in danger.
4. If a victim has criminal history information, personnel with knowledge of it will NOT divulge or discuss it, except with appropriate criminal justice members, e.g. the State's Attorney assigned to the case.

E. Media Requests for Interviews with the Victim

1. If a member of the media asks a member of the Department if the victim could be contacted to determine if he would consent to an interview, the Department member will refer this request to the investigating officer, who will contact the victim and make them aware of the reporter's request. Unless the victim consents, the Department will NOT furnish the victim's address or phone number to the media. The decision to talk with the media will be left up to the victim; however, the investigating officer should advise the victim of what is or is not permissible to say to avoid jeopardizing the investigation.

F. Informing the Public About Victim Assistance Services

1. Victims may contact the Department 24 hours a day for assistance. They may speak with the appropriate on-duty personnel or be forwarded to the voice mailbox of the member they wish to speak to.
2. The Communications Center and Duty Desk maintain copies of the "Crime Victims and Witnesses" brochure with the services directory and

corresponding phone numbers for referral, as well as the “Guide to Mental Health and Community Support Services in Frederick County” for use by any personnel of the Department.

3. The Department may publish victim assistance services and programs via the departmental web site if available.

#### G. Liaison with Other Victim Assistance Agencies

1. Since all personnel will be responsible for assisting victims and witnesses, personnel must be familiar with the activities and programs offered by agencies other than the Department. Personnel will maintain liaison with other criminal justice agencies, governmental and non-governmental agencies, and organizations concerned with victim/witness needs and rights. The department will share information with the agencies and organizations unless such disclosure is prohibited by law or Department policy.

#### H. Victim Contact

1. Although there are cases in which the responding officer or follow-up investigator is the primary victim advocate for the Department, there are numerous cases, most of which are property crimes, which give police agencies very little information that can lead to a solution. Cases, which have low solvability factors, are usually unassigned and suspended. To assure these victims’ needs are not ignored, the officer/investigator will attempt to re-contact the victims.
2. The objectives are:
  - a. to assure the victim that the Department is interested in the victim’s individual case and address any questions the victim may have;
  - b. to gain from the victim any new information that the Department does not have which might assist in producing new leads or producing more accurate details concerning patterned crimes;
  - c. to refer the victim to any outside agencies/programs which may not be of assistance to them; and,
  - d. to enhance community relations between the public and the Department.

#### I. Policy Review

1. The Deputy Chief of Police will review the current policy and procedures of the Department to ensure the needs of victims/witnesses are being met by Department personnel. The review will be completed annually, no later than January 31 of each calendar year.

**ATTACHMENTS :**

**DOCUMENT DATES :**

Amended Date:

Review Date:  
Review Date:

Review Date:

Rescinds:

Order Written By: Chief Gregory L. Eyler  
Order Edited and Approved By: Chief Gregory L. Eyler

Accreditation Standards Included in this Order  
CHAPTER 55.1 - 55.2.6