



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **VICTIM AND WITNESS ASSISTANCE**

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

- A. All victims and witnesses have a right to be treated with fairness, respect, compassion, and dignity, and be protected from harm or further harm, and as such, all members of the Department (sworn and non-sworn) will treat these persons accordingly, consistent with the Department's Mission Statement and State Law (Annotated Code of Maryland, CP § 11-1002) governing police victim/witness interaction.

Victims also have a right to have property belonging to them that is not contraband, or the ownership of which is not in dispute, promptly returned to them, after photographs are taken, and if the return is authorized by the State's Attorney's Office.

- B. The Department will also commit resources to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities. New members will be familiarized with Department victim services on their first week of employment.
- C. Through everyday interaction with members of the community, or in response to a particular person's request, Department personnel will take an active role in making referrals of these persons to appropriate criminal justice and social service diversion programs, and to community-based, government operated, private, and/or public programs.

The Department will maintain at the front counter information about public and private agencies to which victims, witnesses, and offenders may be referred.

II. VICTIM SERVICES COORDINATOR

The Department, being especially sensitive to the needs of victims and witnesses, recognizes the importance of having a person within the Department who is vested with the authority and responsibility to coordinate the Department's role in victim/witness assistance; therefore, Officer Margot Hawkins will administer and coordinate the Department's victim/witness efforts, by:

- A. Assisting Department employees (sworn and non-sworn) with victim/witness-related issues;
- B. Monitoring the Department's victim/witness assistance programs and efforts, and making recommendations to the Chief of Police regarding improvements, modifications, etc.;
- C. Providing guidance, when necessary and appropriate, to other officers relating to victim/witness requests, problems, and issues;
- D. Maintaining liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with the rights/needs of witnesses and victims.

III. DELIVERY OF VICTIM/WITNESS ASSISTANCE SERVICES

- A. Department members (sworn and non-sworn) will provide reasonable and appropriate assistance to victims/witnesses as dictated by the circumstances and the degree of need.
 - 1. Department members are encouraged, and are authorized to refer victims/witnesses to other criminal justice agencies and/or governmental and non-governmental agencies from which the victim/witness may benefit.
 - 2. The Department will make available information to victim(s)/witness (es) on a 24-hour basis, via a single point of contact, the City Communications Center telephone number which has been distributed to all residents and which will be given a non-resident victim/witness.
 - 3. Cottage City Police will also provide a victim/witness with information pertaining to services offered by other organizations (governmental or private sector) for victims/witnesses in need of medical attention, counseling, and emergency financial assistance, including the State's Criminal Injuries Compensation Board.

4. The Department will provide appropriate assistance to victims/witnesses who may have been threatened or who, in the judgment of the Chief of Police or the Lieutenant, expresses specific, credible reasons for fearing intimidation or further victimization. The State's Attorney's Office will be informed as soon as possible of the victim's /witnesses' request for this type of assistance.
 - a) The level of assistance deemed "appropriate" will be decided on a case-by-case basis, and may range from a periodic check-on- patrol of the victim/witness residence, to guarding of the victim/witness, to arrange for temporary housing of the victim/witness.
 - b) When the Department evaluates requests for this type of assistance, the evaluation will be based on, among other criteria:
 - The nature of the case;
 - The availability of resources; and/or
 - The danger faced by the victim/witness.
 - c) Appropriate assistance may just require an officer counseling a frightened victim or witness or offering words of support and encouragement.
5. If a Department member becomes aware of a victim/witness in danger, the member will:
 - a) As soon as practical, advise the Sergeant or the Chief of Police of the situation;
 - b) Make every reasonable effort to promptly notify and/or alert the victim/witness of the danger/threats;
 - c) If the victim/witness is in another jurisdiction, the law enforcement agency in which the victim/witness is located will be notified by the officer for the safety and welfare of their officers.
 - d) If the officer is unsuccessful in notifying the victim/witness, the officer will request the law enforcement agency of the jurisdiction in which the victim/witness is located to make the notification.
 - e) As soon as practical, the officer will notify the State's Attorney's Office (State's Attorney assigned to the case, if possible).

- f) If the victim/witness is a participant in the Federal Witness Protection Plan, the officer will notify the U.S. Marshall's Service without delay.
6. Annotated Code of Maryland, CR § 9-305, makes it unlawful for a person by corrupt means to threaten, intimidate, or impede any juror, witness, or court officer of any court of Maryland discharge of his duty, or by corrupt means or by threats or force obstructs, impedes, or endeavors to obstruct or impede the due administration of justice.

B. Preliminary Investigations

1. If a victim has been abused by a spouse or cohabitant, officers will provide victims with a pamphlet describing the rights and services available to crime victims and witnesses (required by Annotated Code of Maryland, FL §4-503) explaining the victim's rights and advising them of useful phone numbers.
2. Department members will provide victim/witness assistance services during the preliminary investigation, over and above normal investigative routines, which will include, but may not be limited to giving the victim/witness information (verbally or by providing the person with the aforementioned sheet) about applicable services known to the officer, such as:
 - a. Counseling;
 - b. Places where the victim/witness can obtain medical attention;
 - c. Compensation programs, such as Maryland's Criminal Injuries Compensation Board;
 - d. How and where a victim/witness can seek emergency financial assistance (through the PG Victim Advocate Service); and,
 - e. What public and private agencies provide victim advocacy.
 - f. Advising the victim/witness what to do if the suspect or the suspect's companions or family threatens or intimidates them, which includes, and is not limited to:
 - Explaining the provisions of Annotated Code of Maryland, CR § 9-302 through 306;

- The phone number to call for an appropriate police response (301 927-9225, 301333-4000 or 911);
 - Explaining the State laws governing Telephone Misuse, Criminal Harassment, and Stalking;
 - Explaining the County law governing Telephone Threats; and,
 - Notifying the State's Attorney assigned to the case about the intimidation/threats.
- g. Providing victims/witnesses with the case number (as soon as it is available) and subsequent steps in the processing of the case, which includes, and may not be limited to:
- Advising the victim/witness of the necessity for the victim/witness to follow-through with the case and not automatically assume that just because the defendant was arrested, that ends the victim/witness' involvement;
 - Making the victim/witness aware of any statements made by the defendant(s) of a threatening nature, especially if directed at the victim/witness.
- h. Notifying the victim/witness of the defendant's bond status (i.e., released on personal recognizance, personal bond, incarcerated, etc.);
- i. Providing the victim/witness with the trial date(s) so that the victims/witnesses can adjust their schedule accordingly before the arrival of the summons in the mail;
- j. Providing the phone number for the State's Attorney's Office so that the victim/witness can find out who is prosecuting the case and so that communications can be established between the victim/witness and the State's Attorney;
- k. Explaining the State's Attorney's "on-call" program so that the victim/witness can consider this option; and,
- L. Ensuring that only information considered being in the public domain is provided (information about juveniles not charged as adults will not be released). If a victim/witness demands information pertaining to a juvenile offender, the officer confronted with this situation will courteously inform the

victim/witness about the confidentiality of such information and if the victim/witness persists, the officer will refer him/her to the Department of Juvenile Services.

- m. Providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.

C. Follow-up Investigations

Determining the nature and extent of assistance services to be provided will be the responsibility of the officer conducting the investigation and will include, and may not be limited to:

1. Periodically contacting a victim/witness 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/witness has been unusually severe and has triggered the need for above-average assistance.
2. If not an endangerment to the successful prosecution of the case, the officer conducting the follow-up will explain to victims/witnesses the procedures involved in the prosecution of their cases and their role(s) in those procedures.
3. If the case is particularly sensitive, the officer conducting the follow-up should consult with the State's Attorney's Office prior to speaking with the victim/witness because the State's Attorney assigned to the victim's case may want to accompany the officer, or at least be present during the explanation.
4. The State's Attorney's Office also has individuals assigned to assist victims (as Victim/Witness Coordinators) who may wish to assist the officer during the explanation.
5. If feasible, scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness and to provide transportation (at the Department's option) for the victim/witness to ensure their appearance.
6. Subject to the approval of the State's Attorney's Office, and if feasible, promptly photographing, or photocopying as necessary, and returning property belonging to victims/witnesses except for contraband, disputed property, and weapons used in the course of the crime; and

7. Contacting either the State's Attorney's Office's Victim/Witness Coordinator and/or a representative of the Victim Advocate service to advise them of the case and to determine the feasibility of assigning a "victim advocate" to the victim/witness during the follow-up investigation.

D. Arrest and Post-Arrest

1. Officers will make a good-faith effort to notify victim(s)/witness(es) of the following:
 - a. The arrest of the offender;
 - b. The charges placed;
 - c. The custody status of the offender (if known)
 - d. The Court date, if known;
 - e. The procedures for re-acquiring their personal property, if it was seized as evidence; and,
 - f. Any changes thereto, if applicable.
2. The Department recognizes that in some instances, notifications of victims will, unavoidably, not be timely -such as when suspects are apprehended elsewhere and perhaps released well before this Department becomes aware of the apprehension; however, if a victim can be kept informed with accurate information, every attempt shall be made to do so by the officer investigating the case.

IV. CONFIDENTIALITY CONSIDERATIONS REGARDING VICTIMS/WITNESSES

While the Department realizes that victims/witnesses must be kept informed of the status of the case in which they are involved, officers are nonetheless cautioned about releasing information to victims/witness (es) regarding juvenile offenders, unless the juvenile(s) is/are charged as adults.

- A. Information described above is appropriate to release; however, past arrests, criminal history, and/or other matters of which a particular victim/witness is not a part, shall not be discussed or divulged.

- B. Records pertaining to victims/witnesses, especially if they are juveniles, will not be divulged by members of the Department to anyone not associated with the case. Such records include, and would not be limited to:
 - 1. Any background information such as prior arrest/criminal records;
 - 2. School records;
 - 3. Photographs of the victim/witness;
 - 4. Medical records pertaining to the victim/witness;
 - 5. Statements made by the victim/witness;
 - 6. The address and phone numbers for the victim/witness; and/or,
 - 7. Any other information of a sensitive nature or that which would potentially place the victim/witness in danger.
- C. If a victim/witness has criminal history record information; officers with knowledge of it will not divulge or discuss it, except with the State's Attorney(s) assigned to the case.
- D. Media inquiries concerning a victim/witness will be referred to the Sergeant or the Chief of Police and only information of a general (non- specific) nature will be released, such as:
 - 1. General location of where the incident occurred (not specific address, but hundred block of the street);
 - 2. The race, sex, and age of the victim only; and,
 - 3. A statement of what and how the crime was committed, as long as this disclosure will not compromise any on-going investigation.
- E. If a member of the media asks a member of the Department if the victim/witness could be contacted to determine if he/she would consent to an interview, the Department member will refer this request to the Sergeant or the Chief and the victim will be contacted and made aware of the reporter's request.
 - 1. The decision to talk with the media will be left up to the victim/witness.

2. The investigating officer will advise the victim of what is or is not permissible to say regarding the officer's investigation in order to protect sensitive information developed as a result of the investigation and to protect unchecked leads, and that the release of certain information could jeopardize the Court proceedings.

V. INFORMING THE PUBLIC AND THE MEDIA ABOUT VICTIM ASSISTANCE SERVICES

- A. The Department will publicize victim/witness assistance services to the media through the distribution of pamphlets describing the available services which shall be provided to the media upon request.
- B. Department personnel will discuss victim/witness assistance services/programs offered by various agencies with persons calling the station seeking such information.

VI. DEPARTMENT LIAISON WITH OTHER VICTIM ASSISTANCE AGENCIES

- A. Since all Department members will be responsible for assisting victims and witnesses, and because Department members must be familiar with the activities and programs offered by various agencies, the Department will maintain liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with victim/witness needs and rights.
 1. The Victim/Witness Coordinator will maintain liaison with those at the Bethesda Station who are involved with victim/witness assistance programs.
 2. The Chief will attend regularly-scheduled meeting of the PG Criminal Justice Coordinating Commission which includes members involved in victim/witness assistance programs.
 3. Interact with the Victim/Witness Coordinator from the PG County State's Attorney's Office.
- B. The Department will share information with the agencies/organizations described above, unless the disclosure of such information is prohibited by law or Department policy.
- C. Sharing Information with the Human Relations Commission (HRC)
 1. The Chief of Police is responsible for reporting certain information relating to victims of hate-type activities.

2. Information pertaining to incidents relating to race, religion, ethnicity, sexual orientation and/or handicap status which are brought to the attention of the Department shall be reported to the HRC within three (3) days of the receipt of the information.
3. The information provided to the HRC will consist of only the victim's name, telephone number, nature of the event, and residence address by block number. The Department is under no obligation to provide any other information.
4. Incidents related to race, religion, ethnicity, sexual orientation and/or handicap status which are reported directly to the HRC and which may require subsequent investigation by the police, shall be reported as soon as possible to a member of the Department by HRC staff responsible for recording the incidents.
5. An officer assigned to conduct an investigation based on the information received from the HRC, will do so in accordance with established Department policies and procedures.