

Salisbury University Police Department

CHAPTER 55 – VICTIM/WITNESS ASSISTANCE

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CHAPTER 55 – VICTIM/WITNESS ASSISTANCE

The directives in this chapter establish procedures and guidelines to follow when dealing with victims and witnesses of criminal activities. These guidelines will enable personnel to provide the appropriate services to victims and witnesses throughout the criminal justice process and to reduce further traumatization to the victims and witnesses, thereby increasing cooperation and this department's ability to make arrests resulting in criminal prosecution.

55.1 Administration

55.1.1 Rights of Victims and Witnesses

The University Police Department is committed to the delivery of appropriate victim/witness services and the implementation of victim/witness programs and activities.

Sections 11-1002 and 11-1003, which follow, of the Maryland Code/Criminal Procedure/Title 11, describe the guidelines to be followed by departmental personnel in the treatment and help of victim/witnesses.

§ 11-1002. Guidelines for treatment of victim of crime, victim's representative, or witness.

- (a) Responsibility of criminal justice units.- The appropriate criminal justice unit should inform a victim of a crime, a victim's representative, or a witness of the guidelines listed in subsection (B) of this section.
- (b) Guidelines - A victim of a crime, victim's representative, or witness:
 - (1) should be treated with dignity, respect, courtesy, and sensitivity;
 - (2) should receive crisis intervention help, if needed, or be told by the appropriate criminal justice unit where crisis intervention help, emergency medical treatment, creditor intercession services, or other social services and counseling may be obtained;
 - (3) should be notified in advance of dates and times of trial court proceedings in the case and, on written request, of post-sentencing proceedings, and be notified if the court proceedings to which the victim of a crime, victim's representative, or witness has been subpoenaed will not proceed as scheduled;
 - (4) should be told of the protection available, and, on request, be protected by a criminal justice unit, to the extent reasonable, practicable, and, in the unit's discretion, 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) during each phase of the investigative or court proceedings, should be provided, to the extent practicable, with a waiting area that is separate from a suspect and the family and friends of a suspect;
 - (6) should be told by the appropriate criminal justice unit of financial assistance, criminal injuries compensation, and any other social services available to the

victim of a crime or victim's representative and receive help or information on how to apply for services;

- (7) should be told of and, on request, should be given employer intercession services, when appropriate, by the State's Attorney's office or other available resource to seek employer cooperation in minimizing an employee's loss of pay or other benefits resulting from participation in the criminal justice process;
- (8) on written request, should be kept reasonably informed by the police or the State's Attorney of the arrest of a suspect and closing of the case, and should be told which office to contact for information about the case;
- (9) should be told of the right to have stolen or other property promptly returned and, on written request, should have the property promptly returned by a law enforcement unit when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it;
- (10) for a crime of violence, on written request, should be kept informed by pretrial release personnel, the State's Attorney, or the Attorney General, as appropriate, of each proceeding that affects the crime victim's interest, including:
 - (i) bail hearing;
 - (ii) dismissal;
 - (iii) nolle prosequi;
 - (iv) stetting of charges;
 - (v) trial; and
 - (vi) disposition;
- (11) on request of the State's Attorney and in the discretion of the court, should be allowed to address the court or jury or have a victim impact statement read by the court or jury at:
 - (i) sentencing before the imposition of the sentence; or
 - (ii) any hearing to consider altering the sentence;
- (12) should be told, in appropriate cases, by the State's Attorney of the right to request restitution and, on request, should be helped to prepare the request and should be given advice as to the collection of the payment of any restitution awarded;
- (13) should be entitled to a speedy disposition of the case to minimize the length of time the person must endure responsibility and stress in connection with the case;
- (14) on written request to the parole authority, should be told each time there is to be a hearing on provisional release from custody and each time the criminal will receive a provisional release;
- (15) on written request to the Patuxent Institution, Division of Correction, or Parole Commission, as appropriate, should have a victim impact statement read at a hearing to consider temporary leave status or a provisional release; and

(16) on written request to the unit that has custody of the offender after sentencing, should be told by the unit whenever the criminal escapes or receives a mandatory supervision release.

(c) Availability of guidelines.-

(1) The Department shall make the guidelines in subsection (b) of this section available to the units involved with carrying out the guidelines.

(2) To the extent feasible, the guidelines in subsection (b) of this section shall be printed by Maryland Correctional Enterprises.

§ 11-1003. Guidelines for treatment of victim of delinquent act, victim's representative, or witness.

(a) Responsibility of juvenile services unit - The appropriate juvenile services unit should tell a victim of a delinquent act, victim's representative, or witness of the guidelines listed in subsection (b) of this section.

(b) Guidelines - A victim of a delinquent act, victim's representative, or witness:

(1) should be treated with dignity, respect, courtesy, and sensitivity;

(2) should be told in advance of dates and times of juvenile court proceedings in the case and should be told if the court proceedings to which the victim, victim's representative, or witness has been summoned will not proceed as scheduled;

(3) during any phase of the investigative or court proceedings, should be provided, to the extent practicable, with a waiting area that is separate from a child respondent and the family and friends of the child respondent;

(4) should be told by the appropriate juvenile services unit of financial help, criminal injuries compensation, and any other social services available to the victim and receive help or information on how to apply for services;

(5) on written request, should be kept reasonably informed by the police or the State's Attorney of the apprehension of a child respondent and of the closing of the case, and should be told which office to contact for information about the case;

(6) should be told of the right to have stolen or other property promptly returned and, on written request, have the property promptly returned by a law enforcement unit when evidentiary requirements for prosecution can be satisfied by other means unless there is a compelling law enforcement reason for keeping it;

(7) should be told, in appropriate cases, by the State's Attorney of the right to request restitution and, on request, should be helped to prepare the request and should be given advice as to the collection of the payment of any restitution awarded; and

(8) on written request to the appropriate unit, should be told any time that the child respondent is to be released or escapes.

(c) Availability of guidelines.- The Department of Juvenile Services shall make the guidelines in subsection (b) of this section available to the units involved with carrying out the guidelines.

The Administrative Commander has the ultimate responsibility and for administering and coordinating the department's role with Victim/Witness Assistance. Immediate supervision of the program will be handled by Squad Supervisors in charge of their assigned patrol officers. Supervisors will ensure that officers provide victim/witness assistance information and services to those who report or witness crimes in accordance with the functions outlined in this directive.

55.1.2 Analysis of Victim/Witness Assistance Needs

The Administrative Division may conduct a survey of victim/witness assistance needs and available services within our agency's service area at least every three years. The analysis, which may be conducted with the University's Counseling Center, includes the following elements:

- The extent and types of victimization within the agency's service area;
- A list of services available for specific needs such as domestic violence, homicide/suicide survivors, sexual crimes, etc.
- Victim assistance and related community/campus services available;
- Identification of unfilled needs.

55.1.3 Agency's Role in Victim/Witness Assistance

A. The department is committed to assisting victims and witnesses in a caring and sensitive manner. The University maintains a Crisis Response Team which includes personnel from the police department, Health/Wellness Center, Housing/Residence Life and Counseling Services which offers many individual and group counseling sessions as needed. Counseling Services has also implemented a Campus Against Violence (CAV) program in which counselors respond to crime victims or those in need in other situations. Members of Crisis Response Team are on-call after hours on a rotating basis. This list is located in the Communications Center.

Officers will ensure available and needed service to each victim and/or witness upon initial and subsequent contact. Officers will ensure referrals are made to the appropriate University departments outlined above or to any other appropriate outside agency such as the Life Crisis Center.

B. The department will ensure the confidentiality of victims' and witnesses' records and files and their role in case development, to the extent consistent with applicable law.

C. The department and/or the University's Press and Publications Office will periodically inform the public, the campus community and the media about the department's and the University's Victim/Witness Assistance services.

D. The Administrative Commander and CID, if available, will maintain liaison with other law enforcement agencies, criminal justice agencies and non-governmental agencies/organizations concerned with victim/witness needs and rights. The purpose of the liaison is to 1) ensure that our referrals of victims/witnesses to outside sources are based on accurate and up-to-date

knowledge of the services offered, and 2) maintain an ongoing channel of communication by which to offer and receive suggestions about how the agency and outside sources can more effectively work together in order to better serve victims and witnesses.

1. Liaison may be initiated by telephone, letter or in person.

55.2 Operations

55.2.1 Availability of Victim/Witness Assistance Information

- A. The University Police Department does not maintain a Victim Assistance Coordinator on staff. However, the agency's Communications Center has personnel available to answer emergency and other calls 24 hours per day, 7 days per week. Dispatchers will provide callers with appropriate referrals to include, but not limited, to the following:
 1. The appropriate investigating officer if requested by the victim/witness;
 2. Counseling Services;
 3. Medical attention – Health/Wellness Center, a local emergency medical facility, etc.
 4. Financial Assistance – Maryland Criminal Injuries Compensation Board or Wicomico County State Attorney's Office.
- B. Additionally, the "Maryland Crime Victims and Witnesses: Your Rights and Services" brochure contains referral information regarding community services offered to victims/witnesses such as counseling, compensation, legal and so forth. These brochures are maintained in the department's lobby to ensure the information contained therein is readily accessible.

Refer to 81.2.7

55.2.2 Assistance to Threatened Victims/Witnesses

- A. In situations where victims and/or witnesses have been threatened or express specific credible reasons for fearing intimidation or further victimization, the department will offer appropriate assistance. Each case will be evaluated individually and further victimization or intimidation of victims/witnesses will be investigated as separate incidents. In handling these situations, the following will be taken into consideration when determining what type of assistance is required:
 1. The nature and seriousness of the incident;
 2. Resources immediately available;
 3. The level of assistance in proportion to the danger feared by the victim/witness;
 4. The availability of the victim/witness:
 - a. If any member of the department becomes aware of danger to a victim/witness, the on-duty Supervisor will immediately attempt to contact and alert the victim/witness.
 - b. If the victim/witness is in another jurisdiction, the on-duty Supervisor will contact the appropriate police agency and inform them of the situation and request reasonable precautions be taken. The results of this contact will be confirmed by fax or some other form of written communication during the same tour of duty, if possible.
- B. The Wicomico County State Attorney's Office will be promptly advised of any threats received by victims/witnesses. Notification will be made verbally and confirmed in writing.

55.2.3 Assistance during Preliminary Investigations

- A. During the preliminary investigation of a crime, officers will provide the victim/witness with information regarding available resources. This will be accomplished by distributing the "Maryland Crime Victims and Witnesses: Your Rights and Services" brochure which contains referral information regarding community services offered to victims/witnesses. Depending on the nature of the situation, the following referrals may be appropriate: counseling, medical attention, emergency shelter, victim advocacy, compensation programs, or financial assistance. Officers will ensure that victims are given the case number, the officer's name/ID # and the agency telephone number.
- B. Personnel will inform the victim/witness to immediately report to police any further threats or intimidation from the suspect or their associates.
- C. The agency will provide the victim/witness with the incident report number for their case and explain to them any applicable subsequent steps in the processing of the case.
- D. The victim/witness will be provided with the appropriate telephone number to call to report any additional information about the case, or to receive information about the status of the case. This information can be located in the "Maryland Crime Victims and Witnesses: Your Rights and Services" brochure.

55.2.4 Assistance during Follow-Up Investigations

- A. The Wicomico County State Attorney's Office Victim Advocate will be responsible for contacting the victim/witness periodically to determine if their needs are being met in those criminal cases which proceed in court. The Victim Advocate maintains contact with victims until final case disposition to inform them of all court hearings and, if necessary, to provide transportation for the victim to attend.

SUPD Officers, including CID personnel, can also assist with this by making follow-up contacts with victims/witnesses and ensuring assistance is provided and/or answering questions victims may have regarding their case or other concerns.

- B. The Victim Advocate or officers will explain to all victims and witnesses the procedures involved in the prosecution of their case and their role in this procedure.
- C. The investigating officer will schedule necessary lineups and additional interviews with the victim or witness. If needed, transportation will be arranged by department personnel.
- D. Property taken as evidence from a victim or witness shall be returned as promptly as possible at the conclusion of trial or as soon as practical at such time the evidentiary value is no longer needed.
- E. A Victim Advocate will be assigned at the department's request through the Wicomico County State Attorney's Office, Salisbury University's Counseling Center, Life Crisis Center, etc.
- F. Refer to 55.1.3 A – Various University departments can provide services as necessary.

55.2.5 Assistance upon Suspect Arrest/Post-Arrest

Upon arrest of the offender for any crime, the arresting officer should attempt to notify the victim/witness of the arrest, the charges placed against the offender and the post-arrest processing of the offender(s) and any subsequent change in custody status.

55.2.6 Procedures for Notification of Next-of-Kin of Deceased, Seriously Injured or Ill Persons

- A. At times it may be necessary for UPD officers to make notifications (or upon request by another agency) that the next of kin be notified of deceased or seriously injured (whether in a motor vehicle accident, victim of a crime, suicide, etc), or seriously ill persons. The UPD personnel (PCOs, officers, etc.) fielding the request shall immediately inform the Supervisor on duty who will obtain as much information as possible regarding the nature of the notification, the affected parties, and the appropriate person for the next of kin to contact for more information. When the request for notification comes directly from a family member, the death/injury and the circumstances surrounding it will be verified by the law enforcement agency handling the incident. This information will be given to the officers making the notification.
- B. The University's Crisis Response Team (CRT) will be contacted in all situations where notification is necessary. Crisis Response Team member(s) shall be requested to respond with an officer to make the notification. A representative from the Office of Student Affairs (Vice-President, Dean of Students, or designee) will also be contacted and advised of the notification, if it concerns a student, and to determine if a representative will respond accordingly.
- C. Next of kin notifications will be made in person by two officers or one officer and a member of the Crisis Response Team. If a member of the Crisis Response Team or another officer is not available, the first officer will attempt to locate a relative, member of the clergy, or a family friend to accompany them to make the notification. If a serious medical condition is known prior to the notification, emergency medical services personnel may be called to stand by during the notification in the event of a medical emergency. The following guidelines are also suggested:
 1. Officers/Crisis Team member(s) shall request entry into the residence. Notifications made on a doorstep or front porch are too impersonal.
 2. Officers/Crisis Team member(s) shall relay the information in a direct yet compassionate manner, using direct and clear language to provide family with the available information. If the victim was killed in an accident or in a violent crime and this information is verified, tell the family in an appropriate manner.
 3. The person receiving the notification should be advised of the means used in transmitting the notification to the department, ie. call from another law-enforcement agency.
 4. Officers/Crisis Team member(s) should offer to contact clergy, counselors, or another person to help provide support. If requested, the notifying officer/Crisis Team member(s) shall attempt to contact a friend or family member to attend to the next of kin.
 5. If unable to locate the next-of-kin upon arrival at the residence, the officer should attempt to ascertain the next-of-kin's whereabouts from neighbors, employers (if known), etc.

D. Media Inquiries

1. Routine media inquiries should be referred to the Chief of Police and the Press and Publications Office.
2. For media inquiries concerning the scene of an incident, crime of violence, etc, the Chief of Police or the University's Press and Publications Office will be contacted to make the decision to release any information concerning victims' identity.
3. The media will not be given a victim's name until the next-of-kin is notified, whether the victim is deceased or not.
4. Members of the media seeking information prior to the next-of-kin notification will not be given the victim's name or address.
5. After the next-of-kin has been notified, the media may be given the victim's name and street name, and a synopsis of how the death or serious injury occurred, unless the disclosure of this information would adversely affect an on-going investigation.
6. Refer to 54.1.1

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Chief of Police