Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Elkton Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Elkton Police Department will show dignity, respect, courtesy, sensitivity, compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Chief of Police should appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Elkton Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 DNA PROFILE INFORMATION

The crime victim liaison shall ensure that a system is in place to provide victims of violent crime who have made a written request for notice of DNA profile information with the following (Md. Code CP § 11-104):

(a) Whether an evidentiary DNA profile is obtained from evidence in the case

(b) When a DNA profile developed in the case is entered into the statewide DNA database system

(c) When a confirmed match or hit on the DNA profile is received

318.3.2 DUTIES RELATED TO OFFICER MISCONDUCT

The crime victim liaison should provide support to complainants alleging officer misconduct as provided in the Personnel Complaints Policy (Md. Code PS § 3-108).

318.4 CRIME VICTIMS AND WITNESSES

Officers on first contact shall provide all victims or victim’s representative with the applicable victim information handout (Md. Code CP § 11-104).

Officers should never guarantee a victim’s or witness' safety from future harm but should take reasonable safety precautions and make practical safety suggestions to victims who express fear of future harm or retaliation (Md. Code CP § 11-1002(b)(4)).

Officers should provide a separate area away from suspects or the family and friends of suspects during an investigation and should never guarantee that a person qualifies as a victim for the

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purpose of compensation or restitution but should direct him/her to the proper written department material or available victim resources (Md. Code CP § 11-1002).

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

When interacting with individuals suspected of being or claiming to be victims of sexually assaultive behavior as defined by Md. Code CJ § 10-923, members should not present to the victim any form purporting to (Md. Code CP § 11-929):

(a) Relieve the Department of any obligation to the victim.

(b) Preclude or define the scope of the investigation.

(c) Prevent or limit a prosecution of an act allegedly committed against the victim.

(d) Limit a victim's private right of action pertaining to an act allegedly committed against the victim or the victim's interaction with the Department.

If such a victim requests the investigation be suspended or limited in scope, the responding member should thoroughly document that request and follow-up according to the practices recommended by the MPTSC (Md. Code CP § 11-929).

318.5 VICTIM AND WITNESS INFORMATION

The Support Services Bureau Commander shall ensure that victim and witness information handouts are available and current. These should include as appropriate (Md. Code CP § 11-1002):

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Crisis intervention help, including medical treatment, creditor intervention services, counseling, or other social services.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Md. Code CP § 11-925).

(d) Contact information for the Maryland Sex Offender Alert Line.

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Available compensation for qualifying victims of crime (Md. Code CP § 11-916).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

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(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) The victim's right, upon written request, to the following:

1. To be kept reasonably informed of the arrest of a suspect and closing of the case.
2. Which office to contact for information about the case.
3. For victims of a violent crime, to be notified and updated on matters related to a suspect’s DNA profile pursuant to Md. Code CP § 11-104.

(l) The right to have stolen or other property promptly returned and, upon written request, should have the property promptly returned when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it.

(m) A place for the officer’s name, badge number, and any applicable case or incident number.

(n) How a victim may keep the victim's address confidential (Md. Code SG § 7-303; Md. Code SG § 7-304).

(o) Maryland Electronic Courts (MDEC) system for requesting and receiving notices electronically, if applicable (Md. Code CP § 11-104).

(p) How to request information regarding an unsolved case (Md. Code CP § 11-104).

318.5.1 CONFIDENTIAL INFORMATION

The Department, on request of the state, may withhold the address or telephone number of the victim, victim's representative, witness to a felony, domestically related crime, or other covered crime before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information (Md. Code CP § 11-205).

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