

55.1 VICTIM AND WITNESS RIGHTS

- .1 It shall be the policy of the department to actively support victims and witnesses of crime to further the aims and goals of the criminal justice system. It is in the best interest of the department to establish a victim/witness program and require compliance with the Article 27, Section 761 of the Maryland Annotated Code, thus assuring victim and witnesses the rights described under this section of the law. The Hagerstown Department of Police is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities.
- .2 In all matters relating to crimes, the following guidelines shall be adhered to by all departmental personnel. Every crime victim or witness shall:
 - .1 Be treated with dignity, respect, courtesy, and sensitivity;
 - .2 Receive emergency help as needed;
 - .3 Receive notification of court dates or cancellations of those dates;
 - .4 Be advised of the protection available from harm arising out of prosecution and law enforcement efforts;
 - .5 Be assisted with prompt property return;
 - .6 Be provided with information relating to the rights of victims and witnesses and with assistance referral information.
- .3 All victim/witness contacts shall be held in the strictest confidentiality. All police investigative reports shall be handled under the department's guidelines for Privacy and Security. (See Rules and Regulations Chapters 29 and 45). At no time will information be released without approval and acknowledgment of the Investigative Division Lieutenant or case supervisor.

55.2 RESPONSIBILITY FOR VICTIM/WITNESS PROGRAM

- .1 The Victim/Witness Coordinator is responsible for administering and coordinating the department's role in victim/witness assistance. The position of Victim/Witness Coordinator shall be a sworn position assigned by the Chief of Police.
- .2 The Victim/Witness Coordinator shall have the following responsibilities:
 - .1 Supervise and guide the activities of the Victim/Witness Assistance Unit.
 - .2 Coordinate victim needs and problems with other support or related government and non-government agencies.
 - .3 Maintain an on-going referral and review process with the Office of the State's Attorney for Washington County and their Victim Assistance Coordinator to insure victim needs are being met.
 - .4 Develop and maintain referral contacts with government and non-government sources including but not limited to rape crisis centers, domestic violence shelters, temporary shelter care, substance abuse centers and child abuse centers.
 - .5 Conduct or coordinate all departmental training in the area of Victim/Witness Assistance.
 - .6 Ensure public awareness of the department's Victim/Witness Assistance efforts through media contacts and public service announcements.

55.3 VICTIM/WITNESS ASSISTANCE UNIT

- .1 The unit shall be composed of the Victim/Witness Assistance Coordinator and volunteer civilian personnel with the title of Victim/Witness Advocates. In the absence of the Victim/Witness Coordinator, the Investigative Services Administrator or his designee shall oversee operations of the unit.
- .2 Requests for assistance which do not require immediate response shall be referred to the unit's telephone extension (275). If a Victim/Witness Advocate is not immediately available, the calls are answered by the department's voice-mail system. A Victim/Witness Advocate will respond to the requests for assistance as soon as practical.
- .3 Serious cases requiring immediate response will be handled by the Victim/Witness Coordinator or a trained advocate. They have been supplied with a pager to be contacted when off duty.

- .4 The civilian volunteers shall be utilized by this unit after they have undergone a complete and thorough background investigation conducted by the Internal Affairs Administrator or Investigative Division Lieutenant (or designee), and a minimum of eight hours training in victim/witness assistance and advocacy. They shall be scheduled so as to enable as prompt a response to requests for assistance as possible.
- .5 The Victim/Witness Unit shall attempt to provide what may be deemed initially needed or timely services to victims and witnesses. Often the Victim/Witness Coordinator for the Office of the State's Attorney shall be requested as soon as it is determined that there will be an on-going or lengthy need for victim assistance following a crime. The case may be turned over to the SAO Victim/Witness Coordinator in it's entirety or both units may be involved in providing services to crime victims and witnesses.
- .6 The V/W unit shall also provide follow-up services on victim/witness requests regarding the status of their investigation, return of property, and contact with the investigating officer/detective. Members of the unit will contact investigating officers/detectives as needed to obtain information. Requests from the unit for information will be conveyed via a Victim/Witness Information Request/Transmittal.
- .7 Each request for victim or witness assistance, whether in person or through another source (family member, police officer, other agency, etc.) will be logged on the Victim/Witness Assistance Unit Daily Activity Report by the member of the unit taking the request. The rest of the Report will be completed as action is taken.
- .8 In matters regarding court appearance, testimony, changes of trial dates, civil liability and court held property or evidence, the victim/witness shall be referred to the States Attorney's Office Victim/Witness Coordinator or the Court clerk.

55.4 REQUESTS FOR VICTIM/WITNESS SERVICES

- .1 **Routine Information Inquiries:** These are any and all requests that may come from a crime victim or witness that have no time limit or no adverse effect on a victim/witness if not handled within 48 hours. Inquiries of this type will be referred to the Victim/Witness Assistance Unit to be handled by the Victim/Witness Advocates. They would deal with:
 - .1 Status of an investigation.
 - .2 Name of investigator assigned if any.
 - .3 General informative inquiries that should be relayed to CIU.
 - .4 General informative inquiries that should be relayed to Patrol Division.
 - .5 Reclamation of property inquiries.
- .2 **Urgent Information or Assistance Requests/Inquiries:** These are inquiries or information that have a time limit or that would place undo burden on the victim or witness if not dealt with within 24 hours. The response will be based on the information or request for assistance received. Some examples of this type of call would be:
 - .1 Whereabouts of a wanted suspect or stolen property (handled by Patrol or CIU)
 - .2 Information that would reveal a suspect (handled by Patrol or CIU).
 - .3 Support agency referral for a problem resulting from criminal victimization (May be referred to V/W Assistance Unit).
 - .4 Victim or witness change of location during a on-going major case investigation (referred to CIU/Investigating Officer).
 - .5 CIU request to assist in having victim interviewed or view a line-up (referred to V/W Assistance Unit).
 - .6 Threats against victims/witnesses (handled by Patrol if immediate response is indicated; referred to V/W Coordinator).
- .3 **Immediate Priority Response:** These are situations that must be dealt with immediately. They will require the response of the Victim/Witness Coordinator or designated Victim/Witness Advocate to the crime scene or other designated location. The following incidents meet the criteria for immediate priority response:
 - .1 Homicide.

- .2 Rape.
 - .3 Kidnapping.
 - .4 Violent Armed Robbery.
 - .5 Serious Assaults(hospitalization of victim) ; Intent to Maim , Intent to Murder.
 - .6 Officer Deaths or Serious Injuries (hospitalization).
 - .7 Request of CIU or Patrol Supervisor.
 - .8 Retaliatory acts against victims or witnesses.
- .4 A C.I.D. or Patrol supervisor may request the response of the Victim/Witness Assistance Coordinator or designated V/W Advocate to the scene of any crime when, in their opinion, victim and/or witnesses should receive immediate referral to counseling services, medical services referral, or other referral service. Additionally , the Victim/Witness Coordinator can assist by helping to lessen a victim's fear of the investigative process, explain reasons for police action or inaction during an investigation, and updating or informing a victim's relatives of events and victim status.
- .5 During the follow up investigation, the investigator is responsible for ensuring appropriate victim/witness assistance is provided. At a minimum, that assistance will include the following:
- .1 If, in the opinion of the Department, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance, the investigator and/or the HPD Victim/Witness Unit will recontact the victim/witness periodically to determine whether victim/witness related needs are being met.
 - .2 Upon request (or if otherwise appropriate) the investigator and/or the Victim/Witness Unit will explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures, provided the explanation is not an endangerment to the successful prosecution of the case.
 - .3 If feasible, the investigator will schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness and, at when reasonable, provide transportation.
 - .4 If feasible, the investigator will assist with the prompt return of victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence.
 - .5 If feasible, the investigator will have a victim advocate assigned to the victim/witness during follow-up investigation, and/or direct the victim/witness to the State's Attorney's Victim/Witness Coordinator for follow-up services.
 - .6 When feasible the investigator will notify the victim and/or witnesses of the arrest of a suspect, the charges filed, and the arrestee's custody status and changes thereto.
 - .7 Once an arrest is made, primary responsibility for victim/witness assistance, including those noted above, is assumed by the States Attorney's Office Victim/Witness Coordinator. The investigator will, as appropriate, coordinate with the SAO's V/W Coordinator.

55.5 VICTIM/WITNESS ASSISTANCE BROCHURE

- .1 All officers when investigating any crime with identifiable victims or witness (those which are identified on the Investigative Report) shall provide all victims and witnesses with a copy of the "Victim and Witness Assistance Information" brochure. This brochure informs victims and witness of their rights under Maryland law and provides them with (1) contact information for the States Attorney of Washington County, (2) information regarding harassment , (3) basic counseling service information and (4) how to contact the Hagerstown Department of Police Victim/Witness Assistance Unit about the case they are involved in.
- .2 On the back of the brochure they shall fill in the inquiry information section as follows;
 - "Initial Contact Officer" - name of the officer investigating the crime.
 - "Date and Time of Incident "- date and dispatch time
 - "Incident Case Number" - incident number assigned by communications, this is **never** an event number.

55.6 VICTIM/WITNESS ASSISTANCE TRAINING

- .1 During their new employee orientation, non-sworn employees shall be provided with information regarding Department and community victim/witness assistance programs. This information may be provided to the employees in written form or may be presented in person. Subsequent orientations will be provided every two years.
- .2 In the course of recruit training and field training, sworn personnel shall receive training in victim/witness rights and needs and in the role of law enforcement in meeting those rights and needs. Police Cadets and Dispatchers shall also receive training in their role in meeting victim/witness needs. Sworn personnel, Police Cadets, and Dispatchers shall receive periodic retraining in these areas.

55.7 VICTIM/WITNESS ANALYSIS

- .1 Every three years the Victim/Witness Coordinator will complete an analysis of victim/witness needs and services available to citizens of the City of Hagerstown. The analysis shall include the following elements:
 - .1 The extent and major types of victimization within the agency's service area.
 - .2 An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers.
 - .3 Victim assistance and related community services available within the service area.
 - .4 Identification of all unfulfilled needs and the selection of those that are appropriate for the agency to meet.
- .2 The analysis of services shall be influenced by the needs of the victims encountered and shall locate any improved or upgraded services since the previous analysis.

55.8 ASSISTANCE IN LINE-OF-DUTY DEATHS OR SERIOUS PHYSICAL INJURIES

In all matters involving line-of-duty deaths or serious physical injury, the Victim/Witness Coordinator shall be notified immediately. The Victim/Witness Coordinator shall then work closely with the Support Services Administrator to ensure that all immediate needs of the victim officer are dealt with, and that the family is informed of and assisted in obtaining services and assistance available to them. Some of the services to be provided include notifying the family of the dead or injured officer in a timely, personal manner, assisting the family at the hospital, supporting the family through the funeral proceedings, helping the family with legal and benefits matters, counseling the family regarding finances and other possible problems, supporting the family during criminal proceedings (if any), and maintaining long-term contact with the family and keeping informed of needs. This Department has a Serious Injury/Line of Duty Death Plan and Funeral Protocol Plan on file for use in those situations.

55.9 INTIMIDATION OF VICTIMS/WITNESSES

In the event that the Victim/Witness Coordinator receives information that a victim or witness has been threatened, or when a victim or witness gives credible reasons for fearing intimidation or further victimization, the Victim/Witness Coordinator shall provide a background of the incident in writing to the Investigative Division Commander. The Investigative Division Commander shall then review the incident and shall make the determination on the level of assistance, if any, will be provided. This situation may also be reviewed by or referred to the Office of the States' Attorney for Washington County if it should become a matter of witness protection or relocation.

HAGERSTOWN POLICE DEPARTMENT VICTIM, WITNESS, AND DOMESTIC VIOLENCE ASSISTANCE

You have witnessed or been victimized by crime, and it is at this time that our agency becomes the first contact you will have with the Maryland Criminal Justice System. Until an arrest is made in the case, we will continue to be that contact for you. After an arrest is made, the Washington County State's Attorney's becomes your main contact.

Regardless of whether an arrest has been made in your incident there are still areas in which you may need assistance. The Hagerstown Department of Police provides you with this brochure to inform you of the forms of assistance available to you.

VICTIM AND WITNESS SERVICES & INFORMATION

Services provided by the Hagerstown City Department of Police:

As the victim or witness of a crime, you can expect to be treated with dignity, respect, courtesy, and sensitivity by the police. Departmental guidelines have been set forth to ensure this. These guidelines conform to Title 11 of the Maryland Criminal Procedure Article.

In accordance with these guidelines, every crime victim or witness will:

- Receive emergency help as needed;
- Be kept informed of the status of his/her case upon request;
- Be advised of law enforcement protection available from harm arising out of prosecution and law enforcement efforts; and,
- Receive assistance with prompt return of property where permitted by law or rules of evidence.

Your case will be followed-up by our Department until all leads are exhausted or it is cleared by arrest. A criminal investigator will contact you if your case can be followed-up.

If an arrest is made in your case, you may be needed to testify in court. You will receive notification as to when and where to appear.

Services provided by the Washington County State's Attorney:

The Washington County State's Attorney's Office Victim/Witness Coordinator is also available to provide you with assistance, information and referrals. This person may be contacted by visiting the State's Attorney's Office at 33 W. Washington St. in Hagerstown, or by calling 301-791-3120 and requesting the Victim/Witness Coordinator.

Some of the services available to you from the State's Attorney's Victim/Witness Coordinator include:

- Notification of court dates or cancellation of those dates;
- Providing a waiting area apart from the accused during the trial;
- Helping identify and obtain available financial assistance, or social services and aid in obtaining such assistance;
- Assisting with prompt return of stolen property;
- Providing for participation through a written statement and/or oral address in the sentencing phase of the trial;
- Providing information and assistance on obtaining restitution; and,
- Assisting in ensuring speedy handling of the case in which you are involved.

Additionally, you may request the following, in writing, from the State's Attorney's Office:

- The reading of victim impact statements at any hearing that considers release;
- To know when the convicted offender is scheduled to be released from prison or jail; and,
- To know when the offender escapes or receives a mandatory release from prison.

HARASSMENT

As the victim or witness of a crime, you have the right to be free from harassment because of your involvement. If you are threatened, harassed, or otherwise intimidated by a suspect or the suspect's companions or family, immediately notify the Hagerstown Police Department. In an emergency, call 911. Otherwise you may call 301-790-3700.

HIV EXPOSURE

A victim of an offense which may have resulted in an exposure to HIV (AIDS) may request in writing to the **State's Attorney's Office**, a hearing to determine if probable cause exists for the court to order a person charged, within one year from the day of the offense, to submit to a blood sample to test the presence of HIV. If the person is convicted or granted probation before judgement, the court may order a blood sample be taken for the purposes of testing for HIV or any other indicator(s) of AIDS, upon written request to the **State's Attorney's Office**. A victim who is notified of the test results may only disclose the results to protect the health and safety of the victim, victim's family or victim's sexual partner. Any other disclosure is punishable fine, imprisonment, or both.

COUNSELING SERVICES

You may find the need to acquire counseling for yourself or others who have been affected by the impact of a crime. Listed below are a few of the agencies, which can be contacted for counseling services. Information on other services can be obtained by contacting the Victim/Witness Coordinator from either the Police Department of State's Attorney's Office.

Sexual Assault, Domestic Violence & Legal Advocacy Assistance

CASA, Inc. 116 W Baltimore St., Hagerstown, MD
301-739-4990 – TDY 301-739-1012
CASA Hotline 301-739-8975

Child Abuse Assistance

Child Protective Services- WCDSS
122 N. Potomac St., Hagerstown, MD
240-420-2222
Child abuse/Adult abuse hotline - 240-420-2222

Substance Abuse and Addictions Services

Washington County Health Department
1302 Pennsylvania Ave, Hagerstown, MD
240-313-3200.

Bereavement Services

Hospice of Washington County, Inc.
20 S Prospect St, Hagerstown, MD
301-791-6360

Family and Personal Counseling Services

Catholic Charities
229 N Potomac St, Hagerstown, MD
301-733-5858

DOMESTIC VIOLENCE INFORMATION

Physical abuse by one person against another is a crime.

YOU CAN GET HELP:

Police Emergency.....911
Non-Emergency.....301-790-3700
State’s Attorney.....240-313-2000

Police can accompany you back into the family home to retrieve personal belongings for yourself and your children (clothing, medications, personal hygiene items and tools of a trade).

YOU CAN FILE CRIMINAL CHARGES

To file charges, go the District Court Commissioner’s Office or call their number (address and numbers are listed below). If the Commissioner declines to file charges, contact the Hagerstown Police Department and ask to speak with the Domestic Violence Coordinator (301-790-3700).

YOU CAN REQUEST A CIVIL ORDER OF PROTECTION (COP)

A Civil Order of Protection is a court order that offers certain remedies to victims of domestic violence, including:

- ordering the abuser to stop the violence;
- removing the abuser from the home;
- giving temporary child custody; and/or,
- Order counseling.

During normal business hours you can go to the District Court or Circuit Court Clerk’s office to fill out the paperwork. During non-business hours, go to the District Court Commissioner (addresses and numbers are listed below). To be eligible, you must either be married, separated, divorced, have a child in common, cohabited for 90 days in the last 12 months, or be related by blood or marriage.

District Court - 36 W Antietam St
Hagerstown MD - 240-420-4600
Circuit Court - 95 W Washington St
Hagerstown MD - 301-733-8660

You will received notification from the Maryland Department of Public Safety and Correctional Services within 3 hours after the civil order of protection is served.

PEACE ORDER

A peace order is another remedy if you are not eligible under a Civil Order of Protection. If you are experiencing problems with an individual, including someone in a dating relationship, a neighbor, a stranger or anyone else, you must file within 30 days of an incident. Remedies available under this law can include:

- Order other person (respondent) to refrain from threatening or committing a prohibited act against petitioner;
- End all contact with petitioner;
- Stay away from petitioner’s home, place of employment or school;
- Go to District Court Clerk’s office to fill out paperwork Monday – Friday, 8:30 am – 4:30 pm. A \$50.00 fee will be charged for filing a Peace order.

MAKE A SAFETY PLAN

This plan should only be used if it is safe to do so. Do nothing that will jeopardize your safety.

Gather:

- Cash;
- Apparel for you and your children;
- Financial records, bank books important papers (birth certificates, school records, and health records);
- Extra house and car keys;
- Telephone numbers where you can get help (see information within); and,

- An escape plan (police, motel, and friends, **SHELTER**).

CASA, Inc. (Citizen Assisting and Sheltering the Abused) can assist you with:

- Information and referral;
- Crisis shelter for abused women and their children;
- Counseling for women, men and children; and,
- Legal Advocacy Services – provides counseling, information and accompaniments concerning divorce, child custody and support, property settlement, protection from domestic violence and criminal prosecution.

CASA, Inc.301-739-4990
CASA Hotline.....301-739-8975

If you have any questions about police investigations in which you are a victim or witness, or if you have additional information, you may call the Hagerstown Police Department at 301-790-3700. Please provide the following information

Initial Contact Officer

Date & Time of Incident

Incident Case Number: _____

In an emergency, dial 911. At that time, advise the police dispatcher of the nature of the emergency and your location. The police dispatcher may also need additional information. Your

cooperation will enable us to assist you more efficiently.

***VICTIM, WITNESS,
AND
DOMESTIC VIOLENCE
ASSISTANCE***



***HAGERSTOWN
POLICE DEPARTMENT***
“To Protect and Serve”

50 N. Burhans Blvd. Hagerstown, MD 21740
301-790-3700
Emergency – 911