



VICTIM/WITNESS ASSISTANCE SECTION

FC No.: 1107

Date: 11-27-18

If a provision of a regulation, a departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract)

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I. Policy

- A. The department is committed to the fair, compassionate, and sensitive treatment of victims and witnesses of crime. This can be accomplished through the department's Victim/Witness Assistance Section (VWAS) by providing the highest quality of law enforcement while working in partnership with the community. This partnership will help to assure that victims/witnesses are afforded reasonable protection and timely information to assist them with recovering from the effects of crime.
- B. The department recognizes that every victim needs and expects follow-up contact to recover from the effects of crime. The police officer's role as a first responder in this cycle of events is critical to the beginning of this process. The department cannot meet every need but does have a responsibility to increase victims'/witnesses' awareness and assist them in navigating the criminal justice system.

II. Victim/Witness Assistance Section

A. Authority and Responsibility

The authority and responsibility for the administration and coordination of the department's role in a structured victim/witness assistance program, rests with the director of the Major Crimes Division. Patrol and investigative responsibilities in providing victim/witness assistance are directed by the chiefs of those respective bureaus.

B. Contacting Victim/Witness Assistants

Victim/witness assistants can be reached at their respective district station during regular office hours. After hours and on weekends, a message can be left for the district victim/witness assistant who will make contact during regular business hours.

C. Outreach and Referral

- 1. The department conducts an outreach program providing support, information, and referral for crime victims/witnesses. Outreach will be attempted to all crime victims/witnesses in their service area by telephone, letter, and/or brochure distribution. This program is designed to complement the services already being rendered by first responders and other agencies.

2. The purpose of the outreach is to listen, answer questions, assess the victim's needs, and make the appropriate recommendations and/or referrals to service providers. Under no circumstances will the victim/witness assistants address issues requiring the knowledge or experience of a sworn officer.
3. Case outcomes will be monitored by two separate feedback mechanisms:
 - a. Victims will receive a follow-up call as deemed necessary to confirm outcome of recommendations.
 - b. A quarterly report on referral follow-through will be exchanged with collaborating agencies.

III. Training for Department Personnel

A. Victim/Witness Assistants

Training will specifically address terms of confidentiality and associated penalties for breach of confidentiality or misuse of privileged access as the issue relates to all department members. Victim/witness assistants undergo background investigations before acceptance.

B. Patrol Officers and Investigators

Each district Victim/Witness Assistant will provide training and/or information on new laws to patrol officers and investigators at their assigned stations.

C. Police Officer Candidates

Police officer candidates are instructed in the following areas in recruit training, by academy instructors:

1. Rape and sexual offenses
2. Interviewing of witnesses
3. Domestic violence
4. Victim needs
5. Sexual harassment
6. Services provided by the VWAS

D. Resource Information

A library of journal references, books, and videotapes is maintained in the *VWAS* to support ongoing education on victim/witness issues.

IV. Department Personnel Responsibilities

A. District Commander and Supervisor Responsibilities

Supervisors of the investigative sections and district commanders will provide the VWAS with all *incident* reports. *VWAS may log in to view the incident reports via the ejustice system.* The VWAS may also receive referrals directly from the victim, patrol officer, court commissioner, or any other county agency.

B. VWAS Responsibilities

1. The VWAS's SOP will address the delivery of victim/witness assistance services by victim/witness assistants in coordination with investigators assigned to follow-up on incidents.
2. Records will be maintained by the VWAS on all outreach attempts and referrals stemming from client contacts.
3. The VWAS will report annually to the Chief of Police concerning the victim/witness needs assessment and available resources.
4. Regular contact with service providers will be maintained to promote networking and collaboration on a systematic approach to needs assessment and service delivery.

C. Victim/Witness Assistant Responsibilities

1. Victim/witness assistants serve as liaisons between victims and the police, facilitating communication and easing demands on sworn officers by handling routine inquiries and requests.
2. Victim/witness assistants will work closely with the central and decentralized investigative sections.
3. Victim/witness assistants will deal with victims/witnesses with sensitivity and respect at all times. *The VWAS will safeguard any personal identifiable information, by securing any files in locked offices, file cabinets, and other secure methods.*
4. *Victim assistants DO NOT have confidentiality between themselves and victims/witnesses when it concerns the investigation or information that could be self-incriminating, i.e. false statements. Victim assistants must, in advance, inform victims that there is no legal privilege of communications and work products; and during meetings, telephone calls, and emails are subject to disclosure to third parties as required by law.*
5. As directed by the assigned investigator or supervisor, victim/witness assistants may ask specific questions of the victim/witness to ascertain additional facts relevant to the crime which may lead to further investigation or closure of the case. Any feedback or supplemental information derived from the questions will be provided to the assigned investigator or supervisor.

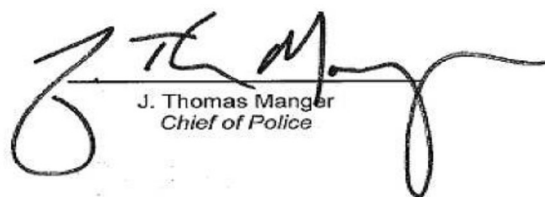
D. Sworn Officer Responsibilities

1. It is each officer's responsibility to ensure that, upon the first contact, every victim/witness receives a copy of the Maryland "Crime Victims and Witnesses: Your Rights and Services" brochure which is provided by the Governor's Office of Crime Control and Prevention, and a copy of the "Montgomery County Victim/Witness Assistance Information Sheet. The officer will make a note in the initial report narrative that the brochures were given to the victim/witness. This distribution will ensure that all victims/witnesses and potential victims of crime are apprised of basic criminal justice procedures and how to contact a number of standard resources.
2. Officers will provide their name, telephone number, and case number to victims/witnesses and advise them how to report additional police information, seek a case status report, or obtain a copy of a police report.
3. Victims/witnesses will be advised to call 911 in an emergency or the police non-emergency number, 301-279-8000, at any time, 24 hours a day, for non-emergency response or referral.
4. Victims/witnesses will be directed to the 24-hour crisis hotline, 240-777-4000, in crisis-related cases, prior to clearing the call. The Crisis Center serves as a clearinghouse for a number of county victim services under the Department of Health and Human Services.
5. Victims/witnesses who have been threatened or fear intimidation will be encouraged to report these incidents to the department. A thorough investigation will be initiated by a police officer/investigator. Victims will be advised of appropriate courses of action, including crime prevention measures and legal avenues of recourse. Protection will be afforded to the extent reasonable and practical, consistent with the threat and department staffing levels. Criminal charges are encouraged utilizing Criminal Law 9-304 (Victim Witness Intimidation).

V. CALEA Standards: 26.1.1, 42.1.4, 42.2.1, 42.2.2, Chapter 55, 82.2.1, 82.2.4, 82.3.5

VI. Proponent Unit: *Major Crimes Division*

VII. Cancellation: *This directive cancels Function Code 1107, effective date 05-30-06.*



J. Thomas Manger
Chief of Police