

## **Chapter 06 - Victim Services**

### **Section 01 - Office of Victim Services**

Authority: Maryland Constitution, Declaration of Rights, Article 47;  
Criminal Procedure Article, § 11-401, *et seq.*, Annotated Code of Maryland.

#### **A. Introduction.**

(1) It is the policy of the Division to:

- (a) Treat all crime victims with dignity, respect, and sensitivity; and
- (b) Afford each victim access to all victim rights and services that are available through the Division.

(2) In furtherance of this policy there is established:

- (a) An Office of Victim Services, whose purpose is to manage the Division's coordinated services to crime victims; and
  - (b) A Victim Services Advisory Board, whose purpose is to advise the Division regarding improvements to the services the Division provides to victims.
- (3) Each employee of the Division who is contacted by a victim shall respond to the victim promptly, courteously, and fully.

#### **B. Definitions.**

(1) In this chapter, the following terms have the meaning indicated.

(2) Terms defined.

(a) "Compliance complaint" means a complaint filed against an employee of the State alleging that, in the course of the employee's duties, the employee denied to a victim a right due by law.

(b) "Legally incompetent" means an individual who is determined by a court to be lacking sufficient understanding or capacity to make or to communicate responsible decisions.

(c) "State Board of Victim Services" means the body appointed by the Governor under Criminal Procedure Article, section 11-911 to coordinate and direct the delivery of victim services in Maryland.

(d) "Victim" means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.

(e) "Victim notification" means the legal entitlement of a victim to receive notice of certain events regarding an offender's confinement, release, supervision, and post-sentencing proceedings.

(f) "Victim notification letter" means a form letter authorized by the Division and which contains information regarding significant supervision events about which the victim or the victim's representative are entitled to be notified.

(g) "Victim's representative" means:

(i) A family member or a guardian of a victim who is a minor or legally incompetent;

(ii) A family member of a homicide victim; or

(iii) Any other individual who is legally authorized to receive victim notification on behalf of the victim.

(h) "VINELink™" means the internet-based service which tracks the location of incarcerated offenders in the United States.

### **C. Organization and Duties of the Office of Victim Services.**

(1) The Office of Victim Services is a component of the Office of Program Services.

(2) The Office of Victim Services consists of:

(a) A manager; and

(b) Victim service coordinators.

(3) The manager of the Office of Victim Services shall administer the Office of Victim Services by:

(a) Coordinating and supervising day-to-day functions within the Office of Victim Services;

(b) Providing guidance, support, and referral resources to agent, monitor and supervisory staff regarding victims' rights and services;

(c) Serving as the Division's liaison to State victim services organizations, boards, and offices;

(d) Maintaining records of victim:

(i) Inquiries;

(ii) Contacts; and

(iii) Requests for notification;

(e) Managing a staff of victim services coordinators; and

(g) Performing such other tasks as:

(i) Required by the Director or Deputy Director of the Office of Program Services;  
and

(ii) Needed to ensure the Division's compliance with law, regulations, and policy pertaining to victims' rights.

#### **D. Victim Services Coordinators.**

(1) The primary job duties of a victim services coordinator include:

(a) Conducting victim outreach, in accordance with divisional policy;

(b) For victims of offenders released from the Division of Correction, completing and sending VNL - 001 to the victim or victim's representative;

(c) Providing technical assistance and guidance to agents, monitors and other employees whose job duties include having direct contact with victims;

(d) Referring victims to appropriate victim service organizations for court accompaniment and general advocacy services; and

(e) Cataloging resource materials to facilitate appropriate referrals to mental health organizations, legal assistance organizations, and social service agencies.

(2) Victim services coordinators shall be assigned to work within one or more specified jurisdictions, as determined by the Deputy Director for Program Services.

(3) A victim services coordinator shall follow the protocols of the:

(a) Office of Victim Services; and

(b) Jurisdiction and office where the victim service coordinator is assigned.

#### **E. Victims' Rights Compliance.**

(1) The Governor's Office of Crime Control and Prevention, through the State Board of Victim Services, is responsible for monitoring compliance with existing victims' rights laws in Maryland through the Victims' Rights Compliance Initiative.

(2) **Compliance complaints.** The manager of the Office of Victim Services may receive a compliance complaint from the:

(a) Victims' Rights Compliance Coordinator;

(b) State Board of Victim Services; or

(c) Governor's Office of Crime Control and Prevention.

(3) If a complaint is received, on the same day that the complaint is received the manager of the Office of Victim Services shall:

(a) By electronic mail, inform the Deputy Director for Program Services of the complaint; and

(b) Forward a copy of the complaint, for investigation and response, to the Deputy Director for Program Services.

(4) **Deputy Director for Program Services.** Upon receipt of a copy of a compliance complaint, the Deputy Director for Program Services shall take appropriate corrective or investigative action as indicated by the:

(a) Nature of the compliance complaint; and

(b) Request or recommendation received from the:

(i) Governor's Office of Crime Control and Prevention;

(ii) State Board of Victim Services; or

(iii) Victims' Rights Compliance Coordinator.

#### **F. Victim Notification Requests Received at the Office of Victim Services.**

(1) **Written request.** Not later than five workdays after a written request for victim notification is received by the Office of Victim Services, the manager of that office shall:

(a) Identify the employee who is assigned to supervise or monitor the offender about whom notification was requested;

(b) If the offender is under supervision or monitoring, complete and sign VNL-001;

(c) Make two photocopies of the completed and signed VNL-001;

(d) Send one photocopy of the completed and signed VNL-001 to the supervising agent or monitor;

(e) Retain one photocopy of the completed and signed VNL-001 at the Office of Victim Services;

(f) Mail the original to the victim or victim's representative;

(g) Enter a case note that reads, "Victim notification requested and VNL-001 mailed"; and

(h) Update OBSCIS II by entering the letter "Y" in the "Notify Victim" field of the OBSCIS II Identification screen.

(2) **Oral request.** If the Office of Victim Services receives an oral request for victim notification from a victim or victim's representative, the manager of the office shall:

(a) Inform the victim or victim's representative that the Division can provide only limited notification without a written request for notification;

(b) Send the victim or victim's representative a "Crime Victim Notification and Demand for Rights Form";

(c) Advise the victim or victim's representative to return the completed and signed form to the Office of the State's Attorney for the jurisdiction where the offender was convicted; and

(d) Treat the oral request in the same manner as a written request is treated, except that a victim or victim's representative who orally requests notification from the Division may not be sent notice of warrant issuance earlier than 91 days after the warrant is issued.

(3) If a request for victim notification is received at the Office of Victim Services and the offender is determined not to be under divisional supervision or monitoring, the manager shall:

(a) Attempt to locate the offender by:

(i) Searching OBSCIS I, as set forth in the Office of Victim Services protocols; and

(ii) Conducting a VINELink™ inquiry by Accessing VINELink™ at <http://www.vinelink.com/index.jsp> ; and

(b) Send a response letter, on agency letterhead, to the victim or victim representative who requested notification.