

**Chapter 06 - Victim Services**  
**Section 02 - Victim Notification**

**A. Purpose.**

The purpose of this section is to identify:

- (1) The statutory requirements of victim notification;
- (2) What information shall be given to a victim who requests victim notification;  
and
- (3) The procedures to be followed by an agent or monitor who receives an oral or written request for victim notification.

**B. Definitions.**

(1) In this section, the following terms have the meanings indicated.

(2) Terms defined.

(a) "Offender" means the parolee, probationer, or mandatory releasee who committed the crime underlying a victim's request for notification.

(b) "Qualified victim" means a victim of a violent crime committed by an individual who is convicted of that crime in a Maryland Circuit Court.

(c) "Violent crime" means:

- (i) Abduction;
- (ii) Armed carjacking;
- (iii) Arson in the first degree;
- (iv) Assault in the first degree;
- (v) Assault with intent to murder;
- (vi) Assault with intent to rape;
- (vii) Assault with intent to rob;
- (viii) Assault with intent to commit a sexual offense in the first or second degree;
- (ix) Burglary in the first, second, or third degree;

- (x) Carjacking;
  - (xi) Kidnapping;
  - (xii) Maiming;
  - (xiii) Manslaughter, except involuntary manslaughter;
  - (xiv) Mayhem;
  - (xv) Murder;
  - (xvi) Rape;
  - (xvii) Robbery and robbery with a dangerous weapon;
  - (xviii) Sexual offense in the first or second degree;
  - (xix) Use of a handgun in the commission of a felony or other crime of violence;
- and
- (xx) An attempt to commit a crime listed in (i), (ii), (iii) or (x) through (xix) of this subsection.

#### **C. Security of Victim Information.**

##### **(1) An employee:**

(a) May not share with another individual information contained in a victim notification request unless the individual is an employee of the criminal justice system or the State's Central Collection Unit with a business purpose for having the information; and

(b) Shall take all reasonable precautions to prevent an offender from seeing a victim notification request.

##### **(2) At a minimum, the reasonable precautions shall include an employee's:**

(a) Viewing the victim notification request only when an offender cannot see the request; and

(b) Not discussing the victim notification request with an offender or when an offender might overhear the discussion.

#### D. Procedures.

(1) **Victim notification request form and filing.** Generally, a crime victim's notification request must be in writing. However, when a victim or victim's representative orally requests victim notification, the Division will honor the request.

(2) The usual method by which a victim or victim's representative requests victim notification is by completing a "Crime Victim Notification and Demand for Rights Form" and submitting it to the prosecutor. By law, the prosecutor is required to file the completed form with the clerk of the court. The clerk is required to attach the form the offender's commitment or probation order.

(3) The second method by which a victim or victim's representative may properly request victim notification is by making request directly to the Division. As long as the request includes the information listed in paragraph (5), the request may take any form.

(4) **No time limitation for filing.** A crime victim or crime victim's representative may request victim notification at any time during the offender's term of incarceration or supervision.

(5) **Notification request requirements.** If a victim or victim's representative makes a request for victim notification directly to the Division, the request should include the:

- (a) Full name of the crime victim or the crime victim's representative;
- (b) Full name of the offender;
- (c) Complete address to which notification is to be sent; and
- (d) Signature of the victim or victim's representative, if the request is in writing.

(6) **Written request.** If an agent or monitor receives a written request for victim notification from a victim or victim's representative, the agent or monitor shall review the request to ensure that it includes the information listed in paragraph (5). If it does, the agent or monitor shall:

- (a) Retain a copy of the request in the appropriate case file;
- (b) Forward the original to the manager of the Office of Victim Services; and
- (c) Follow the procedures listed in paragraphs (9) through (18) of this subsection, as applicable.

(7) If a written request does not contain all of the information listed in paragraph (5), the employee who receives the request shall, not later than 5 workdays after the request is received:

- (a) Note on the request what information is missing; and
- (b) Complete and forward to the victim or the victim's representative victim notification letter VNL - 008; and

**Note:** Once the missing information is received, follow the procedures set forth in paragraph (6) of this subsection.

(8) **Oral request.** If an agent or monitor receives from a victim or victim's representative an oral request for victim notification, the agent or monitor shall, on the same day that the request is received:

- (a) Notify, by electronic mail or telephone, the manager of the Office of Victim Services of the request; and
- (b) Follow the procedures listed in paragraphs (9) through (18) of this subsection, as applicable.

**Note:** Before the 91st day after a violation of probation warrant is issued for an offender's arrest, only a qualified victim may receive notice that the warrant was issued. Please see the definition of *qualified victim* in B(2)(b).

(9) **Agent's or monitor's responsibilities to a victim.** An agent or monitor shall:

- (a) Treat each victim with dignity, respect, and sensitivity; and
- (b) Timely and appropriately respond to a victim's request for information.

(10) Upon receipt of a case, an agent or monitor shall determine whether the victim or victim's representative requested victim notification.

(11) An agent or monitor shall conclude that a victim or victim's representative requested notification if:

- (a) A completed and signed "Crime Victim Notification and Demand for Rights Form" is among the case material;
- (b) The words, "Victim Notification Requested" appear in the field notes; or
- (c) The letter "Y" appears in the "Notify Victim" field of the OBSCIS II "Identification" screen.

(12) If the victim or victim's representative requested victim notification but the request was not entered into OBSCIS II, the agent shall:

- (a) Make a field note entry that reads, "Victim Notification Requested";

(b) Complete and send VNL-001 to the victim or victim's representative, in accordance with paragraph (19)(a) of this subsection; and

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

**Note:** The requirement that a "Y" be entered in the "Notify Victim" field of the OBSCIS II Identification screen applies to each case--including a PSS case—for an offender.

(13) An agent or monitor shall also take the steps listed in paragraph (12) of this subsection anytime that the agent or monitor receives an oral or written notification request from a victim or victim's representative.

(14) **Employee response to victim telephone call to Division.** When a victim or victim's representative calls a divisional office and the employee who answers is not the agent or monitor assigned to the relevant case, the employee shall provide the caller with the supervising agent's or the monitor's:

(a) Name;

(b) Office address;

(c) Telephone number; and

(d) Any other helpful information that is available to the employee (e.g., name of the agent's or monitor's supervisor, divisional case number).

(15) **Victim notification letters.** A victim notification letter (VNL) is a form letter which contains information regarding significant supervision events about which a victim or victim's representative is entitled to be notified. Each VNL:

(a) Is assigned a number;

(b) Serves a specific purpose; and

(c) Is available online through SafetyNet, at <http://intranet.dpscs.mdstate>.

(16) An agent or monitor shall select, complete, and send to a victim or victim's representative the VNL which corresponds to the event to be reported to the victim or victim's representative.

(17) An agent or monitor shall print the VNL on office letterhead.

(18) When an agent or monitor sends a VNL, the agent shall:

(a) Enter a field note to record:

(i) Which VNL (e.g., VNL-006) was sent to the victim or victim's representative; and

(ii) The date the VNL was sent;

(b) Place a copy of the VNL in the case folder; and

(c) Forward a copy of the VNL to:

(i) The local victim services coordinator, if a victim services coordinator is assigned to the county in which the agent's office is located; or

(ii) If no victim services coordinator is assigned to the county in which the agent's office is located, the manager of the Office of Victim Services.

(19) The victim notification letters, with instructions for their proper use, ~~are as follows:~~ **include:**

(a) **VNL-001: Notice that offender is under supervision.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after learning that the victim or victim's representative requested victim notification;

(b) **VNL-002: Notice of violation of probation summons.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after learning that a court issued a summons for an offender to appear at a violation of probation hearing;

(c) **VNL-003: Notice of violation of probation warrant.** An agent or monitor shall complete, sign, and send this letter to a qualified victim or qualified victim's representative not later than five workdays after learning that a court issued a violation-of-probation warrant for the arrest of an offender.

**Note:** An agent or monitor may not send this letter to a non-qualified victim or non-qualified victim's representative earlier than ninety days after a court issues a violation-of-probation warrant for the arrest of the offender;

(d) **VNL-004: Notice of warrant service and pending violation of probation hearing.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after learning that a court has docketed a violation of probation hearing for the offender;

(e) **VNL-005(a): Notice of violation of probation hearing outcome-Not guilty.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after a violation of probation hearing is held for the offender and the outcome of the hearing is not guilty;

(f) **VNL-005(b): Notice of violation of probation hearing outcome-Guilty and continued on probation.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after a violation of probation hearing is held for the offender and the outcome of the hearing is guilty and the offender is continued on probation;

(g) **VNL-005(c): Notice of violation of probation hearing outcome-Guilty and Division's interest closed.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after a violation of probation hearing is held for the offender and the outcome of the hearing is guilty and the Division's interest is ended;

(h) **VNL-005(d): Notice of violation of probation hearing outcome-Hearing did not occur.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after a violation of probation hearing was scheduled to be held but did not occur. The agent shall mark the appropriate box on the letter which corresponds to the reason that the hearing did not occur;

(i) **VNL-006: Notice of case expiration.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after the offender's supervision term expires;

(j) **VNL-007: Notice of reassignment of supervision.** An agent or monitor shall complete, sign, and send this letter to the affected victim or victim's representative not later than five workdays after a supervisor approves the reassignment or transfer of the case of the offender;

(k) **VNL-008: Request to the victim to provide more information about the offender.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after the agent receives a request from the victim for information about an offender but the victim's or the victim's representative's request did not contain all of the required information;

(l) **VNL-009: Notice that offender has been approved for interstate transfer.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after the agent receives notice that the offender has been approved for interstate supervision transfer;

(m) **VNL-010: Notice that offender has been approved to transfer back to Maryland from another state.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after the agent receives notice that the offender, who was previously supervised in Maryland, has been approved for an interstate transfer back to Maryland;

(n) **VNL-011: Notice that offender is in federal custody.** An agent or monitor shall complete, sign, and send this letter to a victim or victim's representative not later than five workdays after the agent receives notice that the offender, who was to have

been released from incarceration to a period of supervision with the Division, has been transferred to federal custody.