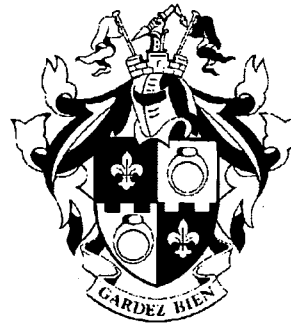


SERVICES TO JUVENILE VICTIMS AND WITNESSES OF CRIME IN MONTGOMERY COUNTY

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EXECUTIVE SUMMARY

Juveniles are an undercounted and often underserved group of crime victims. National data show that only 36% of violent crimes and 12% of property crimes committed against juveniles are reported to law enforcement. Reasons for this include juveniles' fears of retaliation and blame.

At the same time, the research shows that victimization can disrupt a child's development in fundamental ways and contribute to long-lasting problems. Juveniles who are crime victims have increased chances of experiencing mental and physical health problems, re-victimization, substance abuse, educational difficulties, and delinquent or adult criminal behavior. The research also shows that juveniles who witness violence can experience many of the same effects as juveniles who are primary victims.

During FY 04, Montgomery County Police Department event reports listed more than 2,700 juvenile victimizations, and Child Welfare Services investigated reports of abuse or neglect involving more than 5,600 children. National data suggest that thousands of other crimes in the County involving juveniles go unreported.

OLO's study of services to juvenile victims/witnesses of crime in Montgomery County found:

The County funds a wide range of services for juvenile victims/witnesses of crime, including some programs that mirror the "promising practices" cited in the literature. The County Government, Montgomery County Public Schools, State's Attorney's Office, Sheriff's Office, several State and municipal agencies, and a number of public-private partnerships collectively provide many different types of services to juvenile victims and/or witnesses of crime. Program offerings include: emergency response; information and referral; mental health; court-related; victim compensation; and post-sentencing services.

Services for juvenile victims/witnesses of crime are disaggregated. The agencies that provide services for juvenile victims/witnesses are structurally located across the criminal justice and human service systems. There is not a single entry point and no central source of comprehensive program information. As a result, agency staff are often familiar only with the subset of services that they already work with on a regular basis.

The same package of victim services is not offered to all juvenile victims/witnesses. Factors that affect service variability include: the type of crime, the victim's age, whether the incident occurs at schools, whether the crime is formally reported to enforcement authorities, and whether the offender is an adult or a juvenile. Different needs for services explain some of the variability; however, other differences are due to resource constraints or program eligibility requirements.

OLO recommends the Council act to improve the collective agency response to juvenile victims and witnesses of crime in the County. Specifically, OLO recommends changes to improve:

- General awareness of the prevalence and effects of juvenile victimization;
- Practices that result in early identification of juveniles who are crime victims/witnesses; and
- The availability of specialized victim services for juveniles, especially mental health services and court-related support for juveniles involved as victims or witnesses in cases moving through the criminal justice system.

OFFICE OF LEGISLATIVE OVERSIGHT REPORT 2005-4
SERVICES TO JUVENILE VICTIMS AND WITNESSES OF CRIME IN
MONTGOMERY COUNTY

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CHAPTER I. Authority, Scope, and Organization

A. Authority

Council Resolution 15-710, *FY 2005 Work Program of the Office of Legislative Oversight*, adopted July 27, 2004.

The County Council requested this study as a follow-up to a 2003 Office of Legislative Oversight report on services to adult victims and witnesses of crime in Montgomery County. OLO's previous report on victim services is available on-line at <http://www.montgomerycountymd.gov/apps/council/agpackets/030318/2003031808.pdf>

B. Scope of Review

This report by the Office of Legislative Oversight (OLO) examines the array of County-funded services provided to juvenile victims and witnesses of crime in Montgomery County. The study defines "juvenile" to mean any individual younger than 18 years old; and focuses on three cohorts of juvenile victims and witnesses of crime:

- Juveniles who are victims of child abuse or neglect (as defined in State law);
- Juveniles who are victims/witnesses of general crime (as defined by the FBI); and
- Juveniles who are witnesses to domestic violence.¹

Drawing upon the broad definition of victim services used by the federal Department of Justice, OLO's review includes programs that meet both immediate and longer-term needs of juvenile victims and witnesses of crime, including:

- Emergency services, e.g., on-scene medical assistance and emotional support;
- Information about victims' rights and referral to other victim services;
- Short-term and long-term mental health services;
- Court-related services, e.g., legal representation, notification of court dates/action, court preparation, court accompaniment, transportation to and from court, and assistance with preparing victim impact statements;
- Post-sentencing services, e.g., notification of offender's status, help with obtaining restitution; and
- Compensation programs that reimburse victims of crime for crime-related expenses, such as medical costs, funeral costs, lost wages, and property damage.

¹ The Appendix (© 1-3) contains the legal definitions of abuse and neglect, and the FBI's categories of general crime.

Some programs also conduct public information campaigns to educate service providers and members of the community about juvenile victimization and available services. In addition, some programs organize training on victim-related issues for police officers, prosecutors, judges, and other allied professionals in the criminal justice and social services systems.

The Appendix (© 4) contains a copy of the federal Department of Justice's definition of victim services. Throughout this report, OLO uses the term "victim services" as shorthand for the range of services provided to juveniles who are victims/witnesses of crime.

C. Organization of Report

Chapter II, National Overview of Juvenile Victimization, summarizes research findings on the effects of juvenile victimization; reviews national data on juvenile victimization, identifies the challenges involved in conducting empirical research on the effectiveness of victim services programs, and highlights the most often cited "promising practices" for meeting the needs of juvenile victims and witnesses of crime.

Chapter III, Local data on Juvenile Victimization, reviews local data on juvenile victims of crime maintained by the County Government and describes Montgomery County Public Schools' serious incident tracking system. This chapter concludes with an estimate of all juvenile victimizations in the County (reported and unreported) based upon national survey data.

Chapter IV, Legal Framework for Victim Services, summarizes the statutory rights for crime victims in Maryland, describes the State's legal requirements for reporting and investigating child maltreatment, and describes legal mandates in the State Education Article and federal No Child Left Behind Act related to school safety.

Chapter V, Overview of Services for Juvenile Victims and Witnesses of Crime, describes the types of services available to juvenile victims and witnesses of crime in the County, and discusses the factors that affect service variability. The Appendix (© 12-106) provides more detailed information on the different programs and services, organized by agency/department.

Chapter VI, Feedback from the Field, identifies the major themes voiced by staff across the agencies about the successes and challenges of publicly funded services for juvenile victims and witnesses of crime.

Chapters VII and VIII, present OLO's Findings and Recommendations

Chapter IX, Agency Comments, contains the written comments received on a final draft of the report.

D. Methodology

Office of Legislative Oversight (OLO) staff members Karen Orlansky, Craig Howard, Suzanne Langevin, Kristen Latham, and Karen Yoskowitz conducted this study. OLO gathered information in numerous ways including general research, document reviews, and individual and group interviews. OLO worked with agency staff to compile process, workload, and other program data. OLO consulted with senior management as well as line practitioners from the different offices and departments involved. OLO also attended meetings of the Victim Services Advisory Board and the County Executive's Mental Health Advisory Committee.

The Appendix (© 5) contains a list of the print and Internet resources that OLO used during the study period.

E. Acknowledgements

OLO received a high level of cooperation from everyone involved in this study. OLO appreciates the information shared and insights provided by all participants.

OLO thanks the many staff representatives who worked with us from the County Government, Montgomery County Public Schools, Office of the State's Attorney, Office of the Sheriff, Offices of the District and Circuit Courts, State Department of Juvenile Services, Takoma Park Police Department, Rockville Police Department, Montgomery County Child Assessment Center, the Court-Appointed Special Advocate program of Montgomery County, Conflict Resolution Center of Montgomery County, and Sexual Abuse and Assault Center at Shady Grove Hospital. OLO also thanks members of the Victim Services Advisory Board and Mental Health Advisory Committee.

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CHAPTER II. National Overview of Juvenile Victimization

This chapter contains a national overview of juvenile victimization and “promising practices” for working with juvenile victims of crime.¹

Part A, Effects of Juvenile Victimization, summarizes the published research on the effects of juvenile victimization. It reviews findings on the link between juvenile victimization and health problems, re-victimization, criminality, substance abuse, and education/employment difficulties; and the specific research findings on the effects of witnessing violence and bullying.

Part B, National Data on Juvenile Victimization, presents the latest available national data on juvenile victimization for both general crime and maltreatment. It also reviews the limited data published on the prevalence of juveniles witnessing violence and bullying in school.

Part C, Lessons from the Empirical Research and Promising Practices, identifies the challenges involved in conducting any empirical research on the effectiveness of victim service programs, summarizes the relevant published research; and describes frequently cited “promising practices” for meeting the needs of juvenile victims and witnesses of crime.

PART A. EFFECTS OF JUVENILE VICTIMIZATION

Studying the effects of juvenile victimization is a relatively new topic of social science research. In general, researchers in the field acknowledge they are only beginning to understand the short and long-term consequences of childhood victimization.

It is well recognized that not all juvenile victims experience negative long-term consequences from their victimization. However, a recurring finding is that being the victim of a crime can disrupt the course of child development in very fundamental ways and can contribute to life-long problems. (Siegfried et al., 2004) Studies have demonstrated a link between juvenile victimization and increased chances of mental health problems, re-victimization, substance use, educational problems, and employment difficulties. (OVC Bulletin, 1998)

Juveniles who are victims of or witnesses to violent crime are also at an increased risk for delinquency, adult criminality, and violent behavior. According to the federal Office for Victims of Crime, “...adolescent victims of violent crime as adults, when compared to non-victims, are 50 percent more likely to be victims of violent crime and domestic violence, perpetrators of domestic violence, and problem drug users; twice as likely to experience Post Traumatic Stress Disorder. (Kilpatrick et al., 2003)

¹ This chapter uses abbreviated references (author or publication title and date) to cite research articles and other publications. The Appendix (© 5) contains a formal bibliography in Modern Language Association format of all resources used.

The following pages summarize the published researched findings on the effects of juvenile victimization, organized according to the different types of potentially negative effects:

- Mental and physical health problems,
- Re-victimization,
- Delinquent or criminal behavior,
- Substance abuse, and
- Educational or employment difficulties.

This section ends with a summary of research findings on the effects of two types of juvenile victimization that have received increased attention in recent years: witnessing violence and bullying in school.

1. Mental and Physical Health Problems

Mental Health. The research evidences a link between juvenile victimization and an increased likelihood of short-term and long-term mental health problems.

Juveniles who are maltreated are at greater risk of developing psychological, cognitive, and behavioral difficulties. Psychological issues can include low self-esteem, anxiety, depression, and suicidal thoughts. Cognitive difficulties like attention deficit problems in turn can cause poor school performance. Behavioral problems may include aggression, violent behavior, anti-social behavior, or poor peer relations. (Widom and Maxfield, 2001)

Juveniles who are victims of general crime may experience irritability, sleep disturbances, emotional distress, fear, anxiety, depression, aggressive behavior, or guilt. (Osofsky, 1999) One study identified juvenile victimization as a risk factor for adolescents' developing major mental health problems, such as Posttraumatic Stress Disorder (PTSD). The research also shows that juveniles who suffer from PTSD have a greater likelihood of turning to alcohol as a means of coping. (OVC Bulletin, 1998)

Findings from research studies that looked at the connection between juvenile victimization and mental health problems include:

- Juvenile victims of sexual assault and physical assault are four to five times more likely to experience PTSD than non-victims. (Kilpatrick et al., 2003)
- 18 percent of juveniles who are victims of maltreatment meet the criteria for anti-social personality disorder compared to 11 percent of juveniles who have not been victimized. (Widom, 2000)
- 19 percent of juveniles who have been victimized attempt suicide compared to eight percent of non-victims. (Widom, 2000)

Physical Health. Compared to mental health effects, the negative physical effects of victimization are generally more immediate and often more visible. The physical effects of juvenile victimization can range from minor injuries such as bruises and cuts, to major injuries such as broken bones or brain damage.

One study of the physical consequences of juvenile victimization found that 20 percent of assaults committed against juveniles resulted in serious injury, and 14 percent resulted in minor injury. The same study found that 66 percent of juvenile victims of sexual assault and nine percent of juvenile victims of robbery suffered physical injury during the incident. (Menard, 2002)

Researchers are just beginning to explore the long-term impact of maltreatment on juveniles' health. Examples of lasting negative effects from chronic physical abuse include impaired brain development, hearing loss, eye damage, or paralysis. (Penny et al., 2002)

2. Re-victimization

There are multiple theories on why adults who were abused as juveniles are at higher risk of re-victimization. Some of the theories cited in the literature are that:

- Juveniles who are victimized learn maladaptive ways of thinking, coping, and relating to others. (Messman and Long, 1996)
- The symptoms associated with posttraumatic stress disorder may predispose juveniles to be more vulnerable to re-victimization. (Chu, 1992)
- Juveniles who are victims of abuse may have problems with self-esteem, which in turn predisposes their interactions with abusive persons in ways that are in accord with their own negative view of themselves. (Chu, 1992)

There is clear research evidence of a relationship between juvenile victims who are maltreated as children and subsequent incidents of re-victimization as adults. For example, one study found that victims of either sexual or physical abuse report an adult re-victimization rate of 77 percent. (Schaaf and McCanne, 1998, cited in Dietrich, 2004)

In another study, researchers examined adult behavior and compared respondents who had been victimized as adolescents vs. those who had not. The study found that respondents who had been victimized as adolescents were more than twice as likely to experience an incident of either domestic violence or other violent victimization as an adult compared to respondents who had not been victimized as adolescents. (Menard, 2002)

3. Delinquent or Criminal Behavior

A substantial body of research evidences a relationship between juvenile victimization and a higher probability of later delinquent or criminal behavior. For example, it is estimated that one third of juveniles who experience abuse or neglect will grow up to victimize their own children; and the odds of becoming a property offender as an adult are tripled by being a victim of violent crime as a juvenile. (National Clearinghouse on Child Abuse and Neglect, 2001; Menard, 2002)

One study sponsored by the National Child Traumatic Stress Network observes:

While the relationship of maltreatment to later arrest and offending has been understood for a number of years, researchers are now beginning to better document and understand the significant connection between other forms of violent victimization and juvenile offending as well. (Siegfried, 2004)

Much of the longitudinal research on this issue has tracked the rates of offending for a group of juveniles who are victims compared to a group of non-victims. The consistent finding is that individuals who are victims during childhood are more likely than non-victims to be arrested later in life, either as a juvenile or as an adult. For example:

- Being abused or neglected as a juvenile increases the likelihood of arrest as a juvenile by 59 percent and as an adult by 28 percent.² (Widom and Maxfield, 2001)
- The odds of being a perpetrator of domestic violence as an adult are almost doubled by being a victim of violent crime as an adolescent. (Menard, 2002)

Another research approach measures the rates at which offenders report that they experienced victimization in childhood. In numerous studies, populations of juvenile delinquents and adult offenders report strikingly higher rates of childhood abuse and neglect compared to members of the general population. Specific research findings include:

- Almost 70 percent of girls in the juvenile justice system have histories of physical abuse. (Lederman and Brown, 2000)
- One-fourth of the male juvenile offenders reported being abused or neglected in their childhood. (Ellis, 2000)
- Nearly six out of ten women in state prisons had experienced physical or sexual abuse in the past. (Greenfield and Snell, 1999)
- 68 percent of the incarcerated adult male felons reported some form of early childhood victimization before age 12, either physical abuse, sexual abuse, or neglect. (Weeks and Widom, 1998)

² In the cohort of juveniles who were abused or neglected as children, 27 percent were arrested as juveniles and 42 percent were arrested as adults. Comparatively, in the cohort of non-victims, 17 percent were arrested as juveniles and 33 percent were arrested as adults.

4. Substance Abuse

The research on short-term outcomes following a juvenile's experience of a violent and/or property victimization has found a significant correlation with substance use and abuse. Juveniles who are victimized are more likely than non-victims to smoke cigarettes, abuse alcohol, or take illicit drugs.

Specific research findings on the connection between juvenile victimization and substance abuse include:

- Approximately two thirds of individuals enrolled in drug treatment programs reported being abused as juveniles. (Swan, 2000)
- Individuals who experience sexual assault or physical abuse as juveniles were three to five times more likely to become substance abusers compared to non-victims. (Kilpatrick et al., 2003)
- Violent victimization during adolescence nearly doubles the likelihood of problems with substance abuse in adulthood. (Menard, 2002)

5. Education and/or Employment Difficulties

Some research has been conducted on the connection between juvenile victimization and difficulties in school and/or later employment. One study examined, over 30 years, a group of juvenile victims of abuse compared to a control group of non-victims. The findings of *Childhood Victimization and Long-Term Intellectual and Academic Outcomes* included:

- Approximately half of the abuse victims completed high school, compared to two-thirds of the non-victims.
- 41 percent of the abuse victims repeated a grade compared to 24 percent of the non-victims.
- 53 percent of the abuse victims had been suspended or expelled compared with 34 percent of the non-victims.

The study continued to track the juveniles into adulthood. As adults, 40 percent of the abuse victims were employed as skilled workers and professionals and 60 percent held menial and semi-skilled jobs. In comparison, 60 percent of the non-victims were employed as skilled workers and professionals and 40 percent held menial and semi-skilled jobs. This led researchers to conclude that abuse victims had lower earning potential compared to non-victims. (Widom, 2000)

6. Effects of Witnessing Violence

During the past decade, the research on the effects of victimization expanded to include juveniles who are witnesses to violent crime, especially domestic violence. Juveniles who witness violence are sometimes referred to as the “invisible victims.”

Both research and clinical work have shown that witnessing community and domestic violence has a consistently negative impact on children’s emotional, social, and cognitive development, although it affects children of different ages in different ways. Even in the earliest phases of development, infants and toddlers exhibit clear associations between exposure to violence and emotional and behavioral problems. (Osofsky, 1999)

Juveniles who witness violence can often experience many of the same symptoms as if they were victims of violence themselves.

Even when child witnesses do not suffer physical injury, the emotional consequences of viewing or hearing violent acts are severe and long-lasting. In fact, children who witness violence often experience many of the same symptoms and lasting effects as children who are victims of violence themselves. (Siegfried, et al., 2004)

Juveniles can develop symptoms such as aggressive behavior, depression, anxiety, lower levels of social competence and self-esteem, poor academic performance, and posttraumatic stress symptoms. While studies have found there is no single risk factor or experience that leads a juvenile to delinquency, it also has been found that the chances of offending clearly increase when a teenager is a witness or victim of violence and experiences traumatic stress as a result. (Siegfried, et al., 2004)

Other research has found that juveniles who live with domestic violence face increased risks, such as exposure to traumatic events, neglect, being directly abused, and losing one or both of their parents. All of these may lead to negative outcomes for children and may affect their well-being, safety, and stability. (Carlson, 2000; Edleson, 1999; Rossman, 2001)

A bulletin published in 2003 by the National Clearinghouse on Child Abuse and Neglect (*Children and Domestic Violence: A Bulletin for Professionals, 2003*) describes three categories of negative effects on children exposed to domestic violence:

- Behavioral, social, and emotional problems. Higher levels of aggression, anger, hostility, oppositional behavior, and disobedience; fear, anxiety, withdrawal, and depression; poor peer, sibling, and social relationships; and low self-esteem.
- Cognitive and attitudinal problems. Lower cognitive functioning, poor school performance, lack of conflict resolution skills, limited problem solving skills, pro-violence attitudes, and belief in rigid gender stereotypes and male privilege.
- Long-term problems. Higher levels of adult depression and trauma symptoms, increased tolerance for, and use of violence in adult relationships.

7. Effects of Bullying

There is research that documents bullying is a common and potentially damaging form of violence among children. Studies of bullying indicate that victims of bullying can experience negative effects in both the short and long-term.

Juveniles who are constant victims of bullying experience more physical and psychological problems than their peers who are not harassed by other juveniles. Victimized juveniles also tend not to grow out of the role of victim. Longitudinal studies have found that victims of bullying in early grades also reported being bullied several years later.

Studies suggest that the long-term effects on chronically victimized juveniles can include depression, poor self-esteem, and other mental health problems, including schizophrenia. (Limber and Nation, 1998) Researchers have identified the following behavioral signs as indicators that a student is a victim of bullying:

- Students who are bullied are typically anxious, insecure, cautious, and suffer from low self-esteem; they rarely defend themselves or retaliate when confronted by students who bully them. (NRCSS, 1999)
- Students who are bullied often have few or no close friends at school (NRCSS, 1999), and are frequently socially isolated. (Banks, 2000)
- Students who are bullied are often less assertive, or lack the skills necessary to respond to other students' teasing and harassment. (NRCSS, 1999)

Victims of bullying often fear school and consider school to be an unsafe and unhappy place. Some examples are:

- A student's performance and interest in school may begin to deteriorate. (Olweus, 1993)
- It is estimated that seven percent of America's eighth-graders stay home at least once a month because of bullies. (Banks, 2000)
- Students who are bullied repeatedly may also "try to stay close to the teacher or other adults during breaks, avoid restrooms and other isolated areas, and/or make excuses to stay home from school as much as possible." (Olweus, 1993)

In addition, the Department of Education found that the effects of bullying extend to juveniles who regularly witness bullying at school. These victims can suffer from a less secure learning environment because they fear that the bully may target them next. They may also feel insecure because they feel teachers and other adults are either unable or unwilling to control the bullies' behavior. (*Preventing Bullying: A Manual for Schools and Communities*, 1998)

PART B. NATIONAL DATA ON JUVENILE VICTIMIZATION

This review of national data on juvenile victimization is organized into four sections:

Juvenile Victims of General Crime, reviews the two main sources of national data on juvenile victimization: the National Incident Based Reporting System (NIBRS) and the National Crime Victimization Survey (NCVS).

Juvenile Victims of Maltreatment, reviews national data on child maltreatment that are compiled by the federal Administration for Child and Families.

Juvenile Witnesses to Violence, reviews the limited data that are available on the number of juveniles who witness violence.

Juvenile Victims of Bullying, reviews data on the prevalence of bullying and the characteristics of juveniles who are victims of bullying.

1. Data on Juvenile Victims of General Crime

Crime victimization is not widely reported to authorities. Based on the National Crime Victimization Survey (2003), it is estimated that only 48 percent of violent crimes and 38 percent of property crimes committed against adults are reported. The comparable data for crimes committed against juveniles reveals even lower reporting rates, with estimates that only 36 percent of all violent crimes and 12 percent of all property crimes committed against juveniles are reported.³

The Crimes Against Children Research Center cites the following factors as contributing to the low rate of reporting among juveniles:

- Fear of being blamed themselves;
- Fear they will not be taken seriously; and
- Fear of retaliation.

There is no national repository of all juvenile victimization statistics. According to the federal Office of Victims of Crimes, this means that "...the nation lacks precise data on the number of juveniles who are victimized each year. (OVC Bulletin, 1998)

Although both have limitations, there are two federal government sources of data on juvenile victimization: the FBI's National Incident-Based Reporting System (NIBRS) and the Census Bureau's National Crime Victimization Survey (NCVS). Data available from these two sources are described below. The Appendix (© 107) provides more information on what is and what is not contained in these data sources.

³ These data represent estimates by the Crimes against Children Research Center (CCRC), based upon 2000 NCVS results. CCRC is a juvenile victimization research center at the University of New Hampshire.

a. The FBI National Incident-Based Reporting System (NIBRS)

The FBI maintains two databases on reported crime. The Uniform Crime Report (UCR) contains limited data on serious and violent crimes (e.g., murders, aggravated assaults, rapes) from 46 states. The NIBRS contains more detailed data (e.g., characteristics of offenders and victims) but from fewer states.

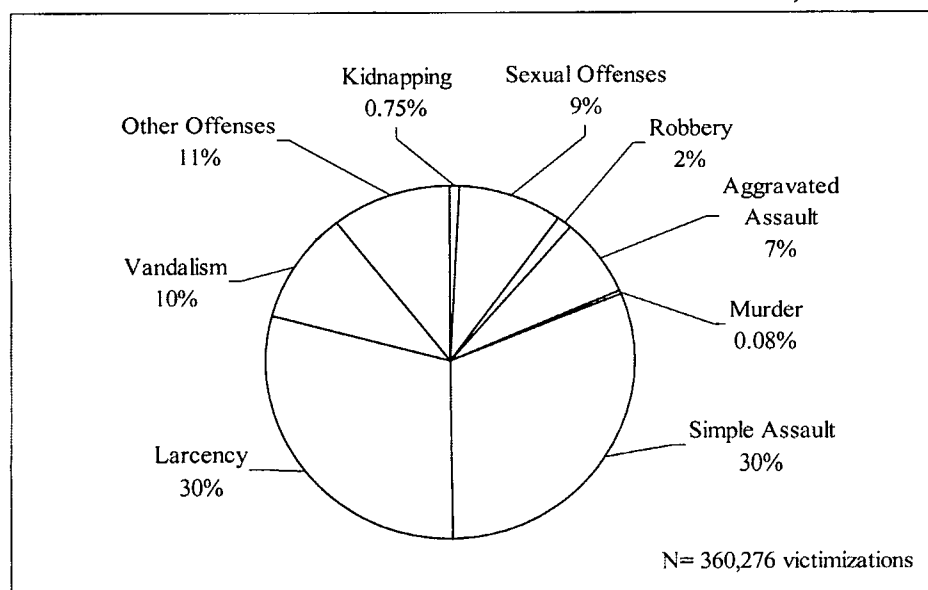
The 2001 NIBRS reports included data on more than 3.5 million crimes from 21 states, although several large states (New York, California) are not yet reporting to NIBRS. Locally, Virginia and Delaware are included, but Maryland and D.C. are not. The NIBRS contains detailed information on each criminal incident, such as its location, whether weapons were used or injuries sustained, and demographic data on victims and offenders. Because the age of crime victims is tracked by NIBRS, it can be used as a source of data on juvenile victimizations.

Juvenile Victimization by Type of Crime. For 2001, approximated 10 percent (360,000) of all reported crimes in NIBRS involved victims under the age of 18. Juveniles represented 22 percent of all crime victimizations for murders, robbery, aggravated assault, simple assault, larceny, and vandalism; 40 percent of all kidnappings; and 72 percent of all sex offenses.

Exhibit 1 (below) presents 2001 NIBRS data on the types of reported crimes that were committed against juveniles. The data show that for all crimes committed against juveniles:

- Simple assault and larceny are each 30 percent;
- Murder and kidnapping each represent less than one percent; and
- Sexual offenses, aggravated assault, and robbery together account for 20 percent.

**EXHIBIT 1
TYPES OF JUVENILE VICTIMIZATIONS
NATIONAL INCIDENT BASED REPORTING SYSTEM DATA, 2001**



Juvenile Victimization by Age. Table 1 (below) contains NIBRS data (2001) on the number of juvenile victimizations by age and type of victimization.

The data show that 12-17 year olds account for the largest percent of victimizations across all types of crime. Due to inconsistent reporting mechanisms across jurisdictions, the age of juvenile victims is unknown in a significant portion (34 percent) of all reported victimizations.

TABLE 1
JUVENILE VICTIMIZATIONS BY AGE AND TYPE OF CRIME
NATIONAL INCIDENT BASED REPORTING SYSTEM DATA, 2001

Type Of Crime	Number of Victimizations	Percent of Victims (under 18 years old)				
		Under 6 Years Old	6-11 Years Old	12-17 Years Old	Age Unknown	Total*
Crimes Against Person						
Murder	282	26%	7%	32%	35%	100%
Kidnapping	2,688	25%	28%	39%	9%	100%
Sex Offenses	33,040	17%	26%	55%	2%	100%
Robbery	5,671	2%	10%	71%	17%	100%
Aggravated Assault	25,940	6%	16%	59%	19%	100%
Simple Assault	111,202	5%	17%	66%	12%	100%
<i>Subtotal</i>	178,823	8%	18%	63%	11%	100%
Property Crimes						
Larceny	106,656	1%	5%	42%	53%	100%
Vandalism	36,755	1%	1%	29%	69%	100%
Other Offenses	38,042	1%	7%	38%	54%	100%
<i>Subtotal</i>	181,483	1%	5%	39%	56%	101%
Total All Crimes	360,276	4%	11%	51%	34%	100%

*Totals may not add up to 100% due to rounding.

Juvenile Victimization by Gender. NIBRS data show that male victimizations outnumber female victimizations in all types of crime except kidnapping and sex offenses. For a detailed breakdown of juvenile victimizations by type of crime and gender, see the Appendix (© 109).

Juvenile Victimization by Race and Ethnicity. The data that follow use the FBI's definitions for race and ethnicity. In 2001, 16 percent of the juvenile victimizations were categorized as "race unknown". A comparison of National Census Bureau data (2000) and NIBRS data on juvenile victimizations show that:

- Juveniles who are White represent 78 percent of the total juvenile population and 67 percent of all juvenile victimizations.
- Juveniles who are Black represent 17 percent of the total juvenile population and 17 percent of all juvenile victimization. However, juveniles who are Black represent 30 percent of juvenile victimizations in the violent crime categories of murder, robbery, and aggravated assault.
- Juveniles who are Asian/Pacific Islander represent four percent of the total juvenile population and less than one percent of juvenile victimizations in any type of victimization.

Hispanic juveniles, who can be of any race, are 18 percent of the total juvenile population. NIBRS data show that Hispanic juveniles account for 13 percent of all juvenile murders and less than 10 percent of all other juvenile victimizations.

For more detailed NIBRS data on type of crime by race and ethnicity, see the Appendix (© 109).

b. The National Crime Victimization Survey (NCVS)

The National Crime Victimization Survey (NCVS) is an annual survey of individuals aged 12 and over. NCVS is conducted by the federal Census Bureau and asks individuals whether they were victims of a crime, and if so, asks follow-up questions about the nature of the incident. Respondents are encouraged to provide information about all incidents of crime, whether or not the incident was formally reported to law enforcement authorities. The survey results are reported in terms of victimization rates per 1,000 persons/households. The Appendix (© 107) contains a more detailed description of the NCVS.

Trend in Victimization Rates - 1993 to 2003. Consistent with national data on the reduction in crime, NCVS survey results from 1993 and 2003 show that rates of victimization among adults and juveniles declined in all categories. The rate of violent victimizations in 1993 was 49 incidents per 1,000 persons; the comparable rate in 2003 was 23 incidents per 1,000 persons.⁴

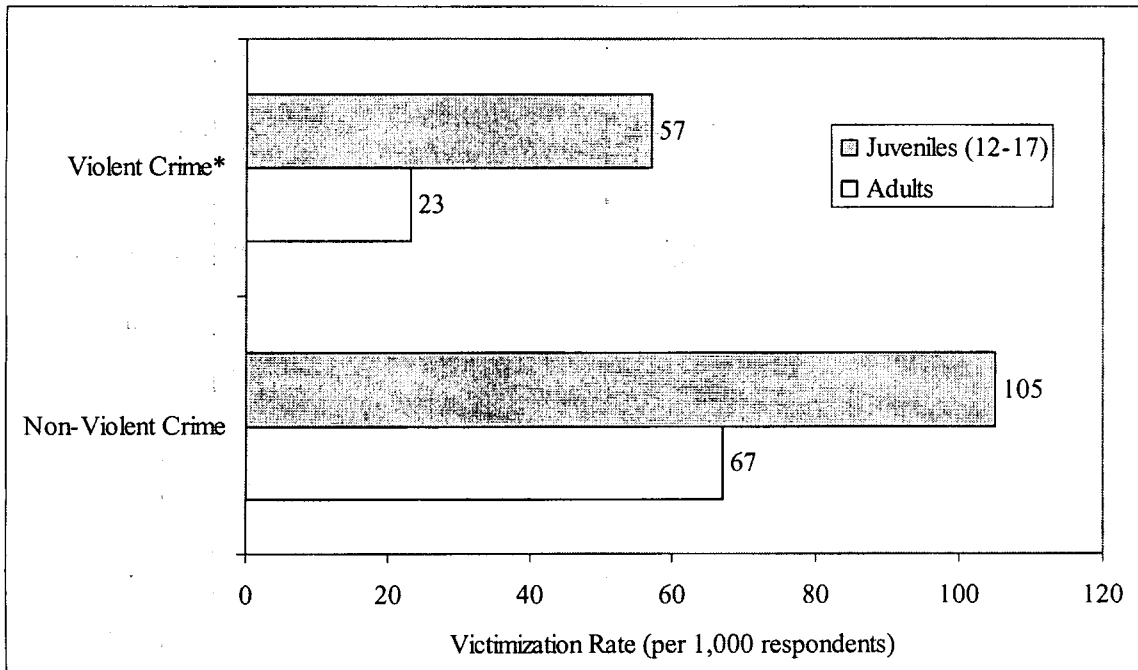
⁴ Property victimization rates decreased from 319 per 1,000 households in 1993 to 163 victimizations per 1,000 households in 2003.

A comparison of juvenile victimization rates between 1993 and 2003 show that:

- For juveniles ages 12-15, victimization rates declined 62 percent, from 125 victimizations per 1,000 juveniles in 1993 to 48 victimizations per 1,000 juveniles in 2003.
- For juveniles ages 16-19, victimization rates declined 54 percent, from 121 victimizations per 1,000 juveniles in 1993 to 56 victimizations per 1,000 juveniles in 2003.

Adult vs. Juvenile Victimization Rates. Exhibit 2 below illustrates the latest available rates of victimization for juveniles ages 12-17 compared with those for adults. The 2000 NCVS data show that the victimization rates (defined as incidents per 1,000 persons) are higher for juveniles in categories of both violent and non-violent crime with the exception of murder.⁵

EXHIBIT 2
ADULT VS. JUVENILE VICTIMIZATION RATES
NATIONAL CRIME VICTIMIZATION SURVEY DATA, 2000



*Violent Crime includes homicide, rape, sexual assault, robbery with or without injury, aggravated assault with injury with or without injury, and simple assault with minor injury.

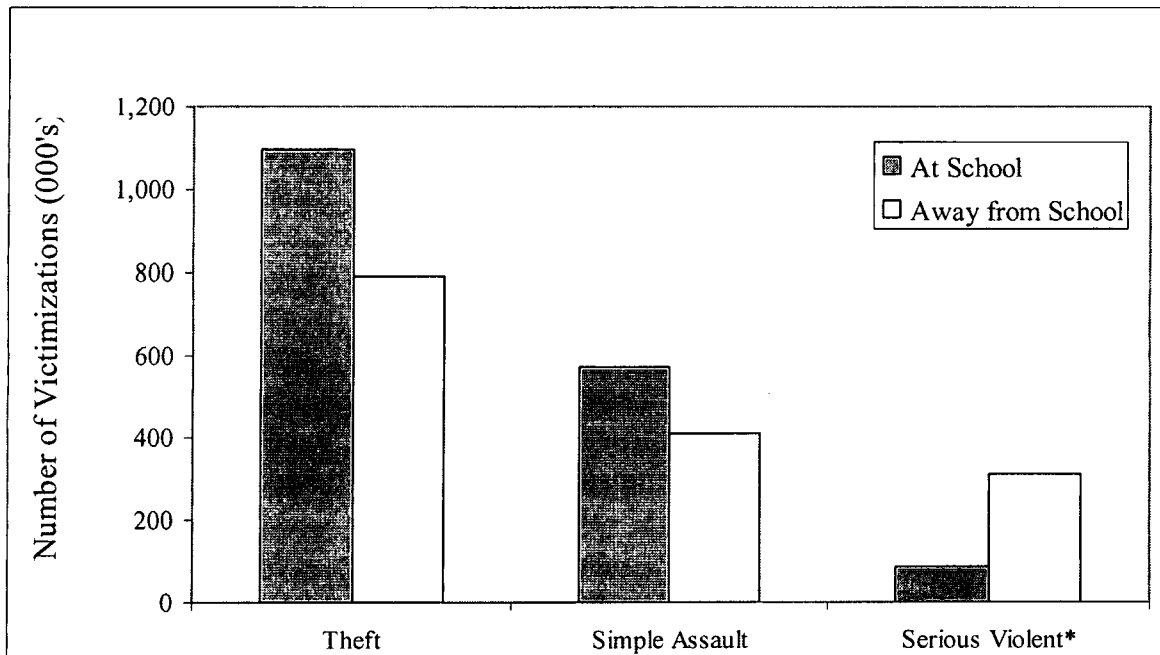
Victimizations at School vs. Away from School. The latest available NCVS data on the location of juvenile victimizations at school vs. away from school is from 2002. NCVS defines “at school” to mean inside the school building, on school property, or on the way to or from school.

⁵ Murder rates is calculated on a per 100,000 persons basis. In 2000, the murder rate for adults was 5.6 murder victims per 100,000 persons. The murder rate for juveniles was 2.3 per 100,000 juveniles.

The victimization rate for all crimes that occurred at school is 64 crimes per 1,000 juveniles. The victimization rate for all crimes that occurred away from school is 55 crimes per 1,000 juveniles.

Exhibit 3 below shows victimizations for juveniles ages 12-18 that occurred at school vs. away from school. The data show that 60 percent of all crime that occurs at school is theft and that only five percent of crime that occurs at school is considered serious violent crime.

EXHIBIT 3
JUVENILE VICTIMIZATIONS AT SCHOOL VS. AWAY FROM SCHOOL
NATIONAL CRIME VICTIMIZATION SURVEY DATA, 2002



*Serious violent crimes include rape, sexual assault, robbery, and aggravated assault.

2. Data on Juvenile Victims of Maltreatment⁶

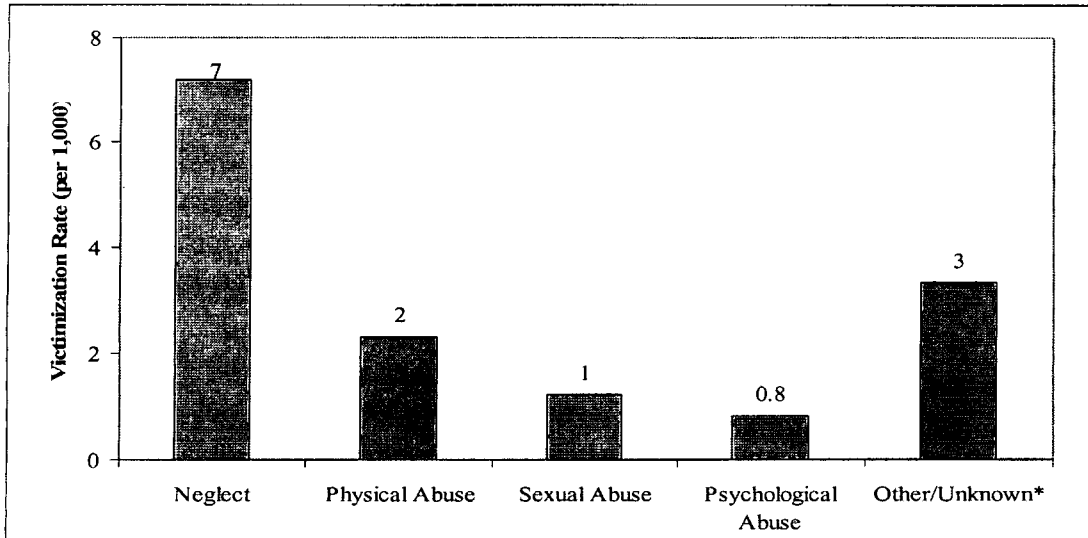
The most comprehensive source of national data on abuse and neglect (maltreatment) is published by the federal Administration on Children, Youth, and Families (ACYF) in a report titled *Child Maltreatment*. The rest of this section presents data from the most recent edition of *Child Maltreatment*, which contains information collected from 42 states for the calendar year 2002.

Maltreatment Rates by Type. In 2002, approximately 28 percent of all investigations of suspected maltreatment conducted by child protection agencies across the country resulted in a substantiated finding of abuse or neglect. The overall national rate of maltreatment was 12.3 victims per 1,000 juveniles.

⁶ For definitions of abuse, neglect, and maltreatment, see Definitions in the Appendix (© 1).

Exhibit 4 (below) illustrates the victimization rates of the different types of maltreatment. Comparatively, the rate of neglect is the highest form of maltreatment.

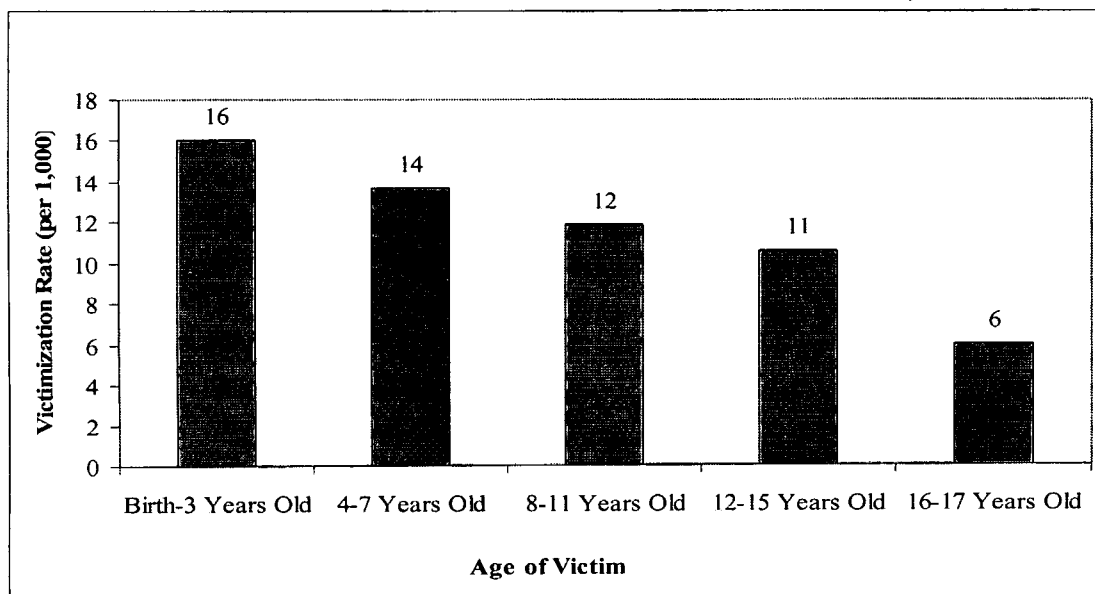
EXHIBIT 4
RATES OF MALTREATMENT BY TYPE
NATIONAL CHILD ABUSE AND NEGLECT DATA SYSTEM DATA, 2002



* Includes abandonment, threats, congenital drug addiction, and other offenses as defined by a state.

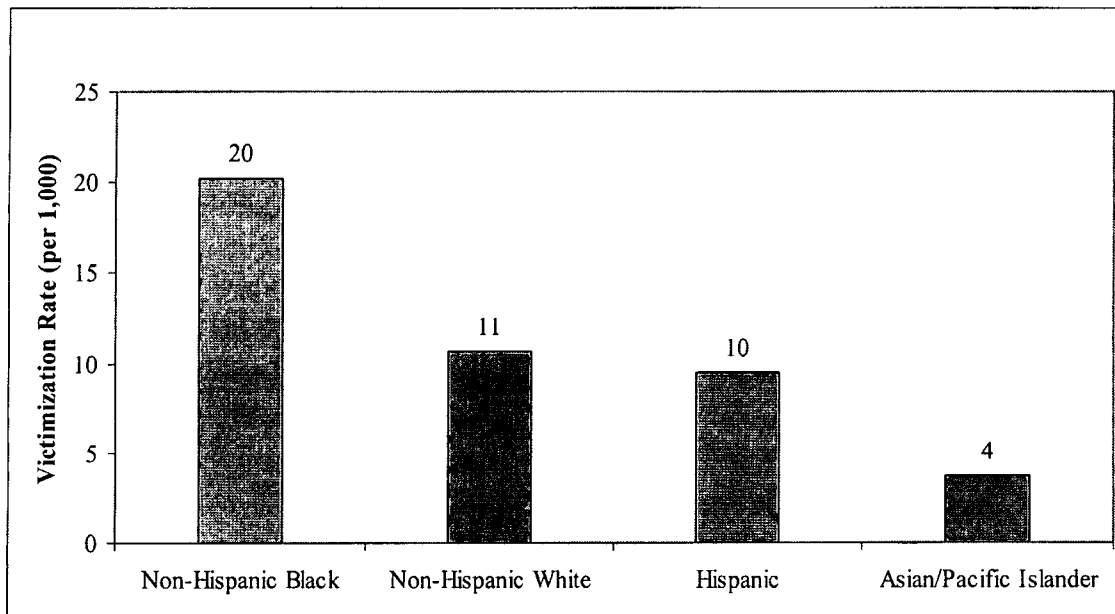
Maltreatment Rates by Gender and Age. The rates of maltreatment are slightly higher for females compared to males. 2002 data show a maltreatment rate of 13.1 victims per 1,000 females compared with 11.6 victims per 1,000 males. Exhibit 5 (below) illustrates the victimization rates of different age groups. The data that show the rate of victimization is inversely related to the age of the juvenile.

EXHIBIT 5
RATES OF MALTREATMENT BY AGE GROUP
NATIONAL CHILD ABUSE AND NEGLECT DATA SYSTEM DATA, 2002



Maltreatment by Race. Exhibit 6 (below) illustrates maltreatment rates by race.⁷ The data show the highest victimization rates among Non-Hispanic Black juveniles, and the lowest rates among Asian/Pacific Islander juveniles.

EXHIBIT 6
RATES OF MALTTREATMENT BY RACE
NATIONAL CHILD ABUSE AND NEGLECT DATA SYSTEM DATA, 2002



3. Data on Juvenile Witnesses to Violence

There is currently no national data collected on the number of juveniles who witness violence. This section presents the findings from one national survey and a summary of other data on children exposed to domestic violence.

Survey on Juveniles who Witness Violence. In a study sponsored by the National Institute of Justice, researchers aimed to quantify the number of juveniles ages 12-17 who had witnessed an act of violence. The study asked a nationally representative sample of 4,000 juveniles whether they had ever witnessed any one of a variety of violent incidents, including “seeing someone shot with a gun, stabbed or cut, sexually assaulted, mugged or robbed, or threatened with a weapon.”⁸

⁷ *Child Maltreatment* publishes data based upon Hispanic as a race category.

⁸ NIJ Report, *Youth Victimization: Prevalence and Implications*.

In sum, the study found that of the juveniles surveyed:

- 44 percent of male juveniles and 35 percent of female juveniles reported having witnessed violence in their lifetimes; and
- 34 percent of White juveniles, 57 percent of Black juveniles, 50 percent of Hispanic juveniles, and 26 percent of Asian juveniles reported having witnessed violence in their lifetimes.

Juveniles Exposed to Domestic Violence. The National Clearinghouse on Child Abuse and Neglect estimate that 10 to 20 percent of juveniles are at risk for exposure to domestic violence. These findings translate into approximately 3 to 10 million juveniles who witness the abuse of a parent or adult caregiver each year. (*Children and Domestic Violence, 2003*)

Other reports on domestic violence contain the following findings on the involvement of children:

- More than half of all adult female victims of domestic violence live in households with children under age 12. (Child Welfare League)
- 80 to 90 percent of juveniles living in homes where there is domestic violence are aware of the violence. (Pagelow, 1990)
- 50 percent of men who assault their wives, also abuse their children. (Pagelow, 1989)

4. Data on Juvenile Victims of Bullying

The definition of bullying offered by an internationally known expert in the field is:

The use of one's strength or status to repeatedly intimidate, injure, or humiliate another person of lesser strength or status and can be categorized as physical, verbal, or social bullying. Physical bullying involved the physical injury or threat of injury to someone; verbal bullying includes teasing or insulting someone; and social bullying refers to the use of peer rejection or exclusion to humiliate or isolate a victim. (Olweus, 1993)

The best available source of national data on the prevalence of bullying at school is the School Crime Supplement of the National Crime Victimization Survey. The 2003 survey found that seven percent of students ages 12-18 reported being bullied at school. This represented a two percent increase from the 1999 survey results, which found five percent of students ages 12-18 reported being bullied at school.

Table 2 (page 20) summarizes additional details from the 2003 survey. The data show relatively small differences in gender and race/ethnicity, i.e., one to two percentage points. When looked at by grade level, however, the data show a significant decline in reported bullying for students enrolled in higher grades. For example, 14 percent of sixth graders reported being bullied compared to only two percent of 12 graders.

TABLE 2
PERCENT OF STUDENTS WHO REPORTED BEING BULLIED AT SCHOOL DURING THE
PREVIOUS SIX MONTHS, BY SELECTED CHARACTERISTICS, 2003

Student Characteristic	Percent Who Reported Being Bullied at School
Gender	
Male	8%
Female	7%
Race/Ethnicity	
White	8%
Black	6%
Hispanic	6%
Other*	7%
Grade Level	
6 th	14%
7 th	13%
8 th	9%
9 th	7%
10 th	4%
11 th	4%
12 th	2%
All Respondents	7%

*"Other" includes Asian, Pacific Islander, and American Indians.

Source: U.S. Department of Justice, Bureau of Justice Statistics, School Crime Supplement to NCVS, 2003.

PART C. LESSONS FROM THE EMPIRICAL RESEARCH AND PROMISING PRACTICES

Conducting empirical research on the effectiveness of programs designed to serve crime victims is challenging. There is no universal agreement on how to define and measure the desired outcomes of victim services. In addition, the involvement of multiple agencies makes it almost impossible to discern the effect of a particular program or service provided to a crime victim.

This review of the empirical research and promising practices for working with juvenile victims of crime includes two sections:

General Research Findings on Victim Services, lists what the research cites as the desired results of victim services, and provides an overview of the published research findings on the use and effectiveness of victim service programs for crime victims of all ages.

Promising Practices for Juvenile Victims of Crime, identifies the most often cited “promising practices” being used to serve juvenile victims and witnesses of crime. Where available, the discussion references the published empirical research on the effectiveness of specific programs and strategies.

1. General Research Findings on Victim Services

Identifying and Measuring Desired Results. The desired short-term results or outcomes most often cited in the research on victim services include:

- Victims are more knowledgeable about the justice system;
- Victims feel they have a choice to participate in the justice system;
- Victims are aware of programs that provide compensation/restitution to victims;
- Victims feel they are believed;
- Victims are kept physically safe; and
- Victims experience reduced anxiety about testifying in court.

Intermediate and longer-term results of victim services include:

- Victims prevail over the trauma of their victimization;
- Victims realize they can move on;
- Victims participate in the justice process;
- Victims have positive experiences in the justice process;
- Victims recover financially; and
- Victims are not re-victimized.

Many of these results are difficult to measure because they involve quantifying a victim’s feelings and degree of recovery.

In addition, the most cited obstacles to conducting statistically reliable outcome evaluations of victim services include: victims do not necessarily remember the services provided or may erase the memory in an effort to forget the victimization; the involvement of multiple programs makes it difficult to measure the effect of a specific service; and victims often blur their views on the outcome of the criminal justice proceeding with feelings about the service received.

Research Findings on Use and Effectiveness of Victim Services. There is insufficient empirical research to draw definitive conclusion about the generic benefits of victim services. Nonetheless, the published research conducted on specific victim/witness assistance programs provides some evidence that:

- Crime victims are often unaware of the victim services that are available.
- Many crime victims choose not to take advantage of victim services, even when their availability is well known. This is because victims often turn to their own family and friends for the support they need, and/or do not have the time to get involved with victim service programs.
- Victim service programs can help crime victims not to feel further victimized by the criminal justice system itself. In particular, most victims find value in being kept informed about the status of their cases;
- Victims who receive assistance services do not necessarily recover faster than those who do not receive assistance;
- In order for mental health services to make a difference in a crime victim's life, it is necessary to have more than one or two counseling sessions; and
- Victims who apply for assistance from victim compensation programs report general satisfaction, especially when programs process their claims quickly.

The National Institute of Justice (NIJ) identifies the coordination of services among programs as a top priority for victim service programs. An example of effective coordination of services is the Victim Services 2000 program.¹⁰ NIJ cites the following reasons for establishing networks among service providers:

- To gain access to victims/witnesses;
- To identify other resources in the community that can help victims/witnesses;
- To share information and strategies; and
- To improve the treatment of victims/witnesses already served by other organizations.

¹⁰ VS 2000 is a network to support communities in implementing comprehensive, collaborative services for all crime victims in a victim-centered environment. The Appendix (© 111) contains more information on the VS 2000 program.

2. Promising Practices for Juvenile Victims of Crime

The body of published research on the effectiveness of programs designed to serve juvenile victims/witnesses of crime is limited. However, the research does contain a number of themes for designing effective programs. In sum, the recurring lessons are that: early intervention makes a difference; programs should be tailored to the age of the victim; and when possible, programs should work with both the juvenile and his/her family.

Early intervention makes a difference. Multiple studies on victimization have found that trauma from an incident, especially with juvenile victims of crime, may not be revealed for months or years. Some trauma experts believe that intervening in the lives of victimized juveniles before low self-esteem and negative patterns of behavior are established may be the only real opportunity to prevent future psychological, educational, emotional, and other problems.

It is important that caretakers and other adults know how to identify and report juvenile victimization, even when they feel a juvenile may be too young to understand or appears to be unaffected. As the federal Office for Victims of Crime writes:

While a juvenile's traumatic reaction to victimization cannot be prevented; the trauma can be minimized when assistance is provided quickly. Juveniles who are victims of or witnesses to violence need to be identified quickly and their continued safety ensured. They need to be able to communicate what happened and to have the reality of their experience validated. (OVC, *Breaking the Cycle of Violence*, 1999)

Interventions must be age appropriate. The research indicates that to respond effectively to juvenile victims and witnesses, service providers should use age-appropriate strategies. Doing this makes the process less traumatic, enhances the ability of the juvenile to participate effectively, and increases the chances of a successful outcome to the investigation.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) advises that, combining intervention techniques with the developmental needs of juveniles can be accomplished through four strategies.

Provide training and consultation on juvenile development for all professional disciplines:

- Make the physical environments where services are provided child-friendly;
- Change agency procedures so they are consistent with a juvenile's needs and capacities; and
- Partner with schools.

Involve other family members. The likelihood that a juvenile victim/witness of crime will benefit from treatment and remain safe increases when he/she is supported by family members and other caretakers. In addition to basic emotional support, juveniles often need help with transportation and financial resources to utilize victim services.

Studies of abused children have concluded that parents of victimized juveniles can be their child's strongest supporter or most serious detractor in treatment and services. In order for a juvenile to benefit from available services, his/her parents must be willing to provide the time and effort necessary to assist the juvenile in receiving services. As one study concluded:

Parents who understand the process and have reasonable expectations regarding the outcomes are supportive and practical about their juvenile's feelings and behaviors. Parents who have an objective perspective and a sense of hopefulness about recovery are more helpful to their children. (Urquiza and Winn, 1994)

The rest of this section describes some of the specific program approaches that professionals in the field of victim services identify as "promising practices" for working with juvenile victims. The information is presented in four categories of "promising practices":

- Practices to reduce juvenile victims' "re-victimization" by the criminal justice system;
- Practices to address juvenile victims' mental health needs;
- School-based victim services; and
- Restorative justice programs.

a. Practices to Reduce Juvenile Victims' "Re-victimization"

No published research definitively links a juvenile's involvement with the criminal justice system to lasting negative effects. However, a frequently voiced concern by victim advocates is that the criminal justice system does not adequately meet juveniles' needs. A 2003 article in the *Journal for Traumatic Stress* articulates this issue as follows:

The criminal justice system does not meet the specific developmental needs of children. Contact with the system can aggravate the trauma that the child had already experienced, making it not only harder on the child's emotions and mental health, but ultimately making it more difficult to prosecute the case. This can further be complicated if the offender is known to the victim or witness. (Whitcomb, 2003)

Few criminal justice staff receive special training on how to work with juveniles. In addition, the adjudication process itself can be an especially stressful experience for juvenile victims and witnesses. Examples of potentially stressful aspects are: multiple interviews; delays and continuances; contact with the offender; and cross-examination.

The federal Office for Victims of Crime recommends the following strategies to reduce a juvenile victim's chance of feeling "re-victimized" by the criminal justice system:

- Minimize the number of times a juvenile is interviewed, and use personnel trained in "child-friendly" forensic interviewing;
- Involve victim advocates in the early stages of a case involving juveniles and ensure that assistance is provided to juvenile victims/witnesses throughout the process;
- Prepare juveniles for court in a manner that is age appropriate and sensitive to the juvenile's mental health needs; and
- Use a multidisciplinary, team approach when handling cases involving juvenile victims and witnesses. Maintain good communication with representatives from other agencies involved with the juvenile.

Table 3 (page 28) provides an overview of four specific practices that are recommended for improving a juvenile victim's experience with the criminal justice system: using "child-friendly" forensic interviewing techniques; Court Appointed Special Advocates; Court school; and Child Advocacy Centers. The Appendix (© 113) includes more details on each of these interventions.

b. Practices to Address Juvenile Victims' Mental Health Needs

Juvenile victims and witnesses of crime can develop a wide variety of symptoms and disorders as a result of victimization. Although no single treatment is appropriate for all victims/witnesses, a body of empirical research supports the efficacy of certain treatment protocols with abused children and their families. (Cohen, Berliner, and Mannarino, 2003; Cohen, et al., 2000)

In general, the goals of mental health treatment for juvenile victims of trauma are:

- To promote open discussion of experiences, not to forget them;
- To help juveniles understand and cope with their emotional responses to the violence, while promoting their acquisition of positive behavior patterns;
- To reduce the symptoms juveniles are experiencing; and
- To help the family create a safe, stable, and nurturing environment for the juvenile.

Table 4 (page 29) lists four therapeutic techniques identified by expert panels of nationally known clinicians, researchers, and educators as "best practices" for treating victims of child abuse or other trauma. The column titled "Research Classification" indicates the experts' classification of the treatment based on its theoretical soundness, clinical support, acceptance within the field, and empirical support. The Appendix (© 117) contains more details about the classification system.

c. School-Based Victim Services

Most school-based victim services are designed to respond to students' trauma that occurs either in or out of school. The National Center for Victims of Crime advises the following steps to establishing effective school-based victim services:

- Include basic trauma training for faculty and staff at both orientation and in-service staff training;
- Develop school-based crisis intervention action plans that focus on immediate needs, intermediate needs and long-term needs of students;
- Respond to incidents with initial crisis intervention;
- Provide intermediate support including small and large group discussions, information sharing, and individual counseling and support; and
- Provide for the long-term needs of students and staff, which may range from one week after the incident through adjudication and beyond.

A particular focus of some school-based programs is bullying. According to the research, the most effective means of addressing bullying in schools is through comprehensive, school-wide programs. This approach engages and empowers the majority of students who witness bullying, but who are not directly involved in bullying situations.

Programs that teach students to recognize and intervene in bullying have the greatest impact on decreasing the prevalence of bullying. (Brewster and Railsback, 2001) The steps recommended for creating effective bullying intervention programs are to:

- Assess your school's needs and goals;
- Develop an anti-bullying policy;
- Provide training for teachers and other school staff;
- Involve parents;
- Identify resources for bullies and victims including referrals;
- Provide increased supervision; and
- Integrate anti-bullying themes into the curriculum. (Brewster and Railsback, 2001)

Table 5 (page 30) describes three school-based programs cited as promising practices for working with juvenile victims and creating a safe school environment.

d. Restorative Justice Programs

Restorative justice programs involve the voluntary participation of a crime victim and offender in discussions about an incident. In some models, other members of the community are also involved.

Restorative justice programs provide crime victims the opportunity to describe the impact of their victimization and to express what they believe is required for retribution. They are designed to "restore" the relationship, to fix the damage that has been done, and prevent further crimes from occurring through a process of facilitated dialogue. (Restorative Justice Fact Sheet, 2003)

Restorative justice programs focus on:

- Diverting cases from the formal criminal justice system;
- Restoration not punishment;
- Repairing the harm to victims; and
- Allowing offenders the chance to reengage in their community or school as accepted members. (Bazemore and Umbreit, 1995)

The two most developed and empirically documented types of restorative justice programs are "community conferencing" and "mediation". The fundamental difference between these two approaches is that "mediation" involves only the victim and the offender, while "community conferencing" involve other community members.

The research on these interventions has found that they can provide benefits, primarily to victims of property crimes and minor assaults. Table 6 (page 31) provides an overview of these two approaches and a summary of the evaluation research findings.

TABLE 3
PROMISING PRACTICES FOR IMPROVING A JUVENILE VICTIM'S EXPERIENCE WITH THE CRIMINAL JUSTICE SYSTEM*

Practice	Key Components	Status of Research on Effectiveness
<p>“Child-friendly” forensic interviewing is a technique used to obtain a statement from a juvenile in an objective, developmentally sensitive, and legally defensible manner.</p>	<ul style="list-style-type: none"> • Developmentally appropriate language. • Establish rapport with juvenile victim. • Use of props such as anatomically correct dolls. 	<p>The key components of child-friendly forensic interviewing have been subjected to peer review by professionals in the field of forensic interviewing.</p>
<p>A Court Appointed Special Advocate (CASA) is a trained volunteer assigned by a judge to represent the best interests of juveniles whose cases are before the court. CASAs are most often appointed in cases of alleged child abuse.</p>	<ul style="list-style-type: none"> • Provides for an independent investigation of the juvenile’s case and presentation of recommendations to the court. • Provides another person to ensure services are provided to juvenile. 	<p>A foundation-funded evaluation completed in 2004 found that juveniles assigned a CASA received more services than those not assigned a CASA.</p>
<p>Court school familiarizes children and their parents with legal terminology, general court room procedures, and the criminal justice process without discussing particulars of any specific case. Court School is intended to reduce stress and increase accuracy in testimony.</p>	<ul style="list-style-type: none"> • Age appropriate written materials (e.g., coloring books) about court. • Role playing exercises. • Tours of the courtroom before scheduled date of trial. 	<p>While no formal evaluations exist on the effectiveness of court school, the federal Office of Victims of Crime recommends it to local jurisdictions as a service to juvenile victims.</p>
<p>A Child Advocacy Center (CAC) is a “one stop shop” for law enforcement, child protective services, prosecution, mental health, medical and educational agencies to provide services to juvenile victims of crime. CACs are most often established for victims of child abuse.</p>	<ul style="list-style-type: none"> • Child-friendly facility. • Multidisciplinary team. • Medical evaluations. • Mental health services. • Victim Advocacy. 	<p>The National Institute of Justice has published a tool for evaluating CACs. The Crimes against Children Research Center is due to release a multi-site evaluation in 2005.</p>

* See the Appendix (© 113) for details on these interventions.

Sources: OLO compiled this summary based on information presented in: Journal of Law and Contemporary Problems, 2002, the National Casa Association, 2004, the National Children’s Alliance, 2004, and the American Prosecutors Research Institute, 1999.

TABLE 4
MENTAL HEALTH THERAPEUTIC TECHNIQUES FOR WORKING WITH JUVENILE VICTIMS OF ABUSE OR OTHER TRAUMA

Type of Therapy	Outcome	Research*
<p>Trauma Focused- Cognitive Behavior Therapy (CBT) treats juveniles exposed to traumatic events, such as abuse. Practitioners use the treatment in individual, family, and group therapy and in office-based and school-based settings. The treatment focuses on emotional associations to memories and reminders of the trauma, distorted perception about the event(s), and negative attributions about self, others, and the world.</p>	<p>Reduces juvenile's negative emotional and behavioral responses as they relate to abusive experiences.</p>	<p>Well-supported, efficacious treatment</p>
<p>Resilient Peer Training (RPT) Intervention treats young abused juveniles. Intervention is school-based and uses competent peers and parent helpers to increase juvenile's social competence.</p>	<p>Juveniles exhibited significantly higher self-control and interpersonal skills and interactive play. Treatment juveniles also showed significantly fewer incidents of behavior problems than juvenile did in the control condition.</p>	<p>Supported and acceptable treatment</p>
<p>Therapeutic Child Development Program treats maltreated preschool juveniles. The treatment provides juveniles with positive nurturing interactions with adults and a consistent, safe, monitored environment.</p>	<p>A long-term follow-up study showed treated juveniles were significantly less aggressive, were less frequently arrested for violent and non-violent crimes, and were less often identified as violent by caregivers.</p>	<p>Supported and acceptable treatment</p>
<p>Abuse Focused-Cognitive Behavioral Therapy (AF-CBT) treats physically abusive parents and their children by promoting appropriate behavior and discouraging aggressive or violent behavior.</p>	<p>Reduced the severity of juvenile's behavior problems, and increased social behavior and improvement in peer interactions.</p>	<p>Supported and acceptable treatment</p>

See the Appendix (© 117) for more details on the classification system.

Source: *Child Physical and Sexual Abuse: Guidelines for Treatment, 2004*, and the *Kauffman Best Practices Project Report 2002*.

TABLE 5
PROMISING PRACTICES FOR SCHOOL-BASED PROGRAMS

Program	Program Components	Status of Published Research on Effectiveness
<p>Safe Harbor Program is designed to help students, faculty, and families cope with the violence not only in school, but also outside of school. The Program focuses on services for three levels – individual (modify beliefs, attitude), interpersonal (enhance relationships with peers), and social context (change environment that contributes to violence).</p>	<ul style="list-style-type: none"> • A victim assistance/violence prevention curriculum that include 10 core lessons. • Individual and group counseling. • Parental involvement and staff training. • Structured group activities including discussion and skill building. • School wide anti-violence campaign. • A “safe room” in the school for all these services provided. 	<p>In a study conducted by NYU School of Social Work, data show that:</p> <ul style="list-style-type: none"> • Students demonstrated improvement in using conflict resolution strategies, showed increased positive social control, and were more strongly opposed to gang violence. • Students reported that they incorporated Safe Harbor’s ground rules regarding respectful treatment of others into their relationships outside the program.
<p>Cognitive-Behavioral Intervention for Trauma in Schools (CBITS) uses a skills-based, early intervention approach to relieve depression and anxiety. It teaches students to recognize the signs of trauma and treat them effectively.</p>	<ul style="list-style-type: none"> • 10 group sessions designed for inner-city schools with a multicultural population. • Training children in relaxation, dealing with negative thoughts, solving real-life problems. • Coping with the violent event through talking, drawing pictures, and writing. 	<p>In a control study of Latino students who had been exposed to violence:</p> <ul style="list-style-type: none"> • CBITS significantly reduced symptoms of post-traumatic stress in students exposed to violence. • Teachers observed only slight improvements in behavior and anxiety of students throughout the study period.
<p>Bully Proof Your School, created by bully expert Dan Olweus, focuses on the creation of a caring majority of students who take the lead in creating a safe school environment.</p>	<ul style="list-style-type: none"> • Surveys of students, parents, teachers. • Training for school staff. • Classroom lessons and meetings with students. • Individual work with students. • Intervention training. 	<ul style="list-style-type: none"> • Identified by OJJDP and the Center for the Study and Prevention of Violence as an exemplary, proven, replicable program meeting strict standards of effectiveness. • After one year in a South Carolina control study, bullying rates in intervention schools decreased by 20 percent while bullying rates increased by nine percent in control schools.

Source: Garrity et al., 1996. Smith, 2003. *Helping Children Cope with Violence: A School-Based Program That Works*, 2003. Safe Harbor, 2002.

TABLE 6
PROMISING PRACTICES FOR INVOLVING JUVENILE VICTIMS OF CRIME IN RESTORATIVE JUSTICE PROGRAMS

Program	Parties Involved	Status of Published Research on Effectiveness
<p>Community Conferencing provides a forum for everyone affected by a crime or harmful act to participate in addressing the harm caused and coming to an agreement. Community Conferencing includes a meeting between the offender and those affected with guidance by a facilitator. It is often used for juvenile offenders as a diversion from juvenile court.</p>	<p>May include:</p> <ul style="list-style-type: none"> • The offender(s). • Victim(s). • Respective families and supporters. • Other key people affected by the conflict. • Relevant community members. 	<p>One study comparing a treatment group (victims participating in Conferencing) to a control group (victims participating in court) found:</p> <ul style="list-style-type: none"> • 97% of victims were satisfied with Community Conferencing compared with 81% who were satisfied with court. • 92% of victims believed the offender was held adequately responsible compared with 79% of those who went to court. <p>The Community Conferencing Center of Baltimore reports that out of more than 500 conferences, 99% have resulted in agreements, with 90% compliance with those agreements.</p>
<p>Mediation is a voluntary and confidential process in which a third-party trained facilitator assists parties to discuss and resolve conflicts. Basic steps include:</p> <ol style="list-style-type: none"> 1) Gather information. 2) Frame the issues. 3) Develop options. 4) Negotiate. 5) Formalize agreements. 	<p>The disputants in a case, which in some situations can be a victim and an offender.</p>	<p>In a Center for Restorative Justice study, mediation reduced fear among victims. Before mediation, 25% of victims were afraid the offender would hurt them again. After mediation, only 10% of victims thought the offender might revictimize them.</p> <p>The Conflict Resolution/Peer Mediation Project (CR/PM) completed a peer mediation program in three middle schools and found that:</p> <ul style="list-style-type: none"> • 95% of mediations ended in agreement between disputants. • Disputants reported high levels of satisfaction with mediation and adherence to the agreement after at least one week following mediation.

Source: Association for Conflict Resolution, 2004. Center for Restorative Justice and Mediation, 2004. "Restorative Justice Fact Sheet." Canada Department of Justice, 2004.

CHAPTER III. Local Data on Juvenile Victimization

A nationally recognized data gap is the lack of comprehensive and accurate information on the number of juvenile victims of crime. In addition to the fact that many incidents involving juveniles are not formally reported, there is no national repository of data on juvenile victimization.

The Crimes against Child Research Center (CCRC) estimates that 36 percent of all violent crimes and 12 percent of property crimes committed against juveniles are reported.¹ This is comparatively lower than the estimated reporting rates for crimes committed against adults, which are 48 percent for violent crimes and 38 percent for property crimes.²

Similar to other jurisdictions across the country, different County agencies compile data on juvenile victims of crime that makes sense for their respective purposes. The Montgomery County Police Department compiles data on juvenile victims of crime from event reports, and the Department of Health and Human Services (DHHS) keeps data on the number of children involved in investigations of maltreatment. Montgomery County Public Schools maintains a database of “serious incidents,” but this database serves multiple purposes and is not designed to be a comprehensive list of all juvenile victimizations that occur at school.

This chapter presents data on juvenile victims that are available in the County from the Police Department and DHHS, and describes MCPS’ incident tracking system. The final section provides a gross estimate of the total number of juvenile victimizations in the County calculated from national survey data.

PART A. DATA FROM THE MONTGOMERY COUNTY POLICE DEPARTMENT (MCPD)

The Montgomery County Police Department’s records management system includes data on juvenile victims of crime based upon information provided in event reports. In addition to reports filed by Montgomery County police officers, MCPD’s system includes event reports from the Park Police and municipal police departments, except for Takoma Park. Event reports are a record of incidents reported to law enforcement, regardless of eventual case status or disposition.

In response to a special request from OLO, the Police Department prepared a summary report for FY 02-FY 04 on juvenile victimizations. Table 7 (page 33) summarizes the data, which are drawn from the Department’s database of event reports.

¹ CCRC is a federally funded research center at the University of New Hampshire that focuses on issues of juvenile victimization.

² Source: National Crime Victimization Survey, 2003.

The data indicate that:

- During FY 04, there were 2,764 juvenile victimizations listed on event reports, a nine percent reduction from the 3,039 listed on event reports during FY 02.
- Between FY 02 and FY 04, event reports show that the most frequent type of violent crime committed against juveniles was assault and battery.

TABLE 7
POLICE DEPARTMENT EVENT REPORTS LISTING JUVENILE VICTIMS
FY 02 - FY 04

Type of Crime	Number of Juvenile Victimizations:		
	FY 02	FY 03	FY 04
Homicide	1	3	5
Rape	81	75	60
Robbery	138	162	146
Aggravated assault	162	163	142
Assault and battery	822	759	757
Sex assault	264	212	190
Sexual or physical child abuse*	158	137	124
Neglect*	305	261	187
Other crimes**	1,108	1,008	1,153
Total	3,039	2,780	2,764

*The abuse and neglect numbers reflect incidents reported directly to the police and do not include incidents reported only to Child Welfare Services.

**This category includes all reports categorized as "non-person crimes" such as larceny and vandalism. It includes reports with a juvenile identified as a witness to a crime, and excludes reports of vehicular accidents or reports of juveniles with drug-related charges.

Source: Montgomery County Police Department, Fall 2004.

Also based upon event reports, Table 8 (page 34) summarizes FY 04 data on the ages of juvenile victims of crime for selected types of violent crimes. The data show that more than three-quarters (79%) of the juvenile victims in these events were between the ages of 12 and 17, which is notable because 12-17 years old represent only 32 percent of the juvenile population. The Appendix (© 122) contains similar data for FY 02 and FY 03.

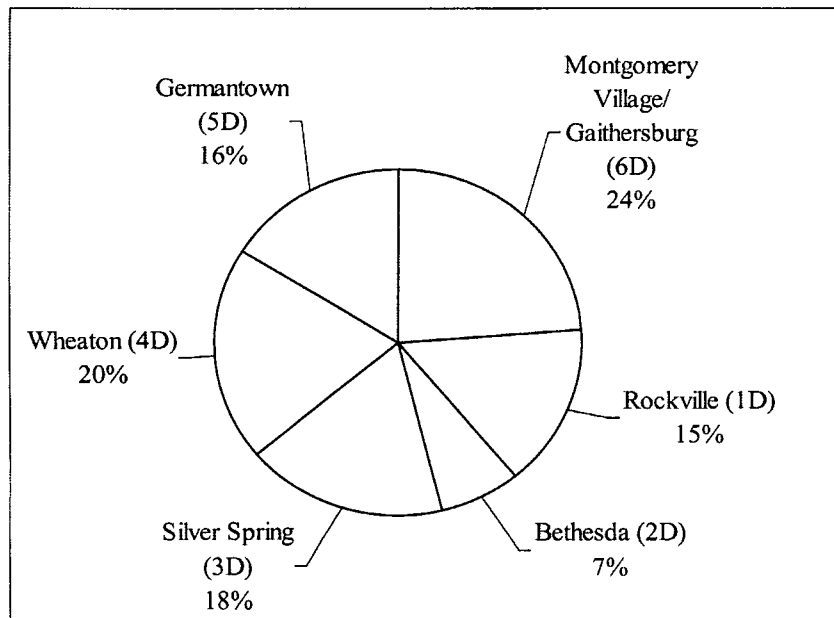
TABLE 8
JUVENILE VICTIMS BY AGE FOR SELECTED TYPES OF VIOLENT CRIME, FY 04

Victim's Age	Murder	Rape	Robbery	Aggravated Assault	Assault and Battery	Sex Assault	Child Abuse	Total
10 years old and younger	0	2	8	8	82	46	105	251
11 years old	1	0	2	5	49	9	8	74
12 years old	0	9	10	9	62	20	17	127
13 years old	0	8	16	9	75	20	16	144
14 years old	0	14	26	19	99	42	12	212
15 years old	0	12	24	26	112	24	9	207
16 years old	2	7	27	31	131	14	11	223
17 years old	3	8	33	35	147	15	9	250
Total	6	60	146	142	757	190	187	1,488

Source: Montgomery County Police Department data, Fall 2004.

Exhibit 7 (below) illustrates the distribution of events involving juvenile victims of crime in Montgomery County by Police District. The data represent averages across the three years for which data were compiled.

EXHIBIT 7
EVENTS INVOLVING JUVENILE VICTIMS OF CRIME BY POLICE DISTRICT, FY 02 - FY 04



Source: Montgomery County Police Department data, 2004.

PART B. DATA FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, CHILD WELFARE SERVICES

The Department of Health and Human Services, Division of Child Welfare Services (CWS) is responsible for investigating all reports of suspected child abuse and neglect in Montgomery County. Table 9 (below) summarizes three years of activity data for Child Welfare Services. The data show that between FY 02 and FY 04:

- The number of calls received by the Screening Unit (the single point of entry for all Child Welfare Services reports) increased 16 percent from 8,488 to 9,892; and
- The number of children involved each year in investigations ranged between 5,602 and 5,691.

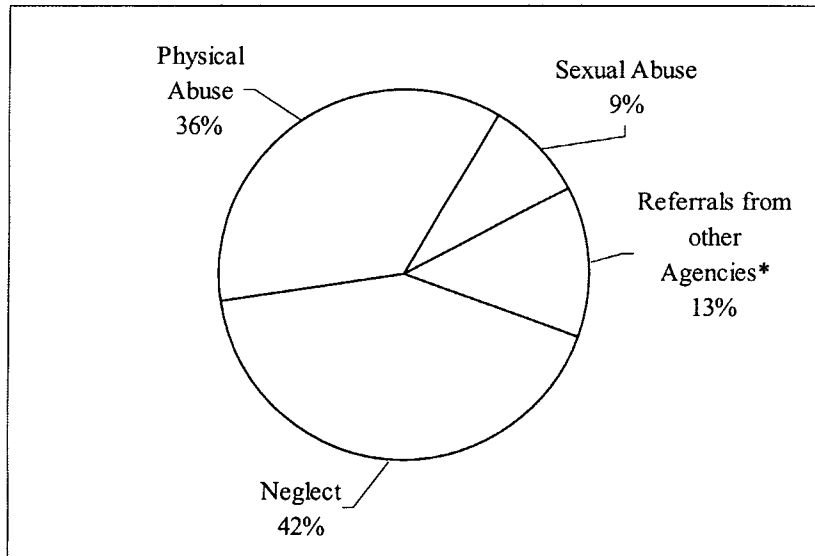
**TABLE 9
MONTGOMERY COUNTY CHILD WELFARE SERVICES ACTIVITY DATA,
FY 02 - FY 04**

Child Welfare Services Activity	FY 02	FY 03	FY 04
Number of Calls Received	8,488	9,295	9,892
Number of Families Investigated	2,690	2,656	2,574
Number of Children Involved in Investigations	5,673	5,691	5,602
Number of Families Receiving In-Home Services	212	205	201
Average Number of Children in Out of Home Placement During the Year	489	432	337
Number of Finalized Adoptions	39	34	37
Number of Court Hearings	1,614	1,589	1,686

Source: CWS FY 02-FY 04 Annual Reports and Montgomery Measures Up!, December 2004.

Exhibit 8 (below) depicts the types of maltreatment investigations conducted by CWS staff during FY 04.

EXHIBIT 8
PERCENT OF CHILD WELFARE CASES BY TYPE OF MALTREATMENT,
FY 04



*CWS also conducts investigations of alleged abuse and neglect in the County at the request of other agencies and jurisdictions.

Source: Child Welfare Services data, 2004.

PART C. MONTGOMERY COUNTY PUBLIC SCHOOLS' PROCESS FOR REPORTING "SERIOUS INCIDENTS"

Montgomery County Public Schools' current process for reporting "serious incidents" has two components. The first is a requirement for the telephone reporting of incidents on the day that the incident occurs. The second is a requirement for a more detailed follow-up report in writing. The MCPS Office of School Performance currently maintains an automated database of the serious incident information reported by telephone; this database is not designed to include the more detailed follow-up information submitted in writing.

Definition of a Serious Incident. The serious incident reporting system includes a broad range of incidents that occur on any MCPS school site or in connection with a school-related activity. Only a subset of the incidents that must be reported as a serious incident also meet the definition of a "crime".

The MCPS regulation titled “Reporting a Serious Incident” provides examples of “serious and unusual incidents”. The list includes:

- Any incident resulting in death or serious injury of any person on an MCPS site;
- Bomb threats or explosive devices;
- Fire;
- A request for emergency assistance;
- Serious property damage that results in disruption of the school day;
- Substantial or critical malfunction of essential equipment or facilities;
- Serious abuse or assault of any person;
- Serious abuse of any person that is based on sexual harassment, race, religion, or ethnic backgrounds;
- Weapons;
- A request for police assistance; and
- Behavior that results in potential or actual disruption of the school day.

The Appendix (© 75) contains a copy of MCPS’ regulation on reporting a serious incident.

MCPS’ automated database records the “serious incident” information communicated by telephone. The Office of School Performance (OSP) maintains a database of the “serious incident” information reported by telephone. MCPS’ current practice is to provide a written description of each serious incident on a daily basis to the Superintendent, Chief School Performance Officer, the community superintendents, Department of School Safety and Security (DSSS), and Office of Communication and Public Information. The Office of the Deputy Superintendent forwards serious incident reports to the Board of Education Office; other MCPS offices/departments are alerted if their assistance is required.

School and cluster level summary reports are distributed to the community superintendents, directors of school performance, and the Director of the Department of School Safety and Security annually (at the end of the school year), or upon request from a principal, or an OSP or DSSS staff member. MCPS does not currently prepare any type of annual summary to share with other agencies or the public.

As indicated above, in addition to making a telephone report, school personnel are required to file a more detailed follow-up written report on all incidents called into the serious incident reporting system. A special form (MCPS Form 270-3) exists for filing the follow-up report to OSP, which includes information on persons contacted and actions taken. The information provided in the follow-up report is not incorporated into the automated database maintained by OSP.

MCPS’ regulation delegates responsibility for determining the appropriate course of action following a serious incident to the principal. According to the regulation:

If the incident involves a student, the principal must make every effort to first contact the parent/guardian of the student before any referral is made unless immediate action is necessary. The principal is also responsible for determining the appropriate course of action after the incident.

MCPS' regulation also addresses, in part, the release of information about serious incidents. In sum, the regulation provides that whenever the principal perceives that a serious incident threatens the health, safety, or security of students or staff, or there is a likelihood of community concern about the incident, the principal, in consultation with the appropriate associate superintendent, may release information about the incident to parents, staff, and students. The Appendix (© 78) contains MCPS' guidelines governing the release of information, which include adherence to rules governing the confidentiality rights of the students involved.

PART D. ESTIMATES OF JUVENILE VICTIMIZATIONS IN MONTGOMERY COUNTY BASED UPON NATIONAL DATA

The best available national data on juvenile victimization rates are contained in the 2001 National Crime Victimization Survey (NCVS). The NCVS victimization rates are based on victimization rates reported by juveniles ages 12 -17. NCVS publishes results in terms of victimizations per 1,000 juveniles, with the exception of homicide, which is calculated per 100,000 juveniles.

To provide a gross estimate of the total number of juvenile victimizations in the County, OLO applied the national rates reported by NCVS (2001) to Montgomery County Census Data (2000) on the number of juvenile residents ages 12-17. **The results, summarized in Table 10 (below), assume that the national data are applicable to Montgomery County.**

**TABLE 10
ESTIMATED NUMBER OF JUVENILE VICTIMIZATIONS IN MONTGOMERY COUNTY BASED UPON 2001 NATIONAL CRIME VICTIMIZATION SURVEY RATES**

Type of Crime	Estimated Number of Victimization of Juveniles Ages 12-17
Larceny/Theft	7,564
Assault	3,602
Robbery	432
Sexual Assault	144
Homicide (Per 100,000)	2
Total	11,774

Source: OLO calculation based upon applying NCVS (2001) results to Montgomery County Census (2000) data.

CHAPTER IV. Legal Framework for Victim Services

This chapter summarizes the legal framework for victims' rights in Maryland. Special attention is paid to laws that award special rights to juvenile victims of crime.

Part A, Constitutional Amendment, describes the State's Victim's Rights Amendment.

Part B, General Victims' Rights by Phase of Adjudication -All Types of Crime, describes provisions in State law for specific victims' rights during the adjudication process.

Part C, Victim Compensation and Restitution, describes the State and Montgomery County laws related to victim compensation and court-ordered restitution.

Part D, Child Maltreatment Cases, describes the State's legal requirements for reporting and responding to allegations of child maltreatment.

Part E, School-Related Provisions, describes legal mandates in the State Education Article and federal No Child Left Behind Act related to school safety.

Throughout this chapter, the text includes references to State law by article and section. For the definitions of key words used but not separately defined in this chapter, see Definitions in the Appendix (© 1).

PART A. CONSTITUTIONAL AMENDMENT

Maryland is one of 34 states with a constitutional amendment mandating certain victim rights.¹ The Victim's Rights Amendment (Article 47 of the Maryland Constitution), approved by voters in 1994, reads as follows:

- a) A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.
- b) In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime," "criminal justice proceeding," and "victim" are specified by law.
- c) Nothing in this Article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.

¹ At the national level, crime victim advocates are working for passage of additional victims' rights laws as well as an amendment to the United States Constitution.

The Code of Maryland (Code) implements and protects these rights through provisions in the Correctional Services Article, Criminal Law Article, Criminal Procedure Article, Courts Article, and Family Law Article. These laws outline requirements that apply to a broad range of State and local agencies across the criminal justice, health and human services, and education systems.

In general, State law confers victims' rights to all crime victims, regardless of age.² A juvenile victim of crime may exercise his rights personally, or designate a family member or guardian to serve as his representative.³ State law also outlines some special rights for juvenile victims. For example, juvenile victims of abuse may be allowed to testify via one-way closed circuit television.

In some places, State law confers additional rights for a victim of violent crime, or a victim who sustains a physical injury. For example, only a victim of violent crime has legal standing to file an appeal with the Court of Special Appeals if he believes his rights have been denied.⁴ The balance of this chapter notes where State law applies to a subset of all crime victims.

B. General Victims' Rights by Phase of Adjudication – All Types of Crime

1. Victim Rights – Pretrial

In the period of time between when a crime is reported and when it is brought to trial (if criminal charges are filed), State law requires that the local law enforcement agency and the local prosecutor notify each victim of his rights.

Mandate to provide written information. State law requires law enforcement officers, District Court Commissioners, and intake officers to provide all victims and witnesses, with a copy of a brochure titled Maryland Crime Victim and Witnesses: Your Rights and Services. The law requires this material be provided at the time of first contact. If the victim is a juvenile, the brochure may be given to a family member or guardian acting as his representative.⁵ This brochure, published by the Maryland Board of Victim Services outlines the court process and lists available victim services, the Appendix (© 123) contains the most recent version.

² While the code of Maryland does not contain a definition of "juvenile" that applies to the entire code, the Courts and Judicial Proceedings Article defines "child" as an individual under age 18. This report applies that definition to both "child" and "juvenile."

³ Criminal Procedure Article § 11-104.

⁴ Criminal Procedure Article § 11-103.

⁵ Criminal Procedure Article § 11-104.

Mandate to keep victim informed. The State's Attorney's Office (SAO) is required by law to provide each crime victim with a Crime Victim Notification Request Form "within 10 days after the filing or the unsealing of an indictment or information in circuit court, whichever is later..." The SAO must also certify to the Clerk of the Court that this legal obligation was fulfilled.⁶ The Appendix (© 135) contains a copy of this form.

By returning this form, a victim provides notice to the State's Attorney's Office that he wishes to be notified (or have his representative notified) as soon as practicable of:

- All court proceedings (and their outcomes);
- Plea agreements; and
- Opportunities to provide a victim impact statement.

The SAO provides the victim's contact information to the Victim Notification Everyday (VINE) system. VINE is an automated telephone service that notifies victims, witnesses, or other interested parties of court case and custody status information on adult offenders in the Maryland criminal justice system. If the offender is a juvenile, then the SAO can provide court appearance information to the victim or his representative.

A victim who chooses not to file for automatic notice, or who chooses to discontinue this service, may initiate contact with the SAO for updates, or anonymously query the VINE system over the telephone or Internet.

2. Victim Rights - Trial

State law mandates that the SAO and the Courts take certain actions at trial to ensure that each victim's rights are respected. This section outlines briefly the trial rights of all victims and delineates the accommodations made for juvenile victims.

For cases that go to trial, State law requires that each crime victim be provided with the following procedural accommodations:

- Notification of the cancellation, postponement or delay of any proceeding to which the victim or witness has been subpoenaed;
- Separation from the suspect and his family and friends in the court waiting area, to the extent practicable, for the victim, his representative, or witness;
- Observation of the testimony of all witnesses;
- Protection from admittance of any evidence (in an alleged sex offense case) relating to the victim's reputation or past sexual conduct; and
- Consideration of a victim impact statement before sentencing, (on an adult offender only), if he chooses to provide one.⁷

⁶ Criminal Procedure Article § 11-104.

⁷ Criminal Procedure Article § 11-102, 104, 302, 1002; Criminal Law Article § 3-319..

State law and court rules also entitle a juvenile victim to have:

- A parent or other support person present during his own testimony;
- A representative observe the testimony of all witnesses; and
- The State's Attorney intercede with the employer(s) of the juvenile's parents or representative to minimize loss of pay or other benefits that might result from the family's participation in judicial proceedings.⁸

In addition to the right to have a support person present during his testimony, State law provides for two additional accommodations to facilitate the testimony of juvenile victims: testimony by one-way closed circuit television, and a unique exception to hearsay rules.

One-Way Closed Circuit Television. State law provides that when a juvenile victim is in "extreme emotional distress," the Court may allow his testimony via one-way closed circuit television, given outside the presence of the defendant. Before granting this accommodation, the Court must observe or hear testimony from the victim, or from a parent, guardian or other involved person, that the victim could not provide "reasonable testimony" in the presence of the defendant.

When the juvenile victim testifies in this manner, the law limits participation during the testimony to:

- One prosecuting attorney;
- One attorney for each defendant/respondent;
- One attorney for the victim;
- One support person, who may be an individual who has dealt with the juvenile in a therapeutic setting; and
- Equipment operators.⁹

Tender Years Hearsay Exception. For crime victims under the age of 12, the law provides an exception to the usual hearsay rules. Known as the "tender years exception," the law allows certain professionals to provide testimony, sometimes in lieu of a victim, which recounts a statement made to the professional by the victim. These professionals include:

- Physicians;
- Psychologists;
- Nurses;
- Social workers; or
- Principals, vice principals, teachers, or school counselors at a public or private preschool, elementary school, or secondary school.

⁸ Criminal Procedure Article § 11-1002; Maryland Rules: Evidence Rule 5-615.

⁹ Criminal Procedure Article § 11-303.

In order for the Court to allow an exception to hearsay and admit this testimony, the Code requires a finding that the statements as recounted have a “particularized guarantee of trustworthiness.” The law outlines specific factors which the Court must consider to make this determination which include:

- The timing of the statement;
- Whether the statement was spontaneous or directly responsive to questions;
- The nature and duration of the maltreatment (where family member is offender);
- Whether the victim was suffering pain or distress when making the statement;
- Whether the statement was suggested by the use of leading questions;
- The age appropriateness of the terminology and content of the statement; and
- The inner consistency and coherence of the statement.

If the victim does not testify, there must be corroborating evidence that the defendant/respondent had the opportunity to commit the alleged crime.¹⁰

Note on current legal challenge to tender years hearsay exception: The constitutionality of the tender years hearsay exception is currently being reviewed by the courts. Specifically, in early 2004 the United States Supreme Court found in *Crawford v. Washington* that testimonial statements violated the Confrontation Clause of the 6th Amendment unless the victim was unavailable to testify and had been made available for previous cross-examination by the defendant.

While both the defendant and the victim were adults in *Crawford*, the Maryland Court of Special Appeals cited this case later in 2004 when it ruled in another case, *Snowden v. Maryland*. In *Snowden*, the Court found that a social worker could not testify to statements made by the juvenile victim during an interview conducted for the express purpose of enabling the social worker to testify in lieu of the victim. The Court of Appeals has issued a writ of certiorari in this case, indicating that it will review the decision by the Court of Special Appeals and provide further clarity and direction on this statute.¹¹

3. Victims Rights - Post-Trial

State law also enumerates certain rights to crime victims in the post-trial period. These rights primarily relate to the victims’ right to remain informed of the custody status and location of an offender. The law places responsibility for implementing these rights with the Division of Probation and Parole in the State Department of Public Safety and Correctional Services (DPSC).

¹⁰ Criminal Procedure Article § 11-304.

¹¹ For more information on this, see <http://www.courts.state.md.us/opinions/cosa/2004/2933s02.pdf>
<http://litigationcenter.bna.com/pic2/lit.nsf/id/BNAP-5Y2MJP>.

Unlike the victim rights provided during the pre-trial and trial phases of adjudication, which apply to all crime victims, the post-trial rights apply only to a subset of victims. Specifically, these post-trial rights are granted only to victims of violent crime (e.g. assault), child abuse, or a victim of nonviolent crime who sustains physical injuries. By law, the Department of Public Safety and Correctional Services must:

- Advise a victim of the date and location of parole or probation hearings;
- Allow a victim to attend the hearing, including a juvenile victim when accompanied by a parent or adult;
- Assist a victim in updating the Victim Impact Statement if desired;
- Offer a victim the opportunity to provide oral testimony at the hearing, or to meet in private with a Parole Commissioner, including a juvenile victim when accompanied by a parent or adult;
- Consider any special release conditions requested by a victim, such as a request for “no contact”;
- Notify a victim of parole or probation violations as soon as practicable, and immediately upon escape or impending court ordered release;
- Inform a victim of sentence commutation, pardon or remission;
- Warn a victim if the offender has threatened to harm him once released; and
- Register an offender with the Sexual Offender Registry, if required.¹²

DPSC depends on the contact information included in the Crime Victim Notification Form to fulfill these requirements.¹³ The Appendix (© 135) contains a copy of this form.

¹² Maryland created the Sexual Offender Registry in 1994 in accordance with federal requirements. By law, four types of offenders must register annually and within seven days of moving: child sexual offenders, sexually violent offenders; sexually violent predators; and other sexual offenders as ordered by the Court. A victim can query this registry to learn the last reported address and employment and/or school enrollment information of an offender.

¹³ Correctional Services Article § 7-801-5.

PART C. VICTIM COMPENSATION AND RESTITUTION

By law, all victims of crime (including juveniles) have the right to seek compensation for expenses incurred as a direct result of a reported crime, and/or to receive restitution.

1. State and County Victim Compensation Funds

There are three funds that crime victims in Montgomery County may be eligible to apply to for compensation:

- State's Criminal Injuries Compensation Board;
- County's Crime Victim Compensation Fund; and
- County's Partnership Fund for Victims of Hate/Violence.

A victim must report the crime to the police in order to be eligible for compensation. The laws establishing the funds each contain a provision making it the payer of last resort. A victim must provide evidence of incurred expenses and cannot be compensated more than once for a particular expense. Expenses incurred by the parent or guardian of a juvenile victim are eligible for compensation. Table 11 (page 46) summarizes the funding, eligibility, and benefits of each fund.

2. Court-Ordered Restitution

While a crime victim must apply for compensation, restitution is ordered by the Court. Restitution is meant to reimburse a victim for medical, psychological or other out-of-pocket expenses, or stolen, damaged or destroyed property up to \$10,000 per incident. The law requires the State's Attorney to notify victims of their right to restitution and to assist victims collect the information needed to prove these expenses.¹⁴

Offenders are required to comply with restitution orders as a condition of probation or parole. In some cases, the Court has the legal option of holding the parents of a juvenile offender separately or jointly responsible with the juvenile for restitution.

The law requires the State Department of Public Safety and Correctional Services, through its Division of Parole and Probation to collect restitution payments from the adult offender and disburse it to the victim. The Department of Juvenile Services provides this service for juvenile cases. Each is required to notify the Court if payments are not made on time, and overdue accounts can be turned over to the state's Central Collection Unit.

The law allows the Central Collection Unit to intercept lottery winnings or income tax refunds and pursue other civil collection options in order to satisfy a restitution order. By law, the Unit may not negotiate a settlement with the defendant or child respondent without the consent of the victim.¹⁵

¹⁴ By law, a victim may also choose to recover damages through a civil action. However, the law requires that the amount of any restitution must be subtracted from any final civil award.

¹⁵ Criminal Procedure Article § 11-601-08/614-18/801-09/1001-1003; Correctional Services Article § 7-701.

TABLE 11
SOURCES OF COMPENSATION FOR MONTGOMERY COUNTY CRIME VICTIMS

	Criminal Injuries Compensation Board	Crime Victim Compensation Fund	Partnership Fund for Victims of Hate/Violence
<i>Origin</i>	State Law	County Law	County Law
<i>Location</i>	State of Maryland Department of Public Safety and Correctional Services	Montgomery County DHHS, Victim Assistance and Sexual Assault Program	Montgomery County Office of Human Rights
<i>Funding Source</i>	State/Federal Appropriations and Offender Court Fees	County Unspecified appropriation and unused funds remain; County <i>should</i> appropriate \$2 for every \$1 of private contributions - up to an additional \$30,000 per year.	County County <i>must</i> appropriate \$25,000 per year to the Fund. County <i>must</i> appropriate \$2 for every \$1 of private contributions - up to an additional \$30,000 per a year.
<i>Victim Eligibility</i>	<ul style="list-style-type: none"> • A person who suffers <i>physical injury</i> as a result of a crime; or • A surviving spouse or child of a homicide victim; or • Any person who is dependent for principal support from a homicide victim; or • Any person who assumed responsibility for funeral expenses of a homicide victim. 	<ul style="list-style-type: none"> • The crime was committed in Montgomery County; or • The victim is a county resident and the crime was committed in jurisdiction without a comparable program; and • The victim meets income limit guidelines. 	Individuals or private institutions if property damage or personal injury was caused by an act of hate/violence committed because of race, ethnicity, religion, sexual orientation, or disability and the incident occurred in Montgomery County.
<i>Benefits</i>	Maximum award is \$45,000. Claimable expenses include: <ul style="list-style-type: none"> • Medical Expenses • Lost Wages (eligibility extends to parent of juvenile victim) • Funeral Expenses • Psychological Services • Disability • Crime Scene Clean Up 	Maximum award is \$2,500. Claimable expenses include: <ul style="list-style-type: none"> • Medical Expenses • Psychological Services (immediate family eligible w/ separate award limit) • Lost Wages • Funeral Expenses • Property Damage 	Maximum award is \$8,000 every 12 months. Claimable expenses include: <ul style="list-style-type: none"> • Medical Expenses • Lost Wages • Psychological Services • Property Damages <p>The maximum award for property damage is \$2,000 and for all other eligible expenses is \$4,000.</p>
<i>Other Requirements</i>	An applicant must have incurred at least \$100 in out-of-pocket expenses or have lost at least two continuous weeks' earnings. Awards are reduced by the amount of any payment from or on behalf of the offender or any other public or private source.	The Compensation Fund may only provide assistance if assistance is not available from insurance, the State victim compensation program, the Partnership Fund for victims of hate violence, or any other source for the same purpose arising from the same criminal incident.	The Fund must reduce any payment by any amount the victim receives or is entitled to receive from any private or public source as compensation for damages from the hate/violence incident.

Source: Montgomery County Code Chapter 32, Section 27-28; Chapter 27, Section 26.

D. Child Maltreatment Cases¹⁶

This section summarizes State requirements for the mandatory reporting of suspected child maltreatment, and describes statutory time frames for conducting investigations.

Maltreatment cases merit a separate discussion because of their unique and specific legal and regulatory framework. Montgomery County, the Department of Health and Human Services, Division of Child Welfare Services is responsible for investigating all reports of suspected child maltreatment.¹⁷

State laws and regulations define child abuse and child neglect, which apply to the actions of a parent, family member, caretaker, or household member:

- Child abuse occurs when any one of these individuals sexually molests or exploits, or causes a mental or physical injury (not necessarily visible) to a child. The incident must have occurred under circumstances that indicate that the child's health or welfare has been harmed or is at substantial risk of harm.
- Child neglect occurs when any one of the individuals specified above fails to provide proper care under circumstances that indicate that the child's health or welfare has been harmed or is at substantial risk of harm, or places the child at substantial risk of mental injury.¹⁸

1. Mandatory Reporting

State law mandates that anyone who believes that a child has been maltreated report that maltreatment to the Department of Health and Human Services and/or law enforcement. The report may be oral or in writing. Furthermore, the law requires:

Each health practitioner, police officer, educator, or human service worker, acting in a professional capacity...who has reason to believe that a child has been abused shall notify the local department or the appropriate law enforcement agency.¹⁹

Identified professionals are required to make an oral report of the suspected abuse or neglect as soon as possible to the local department, followed by a written report within 48 hours. The law requires that: "If acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution," the professional must also report the suspected maltreatment to the head of the institution.²⁰

¹⁶ As defined in Definitions in the Appendix (© 1), this report uses the term "child maltreatment" to encompass both child abuse and child neglect.

¹⁷ The Appendix (© 17) provides a program description of Child Welfare Services.

¹⁸ Courts and Judicial Proceedings § 3-801; Code of Maryland Regulations 07.02.07.02.

¹⁹ Family Law Article § 5-704-5.

²⁰ Family Law Article § 5-704-5.

Confidentiality. The Code of Maryland Regulations (COMAR) prohibits DHHS from identifying the reporting source, with the following exceptions:

- (1) The reporter is a health practitioner, educator, human service worker, or police officer, who has given written permission to the local department to make the disclosure; or
- (2) In a court proceeding:
 - (a) Disclosure is necessary for determination of an issue before the court;
 - (b) The court has ordered, in writing, that the local department disclose the identity; and
 - (c) Disclosure is limited to counsel of record unless a court has specifically determined that greater disclosure is necessary for the resolution of an issue pending before the court.²¹

2. Mandated Time Frames

If the Division of Child Welfare Services determines that a report of suspected child abuse or neglect meets the definition of child abuse or neglect as defined in regulation, CWS staff must perform certain actions within a legally mandated time frame.²² The table (below) lists those required actions and time frames.

TABLE 12
STATE-MANDATED ACTIONS AND TIME FRAMES FOR CHILD ABUSE AND NEGLECT INVESTIGATIONS²³

Action	Time Frame
Initial Visit	Within 24 hours after receiving a report of suspected physical or sexual abuse. Within 5 days after receiving a report of suspected mental abuse or neglect.
Completed Investigation	Within 10 days (or 30 or 60) after receiving a report of suspected abuse. ²⁴
Preliminary Report to State's Attorney's Office	Within 10 days after receiving a report of suspected abuse.
Final Written Report to State's Attorney's Office	Within 5 business days after completing the investigation of suspected abuse.

²¹ Code of Maryland Regulations 07.02.07.19.

²² "If a reported incident of suspected child abuse or neglect does not meet the definition of child abuse or neglect, the local department may: (1) Decline to initiate an investigation; [or] (2) Make referrals to other services or agencies...." COMAR 07.02.07.05.

²³ Family Law Article § 5-706-10.

²⁴ Family Law Article § 5-706 reads "To the extent possible, an investigation...shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect....An investigation...which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect."

After investigating, Child Welfare Services determines whether the accepted report of abuse or neglect is “Indicated,” “Unsubstantiated,” or “Ruled Out.”²⁵

- “Indicated” means there is sufficient evidence to conclude that the abuse occurred;
- “Unsubstantiated” means there is not enough evidence to warrant a finding of either indicated or ruled out;
- “Ruled Out” means there is sufficient evidence to conclude that the abuse did not occur.

3. Child in Need of Assistance – Court Proceedings

State law requires Child Welfare Services to seek legal custody of a child if it determines that:

- (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and
- (2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.²⁶

This is accomplished through a “child in need of assistance (CINA)” petition in Juvenile Court.

In this civil proceeding, the County Attorney represents Child Welfare Services. The law provides that the child may be represented by his own attorney, provided at State expense.

By law, the Court may also appoint a Court Appointed Special Advocate (CASA). A CASA is a lay person acting in the child’s best interest.²⁷ A CASA will provide background information to the Court and advocate for appropriate services and case planning for the child.

If CWS finds that the child is “in danger of immediate harm or injury,” regulations require CWS to remove the child from his home and place him in Emergency Shelter Care. In this circumstance, the law requires CWS to appear before the court for an initial hearing on a CINA petition no later than the next court day. At that hearing, the Court may order that Emergency Shelter Care be continued for 30 days, and it may be continued for a total of 60 days at a subsequent adjudicatory hearing. CWS is required by law to provide appropriate services to the child victim while in Emergency Shelter Care, including medical and mental health care, education and social work services, and visitation opportunities with siblings and other biological family members.²⁸

²⁵ The full definition of these terms as provided in COMAR are included in the Appendix (© 1).

²⁶ Courts and Judicial Proceedings Article § 3-801.

²⁷ In Montgomery County, the nonprofit organization, The Court Appointed Special Advocate Program of Montgomery County, MD, coordinates the training and activities of CASAs. The CASA program description is available in the Appendix (© 102).

²⁸ Courts and Judicial Proceedings Article § 3-801,813-17,830; Code of Maryland Regulations 07.02.07.07, 07.02.11.05.

PART E. SCHOOL-RELATED PROVISIONS

This section summarizes provisions in federal, state and local laws, regulations and policies which affect the services that local school systems provide to juvenile victims of crime.

1. No Child Left Behind Act – Provisions Related to School Safety

The federal No Child Left Behind Act includes two provisions on school safety that explicitly address the rights of students to transfer. The first concerns the right to transfer conferred on a victim of a violent crime that occurs in or on school grounds, while the second concerns the right of all students to transfer out of a “persistently dangerous school.”

Right of Victim of Violent Crime to Transfer. The No Child Left Behind Act (NCLB) requires that:

...a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends...be allowed to attend a safe public elementary school or secondary school within the local educational agency.²⁹

Non-regulatory guidance offered by the United States Department of Education recommends that “this offer to transfer should occur within 14 calendar days after it has been determined that a student has become the victim of a violent criminal offense at the school.”³⁰

State regulations (COMAR) clarifies that the violent criminal offense must have occurred either: (a) during the regular school day; or (b) while attending a school sponsored event in or on the grounds of a public elementary or secondary school that the student attends. In terms of the timing of a transfer, COMAR implements the federal mandate by requiring a school system to allow the timely transfer of the victim, but only after the offender is convicted or adjudicated of: ...a violent criminal offense (as defined in Criminal Law Article 14-101, Annotated Code of Maryland).³¹

²⁹ No Child Left Behind: Elementary and Secondary Education: Subpart 2 – Other Provisions: Sec 9532 Unsafe School Choice Option.

³⁰ No Child Left Behind: Unsafe School Choice Option: Non-Regulatory Guidance, United States Department of Education, May 2004.

³¹ Code of Maryland Regulations 13A.08.01.20.

Right to Transfer From Persistently Dangerous Schools.³² The federal No Child Left Behind (NLCB) law requires that:

...a student attending a persistently dangerous public elementary school or secondary school, as determined by the State be allowed to attend a safe public elementary school or secondary school within the local educational agency.³³

The NCLB allows each state to define “persistently dangerous.” In Maryland State regulation (COMAR) define “persistently dangerous” as a school:

... in which each year for three consecutive school years, the total number of student suspensions for more than 10 days or expulsions for any of the following offenses equals 2½ percent or more of the total number students enrolled in the school:

- a) Arson or fire;
- b) Drugs;
- c) Explosives;
- d) Firearms;
- e) Other guns;
- f) Other weapons;
- g) Physical attacks on a student;
- h) Physical attack on a school system employee or other adult; and
- i) Sexual assault.³⁴

2. Family Educational Rights and Privacy Act (FERPA)

The federal Family Educational Rights and Privacy Act (FERPA) establishes parameters for public elementary and secondary schools’ right to share or disclose information from student education records. In general, FERPA prohibits public elementary and secondary schools from disclosing or sharing students’ education records unless school officials first receive written consent from a parent.

In 1997, the federal Department of Education and Department of Justice jointly authored an interpretation of FERPA titled “Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs.” According to this guide to FERPA, “student education records” include:

...all records, files, documents, and other materials, such as films, tapes, or photographs, containing information directly related to a student that an education agency or institution or a person acting for the agency or institution maintains.³⁵

³² Maryland has no schools that have met the criteria for “persistently dangerous,” although 16 schools in Baltimore City are on a “watch list.”

³³ NCLB Elementary and Secondary Education: Subpart 2 -- Other Provisions: Sec. 9532 Unsafe School Choice Option.

³⁴ Code of Maryland Regulations 13A.08.01.18.

³⁵ *Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs*, page 3.

This guide to FERPA further states that education records do not include: oral statements or observations from educators that are based on personal observations that do not rely on the contents of an education record; or records that a law enforcement unit of a school or school district creates and maintains for a law enforcement purpose.

The guide specifies that the report of an incident maintained by a “school law enforcement unit” is not an education record. A “school law enforcement unit” is defined as:

an individual office, department, division or other component of a school or school district - such as a unit of commissioned police officer or noncommissioned security guards – that is officially authorized or designated by the school district to (1) enforce any Federal, State or local law, or (2) maintain the physical security and safety of schools in the district.³⁶

However, a school’s record of disciplinary proceedings or actions related to that incident is an education record subject to FERPA.

3. Notification of Arrest of Student for “Reportable Offense”

The Education Article of State law sets forth requirements for law enforcement to notify the public school system in cases when an arrest is made of a student for a “reportable offenses”. The law defines “reportable offense” to include all violent crimes and ones involving drugs, weapons or explosive devices. The Appendix (© 136) contains a memo from the State’s Attorney’s Office with the complete list of “reportable offenses.”

The law enforcement agency making the arrest is required by law to “notify the local superintendent of the arrest and the charges within 24 -hours of the arrest (or as soon as practicable.)” when an arrest is made of a public school system student for one of these reportable offenses at any time or place. The law further requires that the State’s Attorney “promptly notify the local superintendent of the disposition of the reportable offense.”³⁷

The Code of Maryland Regulations prohibits the re-disclosure of this information, and the school may not suspend or expel a student on the basis of this report alone.³⁸

4. Reporting of Delinquent Acts

The Code of Maryland Regulations requires school officials to report all delinquent acts by their students to the appropriate law enforcement agency promptly, whether or not the act occurs away from the school. COMAR exempts from this reporting requirement “conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardians concerned.”

³⁶ *Sharing Information: A Guide to the Family Educations Rights and Privacy Act and Participation in Juvenile Justice Programs*, page 5.

³⁷ Education Article § 7-303.

³⁸ Code of Maryland Regulations 13A.08.01.17,13A.08.01.19

CHAPTER V. Services to Juvenile Victims and Witnesses of Crime in Montgomery County

Six criminal justice agencies, five County Government departments/offices, four public-private partnerships, and the school system provide one or more specialized services to juvenile victims or witnesses of crime.

Many victim services are available to crime victims or witnesses, regardless of age. In some cases, services are designed explicitly to meet the needs of juvenile victims and witnesses of crime. For the most part, the programs that provide specialized victim services also provide a range of other services.

This chapter provides an overview of the specialized victim services available to juvenile victims and witnesses of crime in Montgomery County. The Appendix (© 12) contains more detailed descriptions of the different program/service providers.

Part A, Types of Victim Services Provided, introduces a typology for categorizing victim services and reviews (by agency) the different types of services provided to juvenile victims and witnesses of crime.

Part B, Variability of Victim Services, describes and provides examples of how services to juvenile victims and witnesses of crime vary by factors such as: the type of crime; the age of the victim or witness; whether the incident occurs at school; whether the crime is formally reported to enforcement authorities, and whether the alleged offender is an adult or a juvenile.

PART A. TYPES OF VICTIM SERVICES PROVIDED

For purposes of summarizing the array of services available to juvenile victims and witnesses of crime, OLO identified six major service categories:

- Emergency services;
- Information and referral services;
- Mental health services;
- Court-related services;
- Victim compensation; and
- Post-sentencing services.

Table 13 (page 54) lists, defines, and provides examples for each service category. The pages following Table 13 review (by agency) the types of services provided.

TABLE 13
TYPES OF SERVICES PROVIDED TO JUVENILE VICTIMS OF CRIME

Category of Service	Definition	Services Include
Emergency	Ensuring the safety and health of the crime victim on-scene or as soon as possible after an incident.	<ul style="list-style-type: none"> • Provide a “first response” to incidents • On-scene medical and/or emotional support • Emergency shelter care • 24/7 crisis intervention
Information and Referral	Identifying available and appropriate victim services and providing information on the criminal justice system.	<ul style="list-style-type: none"> • Referrals to other victim services • Information about victims’ rights • Information about criminal justice process • Notification to victim/witness of case status • Case coordination and tracking
Mental Health	Offering mental health services and treatment related to victimization.	<ul style="list-style-type: none"> • Individual, group, or family counseling • Therapy • Support groups • Psychiatric evaluation and treatment
Court-Related	Familiarizing victims with the criminal justice system, completing court documents, and ensuring full representation in court procedures.	<ul style="list-style-type: none"> • Notification of court dates and actions • Court accompaniment • Transportation to and from court • Child-friendly forensic interviewing • Court preparation • Assistance with victim impact statements • Assistance in filing peace orders • Legal representation • Personal advocacy/support
Victim Compensation	Assisting victims seek compensation for expenses that are incurred due to victimization.	<ul style="list-style-type: none"> • Assistance with filing for victim compensation • Reimbursement for crime-related expenses, such as medical costs, funeral costs, lost wages, and property damage
Post-Sentencing	Notifying victim of offender status after trial/sentencing and facilitating court-ordered restitution.	<ul style="list-style-type: none"> • Notification of offender status • Assistance with obtaining restitution

Source: OLO, February 2005

SERVICES PROVIDED BY COUNTY GOVERNMENT

The Department of Health and Human Services (DHHS), Police Department (MCPD), Department of Correction and Rehabilitation, Office of the County Attorney, and Office of Human Rights provide a wide range of services to juveniles who are victims or witnesses to crime. Collectively, the County Government departments/offices provide services in all six service categories.

Comparatively, DHHS provides the largest number of victim services, some designed for juveniles and others available to victims and witnesses of crime regardless of age. The primary focus of Child Welfare Services, the Victim Assistance and Sexual Assault Program, and the Abused Persons Program is providing services to crime victims. The Police Department provides a variety of services to juvenile victims of crime who are involved in incidents that are formally reported to law enforcement. The other County Government departments/offices provide more specialized services that focus on specific subsets of victims/witnesses.

Table 14 (pages 56-57) lists each program/service provider and indicates the type(s) of services provided. The Appendix (© 12-52) contains more details on each program.

SERVICES PROVIDED BY MONTGOMERY COUNTY PUBLIC SCHOOLS

By definition of their routine contact with almost 140,000 students, Montgomery County Public School staff are uniquely positioned to identify juveniles who are victims and witnesses to crime. School-based personnel provide emergency assistance and intervention with incidents that occur on school property or in connection with a school activity. Although school system personnel do not typically provide the traditional package of victim support services (e.g., court preparation, compensation, mental health treatment for trauma), many MCPS staff are actively involved in facilitating a student's access to needed services.

Any MCPS staff member might observe directly or learn about a student who is a victim or witness to a crime. In many cases, it is the student who chooses which adult to confide in and when to share information about a victimization.

OLO's interviews with MCPS staff suggest that, in practice, there is a range of approaches taken to supporting students who are identified as victims/witnesses of crime. Which staff members become involved and the specific intervention strategies (including whether the police are notified) vary by incident and by school. In addition to administrators (Principals and Assistant Principals), the MCPS personnel involved are typically some combination of: School Counselors; School Security Staff; Pupil Personnel Workers; Psychologists; and/or the Juvenile Court Liaison Specialist.

Table 15 (page 58) lists different school system personnel and indicates the type(s) of services provided. The Appendix (© 53-80) contains greater details on MCPS' approach to juveniles who are victims/witnesses of crime.

TABLE 14
SERVICES TO JUVENILE VICTIMS/WITNESSES OF CRIME PROVIDED BY COUNTY GOVERNMENT

Program/Service Provider	General Description	Type of Services to Juvenile Victims/Witnesses of Crime					
		Emergency	Information and Referral	Mental Health	Court-Related	Victim Compensation	Post-Sentencing
Department of Health and Human Services							
Abused Persons Program	Provides victims of partner abuse and their families support and advocacy services, including operation of the Betty Ann Krahnke Shelter.	✓	✓	✓	✓	✓	
Child and Adolescent Mental Health Services	Oversees mental health services for eligible juveniles including an outpatient clinic and the Community Kids program.		✓	✓			
Child Welfare Services	Investigates allegations of child maltreatment and provides services to maltreatment victims and their families.	✓	✓	✓	✓		
Crisis Center	24/7 crisis stabilization services to persons experiencing situational, emotional, or mental health crises.	✓	✓	✓			
Victim Assistance and Sexual Assault Program	Provides information, referral, advocacy, counseling, court accompaniment, compensation, and other support services to crime victims and their families.	✓	✓	✓	✓	✓	✓
School Health Services	Provides health-care and related services to public school students and health consultation to private school students.	✓	✓				
Linkages to Learning	A collaboration with MCPS offering prevention and early intervention services to students and their immediate families at 23 school-based sites.		✓	✓			

TABLE 14, CONTINUED
SERVICES TO JUVENILE VICTIMS/WITNESSES OF CRIME PROVIDED BY COUNTY GOVERNMENT

Program/Service Provider	General Description	Type of Services to Juvenile Victims/Witnesses of Crime					
		Emergency	Information and Referral	Mental Health	Court-Related	Victim Compensation	Post-Sentencing
Montgomery County Police Department							
Patrol Officers	Respond to emergency calls and responsible for initial crime scene stabilization and investigation.	✓	✓				
Victim/Witness Assistance Unit	Provides crisis intervention, support, information, referral, and other support services to victims of crime and their families.	✓	✓		✓	✓	
Family Crimes Division	Investigates all child abuse/sexual assault/rape cases where the victim is under 18, runaway and missing children, family and stranger abductions, domestic violence, and elder abuse cases.	✓	✓		✓		
Educational Facilities Officers	Sworn, uniformed police officers assigned to MCPS school clusters; respond to incidents occurring at school.	✓	✓				
Other County Government Departments/Offices							
Department of Correction and Rehabilitation	Interacts with victims through providing a wide range of professional correctional services for pre-trial and convicted detainees.		✓		✓		✓
Office of the County Attorney	Provides legal representation to Child Welfare Services through its Child and Adult Protection Unit.				✓	✓	✓
Office of Human Rights	Investigates incidents of hate/violence and discriminations and provides targeted services to hate/violence victims.				✓	✓	

Source: OLO, February 2005

TABLE 15
SERVICES TO JUVENILE VICTIMS/WITNESSES OF CRIME PROVIDED BY MONTGOMERY COUNTY PUBLIC SCHOOLS

Program/Service Provider	General Description	Type of Services to Juvenile Victims/Witnesses of Crime					
		Emergency	Information and Referral	Mental Health	Court-Related	Victim Compensation	Post-Sentencing
<i>School System Personnel</i>							
Principals/ Administrators	Responsible for the oversight and management of each MCPS school, have significant influence over how schools respond to juvenile victims/witnesses to crime.	✓	✓				
School Counselors	Responsible for providing academic and career information, crisis support and counseling, transition assistance, and academic consultation.	✓	✓	✓			
School Security Staff	Responsible for ensuring a safe and secure school environment; often the first to respond to any criminal incident that occurs at an MCPS school site.	✓	✓				
Pupil Personnel Workers	Act as advocates, liaisons, consultants, and referral sources for students, teachers, administrators, and parents.		✓				✓
Psychologists	Provide psychological consultation, assessment, and intervention for students.		✓	✓			
Court Liaison Specialist	Serves as the primary point of communication between MCPS and the Courts/Department of Juvenile Justice regarding adjudicated youth.				✓		✓

Source: OLO, 2005

SERVICES PROVIDED BY OTHER STATE/MUNICIPAL AGENCIES

Outside of County Government, there are state and municipal agencies that also work routinely with juvenile victims/witnesses of crime. In different ways, the Sheriff's Office, State's Attorney's Office, Circuit Court's House of Ruth Domestic Violence Assistance Program, Rockville Police Department, Takoma Park Police Department, Gaithersburg Police Department, Chevy Chase Police, M-NCPPC Park Police, and the Maryland Department of Juvenile Services (DJS) all provide services to juvenile victims and/or witnesses of crime:

Patrol officers from the municipal police departments and Park Police are first responders to 911 calls that can involve juvenile victims and/or witnesses. Two of the municipal Police Departments (Rockville and Takoma Park) have designated victim assistance staff who provide a wide range of victim services.

The other agencies (Sheriff, State's Attorney, Circuit Court, DJS) generally provide specialized victim services for juvenile victims or witnesses of certain types of crime (e.g., domestic violence), or when the incident meets certain conditions (e.g., the case is being adjudicated, the offender is being charged as a juvenile.)

Table 16 (page 60) lists the different agencies and identifies the type(s) of victim services provided to juvenile victims/witnesses of crime. The Appendix (© 81-92) contains greater details on the specialized victim services provided.

SERVICES BY PUBLIC-PRIVATE PARTNERSHIPS

There are four partnerships between Montgomery County government agencies and private organizations that provide services to juvenile victims of crime: the Montgomery County Child Assessment Center, the Court Appointed Special Advocate Program of Montgomery County, the Conflict Resolution Center of Montgomery County, and the Sexual Abuse and Assault Center at Shady Grove Hospital.

Each of these partnerships provides specialized services focusing on a particular cohort of juveniles. Aside from the Child Assessment Center, each of the partnership programs provides a very specialized type of service.

Table 17 (page 61) lists the different partnerships and identifies the type(s) of services provided by each to juvenile victims/witnesses of crime. The Appendix (© 93-106) contains greater details on each program and its activities.

TABLE 16
SERVICES TO JUVENILE VICTIMS/WITNESSES OF CRIME PROVIDED BY OTHER STATE/MUNICIPAL AGENCIES

Program/Service Provider	General Description	Type of Services to Juvenile Victims/Witnesses of Crime					Post-Sentencing
		Emergency	Information and Referral	Mental Health	Court Related	Victim Compensation	
State/Municipal Agency							
Sheriff's Office*	Engages in a wide range of court-related enforcement activities, including services related to domestic violence victims/witnesses involved in the civil and criminal justice system.		✓	✓	✓	✓	
State's Attorney's Office	Provides court-related services to victims or witnesses of crime involved in cases under prosecution.		✓		✓	✓	✓
Circuit Court (House of Ruth Domestic Violence Assistance Program)	Provides legal representation and related services to domestic violence victims, primarily in Circuit Court proceedings.		✓		✓		
Municipal Police Departments and Park Police**	Two municipal police department (Rockville and Takoma Park) have designated victim assistance staff who provide a wide range of services to victims or witnesses of crime within their jurisdictions.	✓	✓		✓	✓	
Maryland Department of Juvenile Services	Interacts with victims through providing treatment programs for juvenile offenders.		✓				✓

*The mental health services associated with the Sheriff's Office references FY 05 funding for the Safe Start program.

**Includes patrol officers from the cities of Rockville, Takoma Park, Gaithersburg, and Chevy Chase, and the M-NCPPC Park Police

Source: OLO, 2005

TABLE 17
SERVICES TO JUVENILE VICTIMS/WITNESSES OF CRIME PROVIDED BY PUBLIC-PRIVATE PARTNERSHIPS

Program/Service Provider	General Description	Type of Services to Juvenile Victims/Witnesses of Crime						
		Emergency	Information and Referral	Mental Health	Court Related	Victim Compensation	Post-Sentencing	
Public-Private Partnership								
Montgomery County Child Assessment Center*	An initiative of the Primary Care Coalition currently in a start-up phase. MCCAC conducts specialized medical and/or mental health evaluations of children who are alleged victims of sexual abuse, serious physical abuse, or neglect where there has been physical injury.	✓	✓	✓				
Court Appointed Special Advocate Program of Montgomery County	Recruits, trains, and supervises volunteers to advocate for abused/ neglected juveniles in the court system, as appointed by Juvenile Court judges.				✓			
Conflict Resolution Center of Montgomery County	A non-profit organization that conducts training, mediations, large group facilitation, and Community Conferencing.							✓
Sexual Abuse and Assault Center at Shady Grove Hospital	Provides specialized medical assessments of sexual assaults and child sexual abuse on a 24/7 basis.	✓						

*MCCAC provides its specialized medical services for children in a medical setting and not at the scene of the crime. In terms of additional services, MCCAC hired an Advocate (starting 3/24/05) who will begin providing court-related victim assistance services to abused children and their non-offending parents. Over time, MCCAC plans to provide even more comprehensive, multi-disciplinary services.

Source: OLO, 2005

PART B. VARIABILITY OF VICTIM SERVICES

Under current agency practices, the victim services offered to a juvenile who is a victim or witness to a crime will vary according to multiple factors, such as:

- The type of crime;
- The age of the victim;
- Whether the incident occurs at school;
- Whether the crime is formally reported to enforcement authorities; and
- Whether the alleged offender is an adult or a juvenile.

Some of the variability is justified by different needs and demands for services. For example, a juvenile victim or witness of crime only needs court-based services if he/she is involved in a case being adjudicated. In other cases, services are not fully available because of resource constraints or program eligibility requirements.

This section describes and provides examples of how services vary by each of the factors listed above.

1. Type of Crime

In most cases, services are available to juvenile victims or witnesses regardless of the type or severity of crime. However, certain programs tailor their services to a particular subset of juvenile victim/witness. For example:

The Victim Assistance and Sexual Assault Program (VASAP) currently provides victim assistance and mental health services to juveniles who are victims of general crime, including victims of sexual assault. However, under current program guidelines, VASAP's services are not available to victims of child abuse (physical or sexual). In addition, VASAP does not provide services to victims who are also offenders.

The State's Attorney's Office Victim/Witness Assistance Unit provides a basket of victim services (e.g., court preparation, court accompaniment, notification, transportation, service referrals) to juvenile victims and witnesses of serious crimes involved in cases considered "victim intensive", e.g., murder, rape, robbery, and child abuse. In comparison, juveniles involved as a victim or witness in a misdemeanor case scheduled in either District Court or Juvenile Court do not receive specialized services from the Victim/Witness Assistance Unit.

"Safe Start" is a new program (initiated by the Council in FY 05) to provides counseling for juveniles exposed to domestic violence. The Office of the Sheriff currently administers this program, with clinical supervision provided by the Department of Health and Human Services. Although any juvenile who witnesses domestic violence is eligible for the mental health services, the children currently being served are primarily identified through daily reviews of criminal charging documents, and Temporary Protective/Peace Orders petitions.

The Montgomery County Child Assessment Center (currently in a start-up phase) conducts medical and/or mental health evaluations of children who are alleged victims of sexual abuse, serious physical abuse, or neglect where there has been physical injury. Under current program guidelines, only juvenile victims referred by Child Welfare Services staff are eligible to receive services from the Child Assessment Center.

2. Age of Victim

For the majority of programs, the age of the juvenile does not dictate the package of services provided. Additionally, most service providers report that they try to tailor their services based on the victim's age. Some programs, however, require parental/guardian consent prior to service delivery depending on the age of the juvenile victim or witness.

Age Limitations. Two examples of programs limited to specific age groups are in the development stages:

- The Police Department's Family Crimes Division is providing a "Court School" that will initially be limited to juveniles ages 10-12.
- The Sheriff's Office Domestic Violence Unit (as part of the Safe Start Program) is providing a therapy group that will be designed for pre-school children who have been exposed to domestic violence.

Parental/Guardian Consent. OLO identified six service providers that have special requirements for parental consent. In addition, many programs report delivering services in conjunction with the child's parents/guardians even in the absence of specific consent requirements.

- The Police Department's Victim/Witness Assistance Unit routinely seeks parental/guardian consent before providing any services to juveniles under 18 years old.
- The Police Department's Family Crimes Division, Case Screening Unit must obtain permission from the juvenile victim's parent or guardian prior to approving a diversion program for a juvenile offender.
- The Victim Assistance and Sexual Assault Program (VASAP) requires the signature of a parent/guardian on all victim compensation claims submitted by a juvenile.
- The Abused Persons Program and VASAP provide one-time diagnostic services to victims younger than 16 years of age without parental consent. Victims ages 16 and older can receive services without parental consent.
- The Child and Outpatient Mental Health Clinic and the Community Kids program require parental/guardian consent to provide mental health services to victims younger than 16 years old.
- MCPS School Counselors must receive parental/guardian permission to meet with a student on a regular basis or to include a student in a group counseling session.

3. Whether an Incident Occurs at School

Some unique characteristics are associated with the response to incidents that occur at a Montgomery County Public Schools' site or in conjunction with a school-sponsored activity. For example, an incident of crime committed on school property typically results in an immediate response from some combination of a School Security Officer, a School Administrator, and other school-based staff. If an Educational Facility Officer (EFO) is present at the school, then he/she is likely to be involved as well. (For FY05, there are 32 authorized EFO positions.)

Although the response will vary by type and severity of incident, the specialized services provided to juvenile victims/witnesses of school-related crime can include:

- Emergency response and incident intervention;
- On-site first aid provided by School Health Services;
- Notification of the victim's parent/guardian.
- Individual and/or small-group mediation or individual counseling; and
- Referrals to mental health and/or other services.

By MCPS regulation (JFA-RA, Student Rights and Responsibilities), certain types of incidents must be reported to the police, e.g., violent physical attack on a staff member, incident involving firearm. For other types of incidents, the principal of the school is responsible for determining whether to contact the police.

4. Whether the Crime is Formally Reported to Enforcement Authorities

Certain services to juvenile victims/witnesses of crime are triggered by a formal police report or report to Child Welfare Services. In some instances, a formal report is a prerequisite for services; in other cases, programs identify their clients by reviewing police reports and/or court documents.

In general, all of the victim services affiliated with law enforcement agencies are connected with incidents of reported crime. This applies to services provided to juvenile victims and witnesses by:

- MCPD's Victim/Witness Assistance Unit;
- Municipal Police Department Victim Assistance Programs;
- MCPD's Family Crimes Division;
- Sheriff's Office Domestic Violence Unit;
- Domestic Violence Assistance Program (based in Circuit Court);
- Victim/witness services provided by the State's Attorney's Office; and
- Maryland Department of Juvenile Services.

Another group of service providers, by definition of their role and responsibility, becomes involved with juvenile victims and witnesses only after a formal report of alleged abuse or neglect is made to Child Welfare Services. This applies to services provided by:

- Child Welfare Services;
- The Montgomery County Child Assessment Center; and
- The Court Appointed Special Advocate Program of Montgomery County.

5. Whether the Alleged Offender is an Adult or Juvenile

The age of the offender has an impact on some of the court-related and post-sentencing services offered to juvenile victims of crime as well as who provides them.

If the alleged offender is a juvenile (and being charged as a juvenile), then the crime victim receives:

- Victim notification services and processing of Peace Orders by the Maryland Department of Juvenile Services;
- Victim notification and approval regarding offender diversion programs through the Case Screening Unit of the Police Department's Family Crimes Division; and
- Assistance from the State's Attorney's Office Juvenile Court Team regarding notification, filing for restitution, submitting victim impact statements, and other court-related victim services.

If the alleged offender is an adult (or a juvenile being charged as an adult), then the crime victim receives victim notification services from the Department of Correction and Rehabilitation; and assistance from the State's Attorney's Team assigned to prosecute the case. If the crime is being tried in Circuit Court, then the victim will receive services from the State's Attorney's Victim/Witness Assistance Unit.

CHAPTER VI. Feedback from the Field

During the course of gathering information for this project, OLO spoke with numerous individuals whose jobs bring them into routine contact with juveniles. OLO asked staff to share their general observations of County-funded programs and services designed to serve juvenile victims or witnesses of crime, and their candid views of successes and challenges.

This chapter summarizes the feedback obtained during OLO's conversations with management and front-line staff representatives from:

- Montgomery County Public Schools
- The Circuit Court
- State's Attorney's Office
- Office of the Sheriff
- Department of Health and Human Services
- Department of Correction and Rehabilitation
- Montgomery County Police Department
- Office of the County Attorney
- State Department of Juvenile Services
- Conflict Resolution Center
- Child Assessment Center
- Court Appointed Special Advocate Program.

This chapter contains two parts:

Part A, General Themes, summarizes the recurring comments voiced by interviewed staff on a wide range of program and service issues.

Part B, Summary of Meeting with MCPS and Child Welfare Services Staff, discusses the results of a special meeting that OLO convened in January 2005 with participants from MCPS and Child Welfare Services to discuss the working relationship between the two organizations.

PART A. GENERAL THEMES

1. Incidents that involve juveniles as victims of crime often go unreported. It also is common for juveniles to wait a long time after an incident occurs before they report their victimization.

A recurring observation of front-line staff is that a large number of crimes committed against juveniles are not formally reported to law enforcement. This parallels national survey results, which estimate that only 36 percent of violent crime committed against juveniles and 12 percent of property crime committed against juveniles is reported.

Staff speculated that juveniles are reluctant to report their victimization because they are embarrassed, afraid of being blamed themselves, and/or fear retaliation. Most juveniles want to avoid being known as a “victim” or a “tattler”. In addition, many juveniles either do not understand how the criminal justice system works or do not believe reporting the crime will make any “difference.”

Another observation commonly offered concerned the timing of reporting. Staff report that juveniles frequently wait weeks or even months to speak up about an incident of victimization. Especially in situations of child abuse or neglect, the juvenile’s relationship with the offender influences the delay in reporting.

2. There is no central repository of information about the array of County-funded services designed to serve juveniles who are victims or witnesses of crime. It is not uncommon for agency staff to be familiar only with the particular subset of programs that they already work with on a regular basis.

The array of services available to serve juveniles who are victims and/or witnesses of crime is complex:

- Programs are housed in multiple agencies across the criminal justice and health and human service systems;
- There are countless ways that juveniles who are victims/witnesses become “known” to agency staff, i.e., there is no single-entry point; and
- Although many staff have developed their own informal lists of relevant services and contacts, there is no central repository of program information.

Staff at both the senior management and front-line levels expressed a keen interest in knowing more about program offerings across the agencies, including information such as eligibility criteria, the process for accessing services, and where to obtain more details, e.g., staff names, telephone numbers, email addresses, Internet sites.

3. Under current agency practices and funding constraints, juvenile victims/witnesses for criminal cases under prosecution receive differing levels of services from the State’s Attorney’s Office.

The State’s Attorney’s Office (SAO) provides the majority of its victim services through its Victim/Witness Assistance Unit, assigned to the Circuit Court Team to provide support, notification, and information to victims and witnesses of serious crimes. Three Victim Witness Coordinators staff the Unit. Activities of the Victim Witness Coordinators include arranging for pre-trial conferences with victims and witnesses, travel logistics, coordinating testimony, answering questions, court accompaniment, and a variety of other services involved with preparing victims and witnesses for a jury trial.

The SAO prosecutes an estimated 1,600 cases per year in Circuit, District, and Juvenile Court that involve victims and/or witnesses who are under 18 years old. Under the present staffing arrangement, the three Victim Witness Coordinators are assigned to “victim intensive” Circuit Court cases indicted by the Grand Jury, e.g., murder, rape, robbery, assault, and child abuse. In comparison, juveniles involved as a victim or witness in a misdemeanor case scheduled in either District Court or Juvenile Court do not receive specialized services from the Victim/Witness Assistance Unit.

As a result, staff report that only a portion (fewer than 20%) of the 1,600 prosecuted cases involving juvenile victims/witnesses receive more than the minimal victim notification services mandated by law.

There was consensus that ideally, every juvenile who is a victim or witness in a case moving through the criminal justice system would receive the appropriate level of support services from a Victim Witness Coordinator. The current complement of three Victim Witness Coordinators cannot provide this level of service to all juvenile victims or witnesses to crime.

4. Across all victim services, there is need for more “bilingual and culturally competent” professionals to help serve the increasing numbers of immigrant and Limited English Proficient members of the community.

A recurring observation of those interviewed was that County agencies have greatly improved their capacity in recent years to provide services to members of the community who are Limited English Proficient. However, the general consensus was also that there continues to be unmet needs for bilingual and culturally competent professionals.

When dealing with the difficult issues associated with victimization, the problems posed by a language barrier are seen as particularly significant. Further, some staff observed that it is not enough for providers to speak the language of their clients, i.e., they must also understand the different family cultures. Especially with providing services to juvenile victims or witnesses of crime, providers need to understand the structure and environment of a juvenile’s home life.

5. Obtaining public mental health services for juveniles is extremely difficult.

A recurring observation offered by staff was that access to mental health services is a relatively straightforward matter for a juvenile whose family has either insurance coverage or the resources to pay for therapy directly. In such cases, the challenge is one of convincing the juvenile and his/her parent/guardian of the need for mental health services and connecting the family to the appropriate provider.

In comparison, obtaining mental health services for a juvenile who must rely upon the public mental health system is extremely difficult. The problems voiced during interviews with agency staff mirrored the comments reported by DHHS to the Council last year.¹

Many staff perceive the process of accessing public mental health services as cumbersome and often ineffective. In response to similar concerns expressed previously, DHHS established the Access Team, a unit dedicated to helping staff and members of the public obtain public mental health services. OLO's interviews suggest that staff outside of DHHS are not all aware that the Access Team exists. In addition, those who have worked with the Access Team report uneven experiences.

The gaps in the overall public mental system as identified by agency staff interviewed included:

- A lack of uniform understanding among front-line staff about available programs and eligibility criteria;
- A lack of therapists who speak languages other than English;
- A lack of therapists with specialized training in treating juveniles who have experienced trauma;
- A lack of transportation to available mental health providers;
- A lack of mental health providers in locations convenient to the juveniles needing help;
- A lack of crisis beds; and
- A lack of flexible funds.

While frustrations with the public mental system were voiced by staff across the agencies, the problems appear to be particularly acute for juveniles who are clients of Child Welfare Services.

6. The lack of transportation is an obstacle to connecting juveniles to services.

Juveniles, especially younger ones, often rely upon a parent or other guardian for transportation. A common obstacle to serving juveniles (including those who are victims of crime) is the logistics of transporting them from their school or home to the location of the provider. A similar challenge of transportation faces juveniles who need to appear in court as a victim or witness.

¹ Based upon focus groups with child serving agency staff, community partners, and providers, DHHS staff identified major problems with access to public mental health services. For more background on this issue, see HHS Committee Packet *Update- Mental Health Safety Net Services, Substance Abuse Services* (July 26, 2004) at <http://www.montgomerycountymd.gov/apps/council/compackets/040726/20040726hhs01-02.pdf>.

The preferred solutions most frequently voiced by agency staff are to provide either school-based or home-based services. Bringing the services to the juvenile greatly increases the chances of his/her participation. (See comments offered on Linkages to Learning below)

Note: This obviously cannot work for court appearances where there is need to arrange for transportation to and from court for the juvenile and his/her parent or guardian.

7. Linkages to Learning is a successful model for providing services to students and their families.

Agency staff consistently praised Linkages to Learning as a valuable resource for providing a range of services to students and their families. Linkages is currently available to enrolled students and their immediate families at 23 school-based sites. (See Appendix ©35 for more about the Linkages program.)

Linkages staff have ongoing working relationships with administrators, teachers, school counselors, and other school-based MCPS personnel. These working relationships facilitate the process of both identifying and serving juveniles in need of help.

The characteristics of Linkages that were most often mentioned as key to its success are:

- ***Eliminates transportation as an obstacle.*** Linkages is school-based, which makes the program's services easily accessible to juveniles and other family members. In most schools, Linkages staff and the school principal arrange for students to participate in services (e.g., attend a therapy session) during the school day.
- ***Language capacity.*** Services provided through Linkages to Learning are routinely available in Spanish as well as English.
- ***Family Involvement.*** The Linkages approach to problem-solving typically involves working with each student's family. Especially when addressing a victimization issue, involvement of the juvenile's family environment is a key component for successful intervention.

One caveat on the services offered by Linkages to Learning is the concern that Linkages is currently available only at a limited number of public school sites. In addition, many Linkages' therapists are relatively inexperienced and without specialized training in clinical techniques designed for treating children for trauma. Some concern was expressed that this may limit the ability of Linkages to Learning to fully address the problems confronting juvenile victims or witnesses of crime.

8. MCPS staff find it increasingly difficult to take time from instruction to implement prevention programs. This can be frustrating, especially when the research shows students with strong social skills are more likely to succeed academically.

A fundamental principle cited repeatedly by MCPS staff is the value of universal prevention programs for 80 percent of children and adolescents.² Student services staff (counselors, psychologists, and pupil personnel workers) observe that the academic demands on the school system make it increasingly difficult to find time during the school day to conduct prevention programs and teach social skills. This can be very frustrating for staff, especially in light of a growing body of research that suggests students with strong and effective social skills are more likely to succeed academically.

Many schools have developed their own approaches to conflict resolution and bullying prevention. Staff do this both because they enjoy creating materials and because purchasing commercial materials is expensive. It also allows staff to design programs that are tailored to the unique needs of their individual schools. The trade off to this approach is that one-of-a-kind programs are more difficult to evaluate.

9. There are outstanding issues to resolve concerning the flow of information between MCPS and the Department of Juvenile Services (DJS).

MCPS personnel expressed concern about the uneven flow of information from the Department of Juvenile Services concerning students who are returning to an MCPS school site after having been either detained or confined at a DJS facility, such as Alfred D. Noyes Center or Charles H. Hickey, Jr. School. For example, some students return to school wearing home electronic monitoring devices without MCPS staff being made aware of the particulars. A complicating factor to this issue is varying understandings of what information DJS personnel can and cannot share with MCPS staff.

MCPS staff are interested in knowing, at minimum:

- Exactly when a juvenile will be returning to an MCPS school;
- The conditions of the juvenile's release or probation (if applicable); and
- If a newly enrolled student is living in a State-certified group home; and
- Information that enables MCPS to facilitate the student's entry or re-entry into the regular school environment.

In addition, if the juvenile was detained or confined because of an incident involving another student, then MCPS staff want to know who the victim was and where the victim attends school. This information is considered essential if school-based staff are going to take any action to address the needs of the victim, e.g., inform the victim beforehand that this individual is returning to school, adjust the victim's schedule so that he/she can minimize contact with the returning juvenile.

² For a summary of the prevention, intervention school-based model, see the February 2002 presentation to the Council, Developing a System of Care, prepared by the Blue Ribbon Task Force on Mental Health at <http://www.montgomerycountymd.gov/apps/council/agpackets/020212>.

When asked about sharing information, MCPS, DJS staff identified the following issues:

- There are laws governing the confidentiality of information about juveniles under the custody of DJS;
- A juvenile who is returning to school has the right to be treated the same as any other student; and
- There have been incidents where school-based personnel have inappropriately shared information about a juvenile who has been detained or confined by DJS.

10. Improving the flow of information between MCPS and the Montgomery County Police Department (MCPD) is recognized by agency staff as an important and complex issue.

Representatives from both MCPS and MCPD identified the need to improve the routine flow of information between the two agencies. There is general consensus that the advent of the Educational Facilities Officers has improved communication, but there is still more work to be done.

As their highest priority for improvement, MCPS staff would like the Police Department to more consistently notify the Department of School Safety and Security (DSSS) about incidents that occur in the community that could impact the safety and security of students during their educational day.³ In addition to increasing DSSS' general awareness of community safety issues, this would alert security staff about incidents in the community that might spill over into the interactions among students during the school day. MCPS would also like to consistently receive notification of incidents that results in death or serious injury to students or staff (e.g., traffic fatality), in order to be prepared to deal with the traumatic effects of such events.

As their highest priority for improvement, MCPD personnel would like to receive timely notification of "serious" school-based incidents on a more consistent basis. Prompt and consistent notification enhances the Police Department's opportunity to file timely event reports, conduct effective investigations, and offer victim services. In addition, prompt notification provides the Department with a more complete and current picture of potential community safety issues.

Officers report that they are often brought into a case after the school's administrative investigation is concluded. MCPD personnel indicate that this sequence of events can impact their ability to conduct an efficient and complete police investigation. MCPD advises that it is far preferable when the police are able complete their investigation before MCPS conducts its investigation.

³ The State law requirement for notification only applies to arrests of students for "reportable offenses"; see page 52.

11. Some juveniles who are victims of crime initially become known to agency staff for reasons other than their victimization. It is only after some assessment that staff become aware of the juvenile's past history of victimization.

It is not uncommon for juvenile victims of crime to first be identified by agency staff (either in MCPS, DHHS, or law enforcement) for a reason other than their victimization. There are some juveniles who are simultaneously clients of Child Welfare Services (as a victim of maltreatment) and the Department of Juvenile Services (as a youthful offender). Other examples cited by agency staff were:

- Students are often sent to see the School Counselor because they are having trouble in the classroom. After meeting with a student several times, the School Counselor may learn that one of the issues the student is struggling with is a current or past victimization, e.g., the student might be a victim of repeated bullying at school; the student might be a victim of abuse or neglect at home.
- When a juvenile is arrested for committing a crime, the case moves through a complex screening and review process. In the course of investigating the incident, the Police Officer and/or Department of Juvenile Services case worker may discover that the juvenile has a long history of victimization. This fact pattern is consistent with the research on the effects of juvenile victimization, which include a higher probability of delinquent behavior. (See page 7.)

12. There are multiple understandings of both the current and future roles of the Montgomery County Child Assessment Center.

During the course of conducting this study, OLO heard multiple explanations (and some confusion) from agency staff agencies about the current and future role of the Montgomery County Child Assessment Center (CAC). Different descriptions were offered on:

- What the purpose and governance structure are;
- How it is funded;
- How it gets its clients;
- What services are currently offered and what future services are planned; and
- How it "fits into" the related network of services.

NOTE: The multiple understandings of the CAC are likely due to the fact that discussion about the need for a CAC in Montgomery County have taken place for more than a decade. Today, the CAC continues to be a "work in progress".

As the result of a December 2004 meeting of the Council's Health and Human Services and Public Safety Committees, the Advisory Group for the CAC is in the process of developing a plan that outlines the future of the CAC. The CAC's plan is expected to include steps needed to obtain accreditation from the National Children's Alliance.

13. The Conflict Resolution Center of Montgomery County (CRCMC) is a community resource that has promise for serving the needs of some juvenile victims of crime. However, the CRCMC is not widely known and agency staff are reluctant to use it due to “time consuming” logistics.

The Conflict Resolution Center of Montgomery County is a non-profit organization that provides conflict resolution services such as mediation, facilitation, teaching, training, and technical support. At this time, CRCMC is supported by grants and donations, and does not charge for services. See the Appendix (© 103) for program description.

Most agency staff that OLO interviewed were not aware of the CRCMC. Others had heard of it but were not familiar with the services CRCMC has to offer to juveniles who are victims of crime.

OLO’s interviews with staff from the Department of Juvenile Services and the Montgomery County Police Department who have worked with CRCMC Community Conferencing program report mixed experiences. On one hand, Community Conferencing offers a unique opportunity for juvenile victims and juvenile offenders to engage in a facilitated meeting that allows everyone affected by a conflict to be heard. On the other hand, staff report that many conflicts that they deal with do not lend themselves to the Community Conferencing model, and that the logistics of setting up a Community Conference are extremely time consuming.

Part B. Summary of Meeting with MCPS and Child Welfare Services Staff

MCPS and Child Welfare Services (CWS) enjoy a strong administrative relationship with each other; examples of this include the availability of the CWS Ombudsman⁴ to school-based staff and jointly produced training materials.

OLO’s meetings with MCPS school-based staff and front-line Child Welfare Services staff revealed a desire to strengthen their working relationships at this level. The large number of potential reporters of maltreatment, the demanding and complex work-load of CWS workers, staff turnover, and other issues challenge these relationships.

What follows is a summary of the successes and challenges experienced by staff in both agencies. The assembled group agreed to continue this dialogue, and has already identified actions to address some of the specific concerns.

⁴ See program description of Child Welfare Services in the Appendix (© 17).

1. Front-line and management staff fully recognize that a strong working relationship between MCPS and Child Welfare Services (CWS) is critical to protecting the health and safety of students.

MCPS and CWS staff have worked together to improve how MCPS trains staff to recognize and report suspected child abuse and neglect to CWS. Today, administrators, school counselors, and teachers clearly understand their legal responsibility as mandatory reporters of suspected maltreatment.

The relationship between MCPS and CWS has notably improved over time. The addition of the Ombudsman position to CWS' staff is a good example of how CWS responded to concerns raised by MCPS staff. MCPS staff cite many examples of receiving a prompt and effective response to reported abuse or neglect.

2. MCPS and CWS agree that there are opportunities to revise and expand the current training to identify and report abuse and neglect.

While teachers and school counselors are most often the ones in a position to recognize a student exhibiting the signs of maltreatment, other MCPS staff (e.g., bus drivers, building service workers) and volunteers also may have the opportunity to observe these signs. All personnel who routinely interact with students should be trained to recognize and report suspected abuse or neglect. Additionally, staff note that high rates of employee turnover may warrant more frequent training.

MCPS staff indicate an interest in learning more details about the legal framework of CWS' operations as well as the competing demands on CWS staff time. Training should also emphasize the availability of CWS' Ombudsman to consult with school staff on suspected abuse and to provide information about the status of a specific case.

3. CWS supervisors or other staff with administrative responsibilities may be consulted if school-based staff are frustrated by CWS actions as they relate to a particular student.

School-based staff are well-informed about how to report suspected neglect or abuse. However, staff are not as consistently aware of the opportunity to consult with the CWS Screening Unit Supervisor, the Ombudsman, or the Director of Child Welfare Services if they have questions or concerns about CWS' response to a specific telephone call.

It is critical that school-based staff follow-up and take advantage of the options available to them. News of a single frustrating experience with CWS can travel quickly throughout a school and discourage other staff from making reports.

4. There is a need to research options available to MCPS staff for handling situations of potentially at-risk students, when the facts do not warrant immediate CWS intervention.

It is particularly troubling for MCPS staff when a student has indicated that he/she is “afraid to go home” but the facts of the situation do not warrant immediate Child Welfare Services’ intervention. When this occurs, MCPS staff are concerned about not “doing anything” and frustrated at the limited options that are available.

The work of Child Welfare Services is governed by a network of State laws that mandates strict time frames for investigating alleged situations of abuse and neglect. However, it is not uncommon for situations to arise when a juvenile expresses a reluctance to go home, but the facts do not warrant an immediate Child Welfare Services site visit and investigation.

CHAPTER VII. Findings

The research literature frequently cites juveniles as an undercounted and underserved group of crime victims. Program managers and front-line victim services staff echo this view.

National survey results show that only 36 percent of violent crimes and 12 percent of property crimes committed against juveniles are formally reported to law enforcement authorities. Reasons for underreporting include juveniles' fears of retaliation, blame, and concerns about not being believed.

At the same time, the research shows that juvenile victimization can disrupt a child's development in fundamental ways and contribute to long-lasting problems. While not all juvenile victims of crime experience negative consequences, studies demonstrate a link between juvenile victimization and increased chances of: mental and physical health problems; re-victimization; substance abuse; educational and employment difficulties; and future delinquent and criminal behavior.

Montgomery County, similar to most other jurisdictions, lacks a comprehensive source of data on the numbers of juveniles who are victims or witnesses of crime. In FY04, the Police Department's event reports listed more than 2,700 juvenile victimizations, and Child Welfare Services investigated reports of abuse or neglect involving more 5,600 children. National survey data on victimization suggest there are literally thousands of other unreported crimes with juvenile victims, plus an unknown number of youth who routinely witness incidents of family violence.

This chapter presents the Office of Legislative Oversight's findings in two parts.

Part I, National Overview of Juvenile Victimization, contains findings from OLO's review of the research on the effects of juvenile victimization, national data on juvenile victimization, and lessons from the empirical research and promising practices.

Part II, Montgomery County Findings, contains findings on juvenile victimization in Montgomery County, the legal framework for providing victim services in the County, the current array of programs and activities that serve juveniles who are victims or witnesses of crime, and feedback obtained from OLO's many interviews with management and front-line staff across the agencies.

PART I. NATIONAL OVERVIEW OF JUVENILE VICTIMIZATION

EFFECTS OF JUVENILE VICTIMIZATION

Finding #1: Juvenile victimization can disrupt a child's development in fundamental ways and contribute to lifetime problems.

The research shows that juveniles who are victims of crime face increased chances of:

- Mental and physical health problems;
- Re-victimization;
- Educational and employment difficulties;
- Substance abuse; and/or
- Delinquent or criminal behavior.

While the relationship between victimization and later offending is not fully understood, there appears to be a statistically significant connection. Numerous studies evidence strikingly high rates of childhood victimization among delinquent/criminal populations.

Finding #2: Juveniles who witness violence can experience many of the same effects as juveniles who are primary victims.

The research refers to juveniles who witness violence without suffering direct physical injury themselves as "invisible victims". Various studies document that witnessing community and family violence has a negative impact on a child's emotional, social, and cognitive development. Specific findings include:

- Juveniles who witness violence can develop symptoms such as aggressive behavior, depression, anxiety, and/or post-traumatic stress disorder; and
- Juveniles who are exposed to domestic violence are at higher risk for poor school performance, lack of conflict resolution skills, and depression.

Finding #3: Bullying can have short and long-term negative effects.

Known bullying expert Don Olweus defines bullying as: "The use of one's strength or status to repeatedly intimidate, injure, or humiliate another person of lesser strength or status, and can be categorized as physical, verbal, or social bullying." The research indicates that juveniles who are bullied experience more physical and psychological problems compared to their peers who are not harassed by other juveniles.

The effects of bullying can include: depression, poor self-esteem, and other mental health problems. Students who are bullied may be afraid to go to school. Juveniles who regularly witness bullying can also start to think of school as a less secure place, especially when they fear becoming the next target of bullying.

NATIONAL DATA ON JUVENILE VICTIMIZATION¹

Finding#4: Juveniles are the victims in approximately ten percent of all crime that is formally reported to law enforcement. Males outnumber females for most types of crime, and 12-17 year olds account for the largest group of juvenile crime victims.

The FBI's National Incident Reporting System (NIBRS) for 2001 identifies juveniles as the victim in about 10 percent of all reported victimizations. The largest categories of juvenile victimizations are larceny (30%) and simple assault (30%).

NIBRS data show that for juvenile victimizations: males outnumber females in all types of crime except for kidnapping and sex offenses; 12-17 year olds account for the largest percent of victimizations across all types of crime; and juveniles under age 12 account for almost half of all sex offense victimizations.

NIBRS juvenile victimization data indicate some racial disparity. White juveniles represent 78 percent of the total juvenile population but 67 percent of all juvenile victimizations. And although Black juveniles represent 17 percent of the total juvenile population and 17 percent of all juvenile victimizations, Black juveniles represent 30 percent of juvenile victimizations in the violent crime categories of murder, robbery, and aggravated assault.

Finding #5: Although total crime rates are down, victimization rates for most crimes remain higher for juveniles than for adults. Few violent crimes committed against juveniles occur at school.

Consistent with national crime statistics, the National Crime Victimization Survey (NCVS) reports a significant decline in victimization rates for both adults and juveniles during the past decade. For example, between 1993 and 2000, the victimization rate reported by juveniles ages 12-15 declined from 125 to 60 victimizations per 1,000 juveniles.

While recognizing the good news about lower crime rates, victimization rates remain higher for juveniles compared to adults for all types of crime except homicide. NCVS data from 2000 show a victimization rate for violent crime of 57 per 1,000 juvenile respondents (ages 12-17) compared to 23 per 1,000 adult respondents.

NCVS data show that the annual victimization rate for all crimes (violent and non-violent) committed at school or on the way to school is 64 crimes per 1,000 students. 60 percent of these crimes are property crimes; only five percent are serious violent crimes.

¹ See Findings #12-16 for information on data collection about juvenile victimization in Montgomery County.

Finding #6: Fewer crimes committed against juveniles are reported to law enforcement compared to crimes committed against adults.

It is well documented that many crimes are never formally reported to law enforcement authorities. When compared to crimes committed against adults, an even lower percent of crimes committed against juveniles is reported. Based upon national survey data, estimates are that:

- 36% of violent crimes committed against juveniles is reported compared to 49% of violent crimes committed against adults; and
- 12% of property crimes committed against juveniles is reported compared to 40% of property crimes committed against adults.

The reasons for the comparatively lower reporting rates of crimes committed against juveniles include juveniles' fears of retaliation, being blamed, and not being taken seriously.

Finding #7: In 2003, seven percent of students ages 12-18 reported being bullied in school. The highest bullying rates are found in middle school.

National survey data from 2003 indicate that seven percent of students aged 12-18 reported that they had been bullied in school. The percent of students who report being bullied declines with grade level; 14 percent of all sixth graders report being bullied compared to only two percent of 12th graders. Survey results indicate smaller differences in the rates of bullying by gender and by race/ethnicity.

LESSONS FROM THE EMPIRICAL RESEARCH AND PROMISING PRACTICES

Finding #8: It is hard to measure whether programs that provide victim services achieve desired outcomes.

Examples of the desired outcomes cited in the research literature for victim services programs are similar for adults and juveniles:

- Victims feel they are believed.
- Victims are kept physically safe.
- Victims prevail over the trauma of their victimization.
- Victims realize they can move on.
- Victims have positive experiences with the criminal justice system.
- Victims are not re-victimized.
- Victims do not become offenders themselves.

Quantifying the extent to which a victim has made an emotional recovery is difficult. In addition, because of the many factors that impact how a victim feels and the involvement of multiple service providers, it is often impossible to isolate the effectiveness of a specific intervention.

Finding #9: The limited research conducted on the effectiveness of victim services for juveniles suggests that early intervention makes a difference. In addition, programs should be age-appropriate and involve other family members.

There is little published research on the effectiveness of victim service programs for juveniles. However, the existing studies contain some recurring themes:

- **Early intervention makes a difference.** Multiple studies on victimization document that trauma from an incident may not be revealed by a victim for months or years. Trauma experts generally agree that intervening as soon as possible after an incident, before low self-esteem and negative behavior patterns are established, may be the only opportunity to prevent further psychological problems.
- **Strategies should be age-appropriate.** The research suggests that victim services designed to serve juveniles will be more effective when they recognize the varying abilities and development needs of children at different ages. Programs that are designed for the different stages of child development increase participation and have a greater chance of successful outcomes.
- **Involve other family members.** The likelihood that a juvenile victim of crime will benefit from an intervention increases when the juvenile is fully supported by family members and other caretakers. In addition to the need for basic emotional support, juveniles often need help with logistics, such as transportation.

Finding #10: There are some “promising practices” for working effectively with juveniles who are victims or witnesses of crime.

Many jurisdictions offer programs to assist juvenile victims and witnesses of crime. As noted above, there is little research that “proves” the effectiveness of these programs. However, the following are examples of interventions cited by victim service professionals as “promising practices”. Montgomery County’s programs incorporate many of these practices (see Finding #20, page 87).

- **Promising practices for reducing a juvenile’s feeling of re-victimization by the criminal justice system include:** use child-friendly interviewing techniques; minimize the number of times a juvenile is interviewed; provide juveniles with an advocate throughout the process; and prepare children for their court experience in ways that are age-appropriate.

- **Promising practices for meeting the mental health needs of juvenile victims/witnesses of crime include:** use specialized therapeutic techniques that promote the open discussion of experiences; help children to understand and cope with their emotional responses; and help the juvenile's family create a safe, stable and nurturing environment.
- **Promising school-based practices include:** develop victim service programs that recognize the different immediate, intermediate, and longer-term needs of students; work with all students in the school; involve parents; and create special bullying intervention programs.
- **Promising restorative justice programs involve** the voluntary participation of crime victims and offenders in discussions about an incident. The two most developed and empirically documented types of restorative justice programs are community conferencing and mediation.

PART II. MONTGOMERY COUNTY FINDINGS

LOCAL DATA ON JUVENILE VICTIMIZATION

Finding #11: The County does not maintain a central repository of comprehensive data about juvenile victimization. Applying national survey results on juvenile victimization suggests that each year there are an estimated 11,800 juveniles ages 12-17 in the County who are victims of personal and property crime.

Similar to other jurisdictions, different County agencies collect data on juvenile victimization that makes sense for their respective purposes:

- The Montgomery County Police Department compiles data on the number of juvenile victims of crime based upon event reports;
- The Department of Health and Human Services compiles data on the number of children involved in investigations of alleged maltreatment; and
- Montgomery County Public Schools maintains a database of "serious incidents" that occur at school.

None of these sources provides a comprehensive picture of juvenile victimization in the County. A significant obstacle to quantifying the number of juveniles who are victims of crime is that such a large number of incidents are not reported to enforcement authorities. (See Finding #6)

Applying the 2001 National Crime Victimization Survey results to Montgomery County population data indicates that an estimated 11,800 juveniles (ages 12-17) in the County are victims of personal and property crime every year. Of this total, it is estimated that 4,200 juveniles are victims of violent crime, and 7,600 juveniles are victims of property crime.

Finding #12: The number of juveniles listed as victims of crime on Police Department event records decreased nine percent between FY 02 and FY 04.

Between FY 02 and FY 04, the total number of juvenile victims of crime listed on event reports maintained by the Montgomery County Police Department decreased nine percent from 3,039 to 2,764 juveniles.² The most frequent type of violent crime committed against juveniles in the County is assault and battery. For all crimes except child abuse and sex assault, a majority of the juvenile victims are older teens, i.e., 14 to 18 years old.

Finding #13: The number of reported cases of suspected child abuse or neglect in the County increased 16 percent between FY 02 and FY 04.

Child Welfare Services (CWS) is responsible for investigating all incidents of suspected child abuse and neglect in the County. CWS data for FY 02-FY 04 show that:

- The number of calls received by the Screening Unit (the single point of entry for all reports of suspected maltreatment) increased 16 percent, from 8,488 to 9,892 calls;
- CWS investigations each year involved between 5,602 and 5,673 children; and
- 42 percent of investigations involved suspected neglect, 36 percent involved suspected physical abuse, and 9 percent involved suspected sexual abuse.

Finding #14: The school system's "Serious Incident" database currently is not designed to be a comprehensive source of information about crimes committed against students on a school site. MCPS' regulations delegate responsibility for determining the appropriate course of action following a "serious incident" to the principal.

MCPS' regulations outline a process for reporting all "serious incidents", which are entered into a database maintained by the Office of School Performance. MCPS defines a "serious incident" to include a broad range of health, safety, security and discipline situations. Only a subset of MCPS' serious incidents also meet the definition of a crime; in addition, many lesser crimes (e.g., larceny, minor assault) are not captured in the database.

MCPS defines "serious incident" to include, for example: any incident involving serious injury; serious abuse or assault (physical/sexual); weapons; or a request for police assistance. It also includes any request for emergency medical assistance, a fire, or behavior or serious property damage that results in disruption to the school day. The Appendix (© 75) contains a copy of MCPS' regulation, "Reporting a Serious Incident".

² MCPD event reports include data filed by County police officers, Park Police, and municipal police departments except for Takoma Park.

MCPS' regulation delegates responsibility for determining the appropriate course of action following a serious incident to the principal. According to the regulation:

If the incident involves a student, the principal must make every effort to first contact the parent/guardian of the student before any referral is made unless immediate action is necessary. The principal is also responsible for determining the appropriate course of action after the incident.

LEGAL FRAMEWORK

Finding #15: State and federal law provide a framework of victims' rights in Maryland. These rights apply to all crime victims, including juveniles.

Maryland is one of 34 states with a constitutional amendment mandating certain victim rights. These includes a victim's general right to be treated with respect and dignity during all phases of the criminal justice process, and specific rights to participate in and be notified of events that occur in the criminal justice process related to their victimization.

State law prescribes specific rights of crime victims during the different phases of adjudication. The law assigns law enforcement officers, the State's Attorney's Office, and the Courts with specific responsibilities for ensuring victims of their rights. The law provides that a juvenile victim of crime can exercise his/her rights personally, or designate a family member or guardian to serve as his/her representative.

Finding #16: State law also mandates some special rights for juvenile victims of crime during the trial phase.

In addition to the rights that apply to all crime victims during a trial (e.g., the right to separation from the defendant in the court waiting area, the right to submit a victim impact statement), the law awards juvenile victims of crime with some additional rights.

- A juvenile victim of crime has the right to have a parent or other support person present during his/her testimony.
- If the juvenile is in "extreme emotional distress", the Court may allow his/her testimony via a one-way closed circuit television outside of the presence of the defendant.
- The law requires the State's Attorney to "intercede on behalf of the juvenile's parents or representative" to minimize loss of pay or other benefits that might result from their participation in the proceedings.

An additional accommodation known as the “tender years hearsay exception” is currently under legal challenge. This exception allowed certain professionals such as social workers to provide testimony recounting statements made by a victim under the age of 12 in lieu of the victim’s own testimony.

Finding #17: State law and regulation mandate specific time frames for reporting and investigating suspected child maltreatment.

State law defines “child maltreatment” to include both child abuse and child neglect. By law, health practitioners, educators, human service workers, and police officers must report any suspected incidents of child maltreatment to either Child Welfare Services (CWS) or law enforcement authorities.

CWS staff operate under legally mandated time frames when conducting investigations of suspected child abuse or neglect. For example, after accepting a report of physical or sexual abuse, CWS must make an initial site visit within 24 hours and complete an investigation within ten days.

Finding #18: State regulations on the right of students who are victims of crime to transfer schools in Maryland differ from the federal Department of Education’s guidelines.

The federal No Child Left Behind Act requires that, “. . . a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends . . . be allowed to attend a safe public elementary school or secondary school within the local educational agency.” The federal Department of Education guidelines recommend that the offer to transfer occur within 14 calendar days after it is determined a student has been the victim of a violent criminal offense at the school. (See Page 50)

In Maryland, the State Department of Education regulations implementing this provision require a school system to allow the “timely transfer” of a victim of a violent criminal offense that occurs at school, only after the offender is “convicted or adjudicated” of a violent criminal offense. Linking the right of a victim to transfer to the offender’s “conviction or adjudication” establishes a substantially different time frame for action.

PROGRAMS AND SERVICES IN MONTGOMERY COUNTY

Finding #19: A wide-range of specialized services are available to juvenile victims and witnesses of crime in Montgomery County.

The County Government, Montgomery County Public Schools, the State’s Attorney’s Office, the Sheriff’s Office, several other State and municipal agencies, and public-private partnerships collectively provide many different types of services to juvenile victims and/or witnesses of crime.

For purposes of summarizing the array of services, OLO identified six major service categories.

- Emergency services;
- Information and referral services;
- Mental health services;
- Court-related services;
- Victim compensation; and
- Post-sentencing services.

County Government. Within County Government, the Department of Health and Human Services (DHHS), Police Department, Department of Correction and Rehabilitation, Office of the County Attorney, and Office of Human Rights provide services to juvenile victims/witnesses of crime in all six major service categories.

Comparatively, DHHS provides the largest number of victim services, some designed for juveniles and others available to victims or witnesses of crime regardless of age. The Police Department provides services to juvenile victims of crime who are involved in incidents that are formally reported to law enforcement. The other County Government departments/offices provide more specialized services that focus on subsets of juvenile victims/witnesses.

Montgomery County Public Schools (MCPS). School-based personnel primarily respond to incidents that occur on school property or in connection with a school activities. The staff members involved and the specific intervention strategies vary by incident and by school. MCPS personnel typically involved include Administrators (Principals and Assistant Principals) and some combination of: School Counselors; School Security Staff; Pupil Personnel Workers; Psychologists; and/or the Juvenile Court Liaison Specialist. The primary service focus of MCPS personnel is on emergency intervention, information and referral, and mental health services.

Other State/Municipal Agencies. There are six other State and municipal agencies that provide services to juvenile victims and witnesses of crime: the Sheriff's Office, State's Attorney's Office, the Circuit Court Domestic Violence Assistance Program, Rockville Police Department, Takoma Park Police Department, and the Maryland Department of Juvenile Services. Typically, these agencies provide services to juvenile victims/witnesses of certain types of crime (i.e. domestic violence) or during different phases of the criminal justice process.

Public-Private Partnerships. There are four partnerships between County government agencies and private/non-profit organizations that provide services to juvenile victims of crime: the Montgomery County Child Assessment Center, the Court Appointed Special Advocate program, the Conflict Resolution Center of Montgomery County, and the Sexual Abuse and Assault Center at Shady Grove Hospital. Each of these partnerships provides specialized services that focus on a particular cohort of juveniles.

Finding #20: The programs/services provided in Montgomery County include many of the “promising practices” identified in the research literature as effective strategies for serving juvenile victims/witnesses of crime.

The following strategies cited in the literature as “promising practices” for effectively serving juvenile victims or witnesses of crime are already being practiced (in whole or in part) in Montgomery County:

- **Child-friendly forensic interviewing strategies** are used by the Police Department and Child Welfare Services when interviewing juveniles who are victims of child abuse and/or witnesses to domestic violence incidents.
- **A Court School** curriculum is currently being developed by the Police Department for 10-12 year old victims of sexual abuse and their families.
- **A Court Appointed Special Advocate (CASA) program** is available through the non-profit CASA of Montgomery County. Juvenile Court judges make the decision about when to appoint a CASA.
- **A Child Advocacy Center.** The Montgomery County Child Assessment Center (a public/private partnership between County agencies and the Primary Care Coalition) is in an initial start-up phase, with plans of becoming fully accredited by the National Children’s Alliance.
- **Trauma focused therapy treatment** is provided by several programs that offer mental health services to crime victims/witnesses, including VASAP and Safe Start.
- **Community Conferencing** is available through the Conflict Resolution Center of Montgomery County.
- **The Olweus Bullying Prevention Program** is implemented by MCPS in the Gaithersburg school cluster as part of the Kids First Alliance grant program.

Additionally, multiple Montgomery County service providers practice other “promising practices” such as partnering with schools and involving members of the family when working with juveniles who have been victimized.

Finding #21: Under current agency practices, the services offered to a juvenile victim or witness of crime are not always the same. Some of the variability is justified by different needs or demands for services; in other cases, it results from resource constraints and/or program eligibility requirements.

Not every juvenile victim or witness of crime is offered the same package of services. Some of the variability is justified by different needs and demands for services. For example, a juvenile victim/witness of crime only needs court-based services if he/she is involved in a case being adjudicated. In other cases, services are not fully available because of resource constraints or program eligibility requirements.

There are multiple factors that systematically impact service availability. These include:

- **The type of crime** – Certain programs tailor their services to a particular subset of juvenile victim/witness or exclude certain others. Also, the type and severity of crime committed can impact the availability of court-related services.
- **The age of the victim** – Some programs target specific age cohorts and others require parental/guardian consent depending on age.
- **Whether the incident occurs at school** – Some unique characteristics are associated with the response to incidents that occur on an MCPS site or in conjunction with a school-sponsored activity. In general, MCPS delegates responsibility for deciding the appropriate course of action to individual principals.
- **Whether the crime is formally reported to enforcement authorities** – Certain services to juvenile victims/witnesses of crime are triggered by a formal police report or report to Child Welfare Services. In some instances, a formal report is a prerequisite for services; in other cases, programs identify their clients by reviewing police reports and/or court documents.
- **Whether the alleged offender is an adult or a juvenile** – The age of the offender has an impact on some of the court-related and post-sentencing services offered to juvenile victims of crime, as well as who provides them.

Finding #22: The State’s Attorney’s Office (SAO) currently provides specialized victim services to less than 20 percent of cases involving a juvenile victim and/or witness.

The SAO prosecutes an estimated 1,600 cases per year in Circuit, District, and Juvenile Court that involve victims and/or witnesses who are under 18 years old. The SAO currently has three Victim Witness Coordinators, who are assigned to “victim intensive” Circuit Court cases indicted by the Grand Jury, e.g., murder, rape, robbery, assault, and child abuse.

Activities of the Victim Witness Coordinators include arranging for pre-trial conferences with victims and witnesses, travel logistics, coordinating testimony, answering questions, court accompaniment, and a variety of other services involved with preparing and supporting victims and witnesses throughout the process of a jury trial.

The Victim Witness Coordinators provides specialized victim services to an estimated 20 percent of the SAO’s cases each year that involve a juvenile victim and/or witness. In comparison, the other 80 percent of juveniles involved as a victim or witness in a misdemeanor case scheduled in either District Court or Juvenile Court (or in a non-victim intensive case in Circuit Court) receive only the minimal victim notification services mandated by law.

FEEDBACK FROM THE FIELD

Finding # 23: The array of services available to serve juveniles who are victims and/or witnesses of crime is disaggregated. There is no single source of information about available services and many agency staff are only familiar with the subset of programs they work with on a regular basis.

The array of services available to serve juveniles who are victims and/or witnesses of crime is complex:

- Programs are housed in multiple agencies across the criminal justice and health and human service systems;
- There are countless ways that juveniles who are victims/witnesses become “known” to agency staff, i.e., there is no single-entry point; and
- Although many staff have developed their own informal lists of relevant services and contacts, there is no central repository of program information.

Staff at both the senior management and front-line levels expressed a keen interest in knowing more about program offerings across the agencies, including information such as eligibility criteria, the process for accessing services, and where to obtain more details, e.g., staff names, telephone numbers, email addresses, Internet sites.

Finding #24: Access to public mental health resources remains an often cited obstacle to promoting the emotional well-being of juvenile victims of crime. Linkages to Learning receives praise as a model for providing general mental health services to children and their families.

The process of accessing children’s mental health services is perceived as cumbersome and often ineffective. The service gaps identified by agency staff include:

- A lack of uniform understanding among front-line staff about available programs and eligibility criteria, i.e., not everyone is aware of the Access Team;
- A lack of services offered at convenient times and accessible locations; and
- A lack of therapists who speak languages other than English;
- A lack of therapists with specialized training in treating juveniles who have experienced trauma.

Agency staff frequently voiced praise for Linkages to Learning as a successful model for providing services to students and their families. The characteristics of Linkages that are key to its success are that it: eliminates transportation as an obstacle; routinely provides services in Spanish as well as English, and often reaches out to other members of a student’s family. A limitation of Linkages to Learning is that the program is currently available only at 23 public school sites. In addition, some concern was expressed about Linkages’ capacity to work with juvenile victims of crime due to the relative inexperience of many Linkages’ therapists and their lack of specialized training in treating juveniles for trauma.

Finding #25: Across all victim services, there is need for more “bilingual and culturally competent” professionals to help serve the increasing numbers of immigrant and Limited English Proficient members of the community.

Despite the progress made by the County in recent years, the general consensus among agency staff was that there continues to be unmet needs for bilingual and culturally competent professionals.

When dealing with the difficult issues associated with victimization, the problems posed by language and culture barriers are seen as particularly significant. The structure and environment of a juvenile’s home life should be considered in service design and delivery.

Finding #26: There are multiple understandings of both the current and future roles of the Montgomery County Child Assessment Center.

During the course of conducting this study, OLO heard multiple explanations (and some confusion) from agency staff about the current and future role of the Montgomery County Child Assessment Center (CAC). Different descriptions were offered on threshold issues, such as the CAC’s purpose, funding, service offerings, and future plans.

NOTE: The multiple understandings of the CAC are likely due in part to the fact that discussions about the need for a CAC in Montgomery County have taken place for more than a decade. Today, the CAC continues to be a “work in progress”.

At the request of the Council’s Public Safety Committee and Health and Human Services Committee, the Advisory Group for the CAC is developing a plan that outlines the future of the CAC, including steps needed to obtain accreditation from the National Children’s Alliance.

Finding #27: The Conflict Resolution Center’s Community Conferencing program is a “promising practice” for serving the needs of some juvenile victims of crime. However, the program is not widely known and agency staff are reluctant to use it due to “time consuming” logistics.

The Conflict Resolution Center of Montgomery County (CRCMC) is a non-profit organization that provides conflict resolution services such as mediation, facilitation, teaching, training, and technical support. At this time, CRCMC is supported by grants and donations, and does not charge for services.

Staff who have worked with CRCMC report mixed experiences. On one hand, Community Conferencing offers a unique opportunity for victims and offenders to engage in a facilitated meeting that allows everyone affected by a conflict to be heard. On the other hand, staff report that many conflicts are not appropriate for Community Conferencing, and the logistics of setting up a Community Conference are extremely time consuming.

Finding #28: Staff from Montgomery County Public Schools (MCPS) and Child Welfare Services (CWS) are working together to improve their ongoing relationship, which they jointly recognize is critical to protecting the health and safety of students.

Over the years, MCPS and CWS staff have worked together successfully to train MCPS staff to recognize and report suspected child abuse and neglect. While the relationship between the two agencies has notably improved over time, there continue to be opportunities to improve the communication and ongoing working relationship.

As the result of an inter-agency meeting held in January 2005, a number of new initiatives will be implemented. These include some revised approaches to training and additional outreach highlighting the availability of the CWS ombudsman and supervisors to consult on difficult cases.

Finding #29: MCPS staff report frustrations with the lack of options for handling situations of potentially at-risk students, when the facts do not warrant immediate intervention from Child Welfare Services (CWS).

It is particularly troubling for MCPS staff when a student has indicated that he/she is “afraid to go home” but the facts of the situation do not warrant immediate Child Welfare Services’ intervention. When this occurs, MCPS staff are concerned about not “doing anything” and frustrated at the limited options that are available.

The work of CWS is governed by a network of State laws that mandates strict time frames for investigating alleged situations of abuse and neglect. However, it is not uncommon for situations to arise when a juvenile expresses a reluctance to go home, but the facts do not warrant an immediate CWS site visit and investigation.

Finding #30: There are outstanding issues to resolve concerning the flow of information between MCPS and the criminal justice agencies.

There are different views about what and when information should be shared between MCPS, the Police Department and the Department of Juvenile Services. Sorting out this issue is made more complicated by a network of laws, policies, regulations and practices governing confidentiality and due process rights that affect the substance and timing of information sharing.

Information flow between MCPS and the Department of Juvenile Services. MCPS personnel expressed concern about the uneven flow of information from the Department of Juvenile Services (DJS) concerning students who are returning to an MCPS school site after having been either detained or confined at a DJS facility, such as the Alfred D. Noyes Center or Charles H. Hickey, Jr. School.

When asked what information is needed about returning students, the answer provided by MCPS staff most often centered around knowing, at a minimum:

- Exactly when a juvenile will be returning to an MCPS school;
- The conditions of the juvenile's release or probation (if applicable);
- If a newly enrolled student is living in a State-certified group home; and
- Information that enables MCPS to facilitate the student's entry or re-entry into the regular school environment.

In addition, if the juvenile was detained or confined because of an incident involving another student, then MCPS staff want to know who the victim was and where the victim attends school. This information is considered essential if school-based staff are going to take any action to address the needs of the victim, e.g., inform the victim beforehand that this individual is returning to school, adjust the victim's schedule so that he/she can minimize contact with the returning juvenile.

When asked about sharing information with MCPS, the DJS staff interviewed identified the following issues:

- There are laws governing the confidentiality of information about juveniles under the custody of DJS;
- A juvenile who is returning to school has the right to be treated the same as any other student; and
- There have been incidents where school-based personnel have "inappropriately shared information" about a juvenile who has been detained or confined by DJS.

Information flow between MCPS and the Montgomery County Police Department (MCPD). Representatives from both MCPS and MCPD identified the need to improve the routine flow of information between the two agencies. There is general consensus that the advent of the Educational Facilities Officers has improved communication, but there is still more work to be done.

As their highest priority for improvement, MCPS staff would like the Police Department to more consistently notify the Department of School Safety and Security (DSSS) about incidents that occur in the community that could impact the safety and security of students during their educational day.³ In addition to increasing DSSS' general awareness of community safety issues, this would alert security staff about incidents in the community that might spill over into the interactions among students during the school day. MCPS would also like to consistently receive notification of incidents that results in death or serious injury to students or staff (e.g., traffic fatality), in order to be prepared to deal with the traumatic effects of such events.

³ The State law requirement for notification only applies to arrests of students for "reportable offenses"; see page 52.

As their highest priority for improvement, MCPD personnel would like to receive timely notification of “serious” school-based incidents on a more consistent basis. Prompt and consistent notification enhances the Police Department’s opportunity to file timely event reports, conduct effective investigations, and offer victim services. In addition, prompt notification provides the Department with a more complete and current picture of potential community safety issues.

Officers report that they are often brought into a case after the school’s administrative investigation is concluded. MCPD personnel indicate that this sequence of events can impact their ability to conduct an efficient and complete police investigation. MCPD advises that it is far preferable when the police are able complete their investigation before MCPS conducts its investigation.

CHAPTER VIII. Recommendations

The Office of Legislative Oversight recommends the Council act to improve the collective agency response to juveniles who are victims and witnesses of crime in Montgomery County. This chapter outlines OLO's recommendations to enhance:

- Awareness of the prevalence and consequences of juvenile victimization;
- Training and practices related to early identification of juveniles who are victims or witnesses of crime; and
- Availability of specialized services to juvenile victims and witnesses of crime.

OLO believes that substantial improvements can be made through a better exchange of information about existing programs, and greater coordination across agency and program boundaries. However, OLO also recommends the Council consider approving some additional resources to further the goal of providing juvenile victims or witnesses of crime with timely and effective services.

Recommendation #1: Expand membership on the inter-agency Victim Services Task Force and assign three new tasks to improve how juvenile victims and witnesses of crime are identified and served.

The Council and the Executive formed the inter-agency Victim Services Task Force in 2003, following Council action on the Office of Legislative Oversight's report on services to adult victims and witnesses of crime. The Task Force includes staff from the Department of Police, Department of Health and Human Services, Department of Corrections and Rehabilitation, Sheriff's Office, and State's Attorney's Office.¹

The Task Force has worked to address the Council's recommendations for action as well as other initiatives aimed to improve victim services. Building upon the work of an existing Task Force:

- Avoids the creation of yet another group that would involve many of the same participants;
- Takes advantage of existing working relationships among service providers housed in different programs and agencies; and
- Promotes the development of a coordinated network of victim services for juveniles that is connected to similar services provided to adults.

¹ The Victim Services Task Force's latest status report to the Council, dated February 8, 2005, is attached beginning at page 102.

OLO recommends that the Council formally request the Task Force expand its membership to include representatives from the following agencies and programs:

- Montgomery County Public Schools;
- Juvenile Court Team, State's Attorney's Office;
- Educational Facilities Officers, Montgomery County Police Department;
- Department of Health and Human Service programs that serve juvenile victims/witnesses of crime: Child Welfare Services, Child and Adolescent Mental Health Services, School Health Services, and Linkages to Learning; and
- Maryland Department of Juvenile Services.

OLO recommends the Council ask the expanded Task Force to tackle three specific tasks outlined below. OLO recommends the Council continue to monitor the progress of the Task Force through a combination of written status reports and meetings with the Council.

TASK A – Develop a training module on: (1) the effects of juvenile victimization; (2) how to recognize and provide an initial response to juveniles who have been victims or witnesses to crime; and (3) how to connect juveniles to support services.

Identifying juvenile victims or witnesses of crime is the essential first step to addressing the consequences of victimization. To facilitate early identification and intervention, OLO recommends the Council ask the Task Force to develop a training module on:

- The effects of juvenile victimization, including increased chances of mental and physical health problems, re-victimization, and delinquent behavior;
- How to recognize and provide an initial response to a juvenile who may be a victim of abuse/neglect, or a victim/witness of family violence or other type of crime; and
- How to connect juveniles to the appropriate victim support services that are available in the County.

Once developed, this module could be incorporated into training that is already provided to agency staff who routinely interact with juveniles.

TASK B – Ensure that DHHS' new information and referral line has current information about services available to juvenile victims or witnesses of crime.

OLO's 2003 report on services for adult victims of crime identified a need across agencies for improved access to current and complete program information on victim services. The same need exists for access to information about victim services for juveniles.

In January 2005, the Department of Health and Human Services announced a new information and referral line. Information specialists staff the phone line Monday through Friday, from 8:30 a.m. to 5:00 p.m.; after-hours calls are automatically referred to the 24-hour Crisis Center. The line offers assistance in multiple languages.

OLO recommends that the Task Force work with DHHS to ensure that the staff of the new information line have access to descriptions and contact information for all victim services available to adults and/or juveniles. The Task Force can then publicize the DHHS phone line as the place for providers as well as members of the public to call for current information about victim services. The Task Force should discuss the need for a written brochure that includes the DHHS information and referral telephone number, accompanied by brief descriptions of the different victim services available.

TASK C – Identify changes in agency practices and resources that will improve the consistency of victim services offered to juvenile victims or witnesses of crime.

Under current agency practices, the services offered to juvenile victims or witnesses vary according to multiple factors, such as:

- The type of crime;
- The age of the victim;
- Whether the incident occurs at school;
- Whether the crime is formally reported to enforcement authorities; and
- Whether the alleged offender is an adult or a juvenile.

As indicated earlier, some of the variance is justified by differences in need and desire for services. In other cases, however, the variance is due to resource constraints and/or program eligibility requirements.

OLO recommends that the Council ask the Task Force to identify the changes in agency practices and resources that would result in more consistent services being offered to juvenile victims/witnesses of crime, understanding that some justified variances will continue to occur. In general, the desired result following an incident would be for the parents or guardians of any juvenile victims and witnesses to be contacted and provided with a package of services that, for example, includes:

- Information about victims' rights throughout the criminal justice process;
- Information on how to file criminal charges and how to obtain temporary protective or peace orders;
- Referrals to emergency shelter, medical care, or financial assistance;
- Referrals to short-term and long-term mental health services;
- Referrals to additional victim services, such as court preparation and court accompaniment; and
- Assistance with applying for victim compensation.

OLO recommends the Task Force consider the wide range of scenarios that involve juveniles as victims/witnesses of crime. For example, crimes reported to the police and those that are not formally reported; crimes that takes place on school property and ones that occur in the community. In addition, the Task Force should take into account the legal framework surrounding victim services, including: the laws governing the work of Child Welfare Services, the State's Attorney's statutory responsibilities; and how the criminal justice process differs when there is a juvenile vs. adult offender.

Recommendation #2: Consider adding resources to the State's Attorney's budget during FY 06 to better serve juveniles who are victims or witnesses in cases moving through the criminal justice system.

A fundamental victim's right, required by law, is to be treated with "dignity, respect, and sensitivity" at all phases of the criminal process. Juveniles who are victims or witnesses in cases moving through the criminal justice system deserve special attention because young people are especially vulnerable to feeling re-victimized by the complex and sometimes intimidating adjudication process.

Currently, the Office of the State's Attorney's staff includes three Victim Witness Coordinators, who are assigned to "victim intensive" Circuit Court cases indicted by the Grand Jury, e.g., murder, rape, robbery, assault, and child abuse. Almost all of these cases involve adult offenders and are heard in regular Circuit Court; a very small number involve juvenile offenders and are heard in Juvenile Court. Victim Witness Coordinators arrange pre-trial conferences with victims and witnesses, assist with travel logistics, coordinate testimony, accompany juveniles to court, answer questions, and perform a variety of other services to prepare victims and witnesses for a jury trial.

The State's Attorney prosecutes an estimated 1,600 cases per year that involve juvenile victims and/or witnesses. With the current complement of three Victim Witness Coordinators, only a portion (fewer than 20%) of these cases receive more than the minimal victim notification services that are mandated by law. Ideally, every juvenile who is a victim or witness in a case moving through the criminal justice system would receive the appropriate level of support services from a Victim Witness Coordinator.

OLO recommends that the Council ask staff, in consultation with the SAO, to develop a proposal during FY 06 that would provide improved victim and witness services to all juveniles involved in cases being prosecuted by the SAO. Recognizing that it will require additional resources to address the current service gap, OLO recommends the development of alternative two- and three-year plans that address the following issues:

- How the needs of juvenile victims and witnesses of crime vary by type of case, e.g., a case on the regular District Court docket vs. the Domestic Violence docket; a case involving an assault by a stranger vs. a case involving child abuse;
- How the addition of Victim Witness Coordinators or other staff (e.g., prosecutors; legal assistants) to the SAO will alter the experience of juvenile victims and witnesses;
- The pros and cons of establishing a centralized Victim Witness Coordination unit in the SAO vs. the current structure that assigns Victim Witness Coordinators by team and court venue; and
- Opportunities for partnering with staff from other places (e.g., DHHS, Police Department, CASA) to support the needs of juvenile victims and witnesses throughout the adjudication process.

Recommendation #3: Pursue three opportunities during FY 06 to improve mental health services for juvenile victims or witnesses of crime.

A recurring concern voiced by agency staff was how hard it is to obtain public mental health services for juveniles. In addition to perceiving the system as cumbersome to access, front-line staff repeatedly identified significant service gaps including: an insufficient number of providers, the lack of specialized services; the lack of crises beds; and the lack of transportation.

The problems associated with accessing public mental health services for juvenile victims or witnesses of crime mirror the problems associated with accessing public mental health in general. In other words, they are similar to the concerns voiced by others about the overall problems with the current state of the public mental health system.

While the Council continues to press for improvements in all aspects of the public mental health system, OLO recommends the Council pursue three initiatives during FY 06 as tangible opportunities to address the significant mental health needs of juvenile victims and witnesses of crime:

- **Request that the Chief Administrative Officer develop a plan to expand eligibility for the Victim Assistance and Sexual Assault Program (VASAP).** VASAP's therapists, who have special training and expertise in treating victimization, offer highly regarded mental health services. Under current guidelines, VASAP's specialty mental health services are available to juveniles who are victims of physical or sexual assault by a stranger but not to juveniles who are victims of physical or sexual abuse (Child Welfare Services' clients).

OLO recommends that the Council request the CAO to develop a plan (for implementation during FY 06) to expand eligibility for VASAP's specialty mental health services to juveniles who are victims of sexual abuse. Over time, OLO recommends that DHHS consider further expanding VASAP's eligibility criteria to provide specialty mental health services to other juvenile victims of abuse and neglect.

- **Continue funding for the Safe Start pilot program to provide specialized mental health services for juveniles exposed to domestic violence.** At the Council's direction, the FY 05 approved budget included \$100K to provide mental health services for juveniles who have been exposed to domestic violence. As a pilot program, these funds were placed in the Office of the Sheriff.

The Council's Public Safety and Health and Human Services Committees have been monitoring implementation of the pilot program titled "Safe Start". The data generated from the first months of operation suggest there is a steep demand for mental health services for children exposed to family violence.

Similar to other services for juvenile victims, Safe Start should be managed in such a way that it is well integrated into the existing service network. Toward this end, OLO concurs with Council staff's latest recommendations on Safe Start, which are: (a) to continue the program into FY 06 with the intent to transition funds over time to DHHS, where staff are positioned to provide clinical supervision and coordination with other mental health services; and (b) make funding contingent upon the implementation of protocols for sharing information between programs.

- **Continue to fund the six-year Linkages to Learning expansion plan and offer specialty training to Linkages staff related to identifying and treating victimization.** Linkages to Learning is a joint effort among the County Government Montgomery County Public Schools, and non-profit sector to deliver services in a school setting. A recurring theme of OLO's interviews with front-line staff across the agencies is that "Linkages works." Over and over again, OLO heard positive feedback about Linkages because of its school-based location, its language capacity, and its approach to working with children and other family members.

OLO recommends the Council continue to fund the six-year plan for expanding Linkages to new sites. To enhance the capacity of Linkages staff to work effectively with juveniles who are victims or witnesses of crime, OLO recommends that Linkages staff be offered specialty training during FY 06 to identify and treat juvenile victimization.

Recommendation #4: Make future County funding of the Child Assessment Center contingent upon receipt of a plan that demonstrates integration of the Center into the existing service network.

In December 2004, the Council's Health and Human Services and Public Safety Committees received a status report on the Child Assessment Center. As a result, the Committees requested the CAC Advisory Group to develop a plan that outlines steps for the CAC to meet its long-term goals, including accreditation from the National Children's Alliance.

OLO concurs with the CAC's advocates that there is tremendous value in providing a comprehensive, multi-disciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. The Committees' recent direction to the CAC Advisory Group to develop a plan is a necessary and logical next step.

Consistent with the Committee's action in December, OLO recommends that the Council make additional County funding of the CAC contingent upon receipt of a plan that demonstrates how the CAC will be integrated into the existing network of related programs and services. Further, the Council should encourage development of a CAC that takes full advantage of non-County funding and services available from external providers, e.g., the Sexual Abuse and Assault Center at Shady Grove Adventist Hospital.

Recommendation #5: Consider three follow-up assignments for future OLO work programs.

During the course of conducting this study, OLO identified several significant issues that were beyond the scope of OLO's current assignment. OLO recommends the Council consider the following as projects for future OLO work programs.

ASSIGNMENT A: Examine the sharing of "essential" information between MCPS and criminal justice agencies.

OLO recommends this topic for additional study because agency staff have different views on what information is "essential" to share, and different views on the potential advantages and disadvantages of sharing such information. In addition, there is a complex network of laws, policies, regulations, and practices governing confidentiality and due process rights that affect the substance and timing of information sharing.

The phrase "essential information" is used because of the examples cited by staff where they believe an improved flow of information from another agency would allow them to better perform their jobs. For example:

- MCPS' Department of School Safety and Security staff cite the importance of being kept fully apprised by the Police Department about incidents that occur in the community that could impact the safety and security of students during the educational day. MCPS would also like to consistently receive notification of incidents that result in death or serious injury to any student or staff (e.g., traffic fatality), in order to be prepared to deal with the traumatic effects of such events.
- Police Department personnel cite the importance of prompt and consistent notification about "serious" school-based incidents. Such notification enhances the Police Department's opportunity to file timely event reports, conduct effective investigations, and offer victim services. In addition, it provides the Department with a more complete and current picture of potential community safety issues.
- MCPS staff also cite the importance of communication from the Department of Juvenile Services (DJS) about students who are returning to an MCPS school site after having been detained at a DJS facility, e.g., Alfred D. Noyes Center, Charles Hickey, Jr. School. The information cited by MCPS as essential to receive includes, for example, knowing exactly when the student will be returning and the conditions of the juvenile's release or probation.

ASSIGNMENT B: Research options for handling situations where a student informs an MCPS staff member that he/she is “afraid to go home” but the circumstances do not warrant immediate Child Welfare Services’ intervention.

During the course of conducting this study, OLO heard multiple variations of the above situation. In each case, MCPS staff expressed frustration about not being able to “do anything” because of the limited options that are available.

The work of Child Welfare Services is governed by a network of State laws for investigating alleged situations of abuse and neglect. However, situations arise when a juvenile expresses a reluctance to go home, but the facts do not warrant immediate Child Welfare Services intervention.

The purpose of this assignment would be to research options available to MCPS staff when they have reasonable concerns about allowing the juvenile to go home, but Child Welfare Services has legitimately made the decision that staff will not be dispatched immediately to conduct an investigation. OLO’s research would include options available through current resources (e.g., contacting law enforcement or the Crisis Center) and learning how other jurisdictions handle similar situations.

ASSIGNMENT C: Review MCPS’ approach to tracking and reporting “serious incidents”.

Montgomery County Public Schools maintains a database of “serious incidents” that occur at any MCPS school site or in connection with a school-related activity. This database serves multiple purposes and is not currently designed to provide comprehensive information about juvenile victimizations.

The purpose of this assignment would be to examine, in consultation with MCPS staff, whether there are opportunities to improve how MCPS defines, reports, and tracks “serious incidents”. The examination would include looking at how the serious incident database is currently used by MCPS personnel, and how a different approach of collecting data might be used effectively for making decisions related to school security and/or for meeting the needs of students who are victims or witnesses of crime that occur at school.

The task would also include reviewing the pros and cons of developing some type of annual report to the public on the number and type of “serious incidents” that occur on MCPS school sites or in connection with a school-related activity.



DEPARTMENT OF POLICE

Douglas M. Duncan
County Executive

J. Thomas Manger
Chief of Police

MEMORANDUM:

February 8, 2005

TO: Linda McMillan, Staff
Montgomery County Council
Public Safety Committee

VIA: Bruce Romer, Chief Administrative Officer *[Signature]*
J. Thomas Manger, Chief of Police *[Signature]*
Carolyn W. Colvin, Director *[Signature]*
Health and Human Services

FROM: Deirdre I. Walker, Assistant Chief of Police *[Signature]*
Dudley Warner, Health and Human Services *[Signature]*
Co-Chairs, Victim Services Task Force

SUBJECT: Victim Services Update (VS) 2005

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COUNCIL
2005 FEB 18 PM 3:49

The purpose of this memorandum is to provide you with a periodic update of the workgroup's efforts regarding Office of Legislative Oversight (OLO) Report 2003-2, Service to Victims and Witnesses of Crime in Montgomery County. This update will be framed by the original recommendations and action items included in that report:

- Recommendation 1: Develop a coordinated network of victim services:
- A shared resource directory: Previously, we had planned for the Services Locator to be used as a common data base for resources by all the victim services programs. It was previously used by the Department of Health and Human Services for this purpose, but is no longer useable since funding that is required to keep the system updated no longer exists.
- Written policies and protocols: Work is proceeding on a limited waiver that will enable the level of information sharing among service providers that is necessary to most



effectively address this recommendation. The primary hurdle remains the sharing of information that is subject or is perceived to be subject to confidentiality. Dudley Warner has worked with Assistant County Attorney Anne Windle to craft a release form that will meet the needs of both victims and service providers. This has been a protracted effort due mainly to the complexity of the issue of confidentiality, which potentially involves the entire array of service providers. The current proposal is based on a completed effort that has enabled limited sharing of client information across public and private emergency mental health systems in Montgomery County.

- Develop a shared victim database: Work on this recommendation is effectively suspended due to a lack of funding. Chief Walker contacted the Council in the spring of 2004 to request that this item be placed on the Council's competition list. This item was not funded in the FY 05 budget.
- Develop an inter-agency public education campaign about victim services: A training sub-committee of the work group produced a multi-lingual public service announcement script that was subsequently run on Montgomery County Cable. A second Public Service Announcement (PSA), targeted toward Domestic Violence (DV), is in progress. These efforts are continuing.
- Create a joint strategy for serving non-English speaking victims: The County has established a collaborative relationship with Migrant and Refugee Cultural Support, Inc. (MIRECS). HHS and MIRECS have jointly sponsored two training sessions targeting service providers, relevant to issues affecting immigration and domestic violence. Additionally, the Sheriffs and the State's Attorney Office (SAO) have established a Memorandum of Understanding (MOU) regarding a grant funded by the Department of Justice (DOJ), designed to provide more victim assistant positions, investigative screeners and funding for MIRECS training. This strategy also serves to address the joint-training action item below.
- A system-wide needs assessment: The work group has developed a victim satisfaction survey that the Police expect to pilot, commencing imminently. Interns have been trained to execute the instrument in both English and Spanish and partner agencies have been notified that some of their clients may be contacted. The other departments involved in providing victim services will implement the use of this satisfaction survey following the pilot. SAO expects to mail the satisfaction surveys along with victim impact statements.
- Joint training opportunities: During the calendar year of 2004, various service providers participated in a training session on VS 2000. The training was sponsored by the Victim Services Task Force and was very well attended by all of the main task force participants

along with other service providers. As a result of this training, the participating agencies collaborated on a grant application intended to fund a coordinator's position. The coordinator would have been responsible for implementation of a program similar to the VS 2000. However, this application was not successful.

- A consistent method of tracking and reporting workload activity data across programs: Data is collected by each victim services program, but is duplicative from program to program without access to a shared data base. Individual programs have improved tracking efforts to accommodate a variety of data needs, which are usually program specific. The involved service providers are reviewing possible paper-based tools. However, the collection, storage and analysis functions associated with a paper tool create work that is not directly associated with service provision and that none of the service providers have staff to address. We will continue to discuss a template that could be converted, in the event a digital system is ever made available. However, the involved programs have significantly different needs regarding data collection, due to the difference in types of service provided. The current proposal is attached and dialog will continue.
- Recommendation 2: Continue work on resolving problems and issues related to coordinating emergency victim services to adult rape/sexual assault victims: Both the police and Health and Human Services (HHS) continue to work to improve emergency services to victims. To this end, Health and Human Services/Victim Assistance Sexual Assault Program (HHS/VASAP) and personnel from Montgomery County Police (MCP) Major Crimes Division engage quarterly case review meetings to ensure that there is an efficient hand-off at the hospital, along with appropriate follow-up and provision of services to victims who have delayed reporting to the police.
- Generally, the level and quality of communication and coordination between the police department and HHS continues to improve. Directors at both agencies have communicated continuing expectations for cooperative efforts, and there have been many to date. HHS and MCP currently participate in a monthly program manager's meeting, where issues related to service provision and case management are addressed proactively. These units also participate in a quarterly review of cases involving victims of sexual assault. We believe that these meetings are very effective in improving communication and cooperation among and between the service providers.
- Recommendation 3: Consolidate the two County victim compensation funds and seek legislation to require state reimbursement of county eligible expenses: COMPLETED
- Recommendation 4: Lobby the state to evaluate and improve the Victim Information and Notification Everyday (VINE) system: Due to the pending expiration of the state

contract with VINE, we have been unable to secure significant state level modifications to the system. In spite of this hurdle, there have been improvements proposed at the local levels that are designed to fill what might be critical gaps in the current notification system. The proposed adjustments require that, after initiating an on-view domestic violence arrest, police officers place domestic violence victims into timely, direct telephone contact with the crisis center. Officers will also be required to obtain a phone number for the victim, where either jail personnel or crisis center personnel can contact the victim for up to twelve hours after the arrest, in the event the defendant is released on bond. This process was designed to provide safety planning

- guidance, counseling and safety information to victims prior to the point where the VINE system is activated. Since these procedures are mandatory, they are subject to effects bargaining within the police department, and this process has been initiated.
- Recommendation 5: Request a companion study that examines the services provided to juvenile victims of crime: This request has been initiated by Council. OLO is currently working on this study, with the assistance of all service providers.

We believe the information in this report demonstrates a committed and coordinated effort on the part of the service providers. While some areas of the report have not been fully addressed, we continue to engage in cooperative dialogue on behalf of the victims of crime in Montgomery County.

DW:dw

VICTIM SERVICES

INTERAGENCY COLLABORATIVE MISSION:

To facilitate safety planning by enforcing protective orders and alerting victims when offenders are released; to support victims of crime by providing services that promote recovery and reduce long-term mental and substance abuse problems; and to hold offenders accountable by arresting and prosecuting them.

COMMUNITY OUTCOMES SUPPORTED:

- Children and vulnerable adults who are safe
- Children and adults who are mentally healthy
- Safe communities
- Protection of the lives and property of County citizens and businesses
- Efficient use of tax dollars and County resources
- Informed citizens and businesses
- Provide responsive government

INTERAGENCY MEASURES

	FY00 ACTUAL	FY01 ACTUAL	FY02 ACTUAL	FY03 BUDGET	FY04 TARGETS @ MARC
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COMMUNITY LEVEL OUTCOMES/ RESULTS:

- Number of crime victims
- Number of sexual assaults
- Number of assaults
- Number of homicides
- Number of robberies
- Number of domestic violence injuries
- Number of domestic violence deaths

SYSTEM LEVEL OUTCOMES/ RESULTS:

- Percentage of referrals between Victim Services programs that initial appointment was kept (victim followed through on next steps)
- Percentage of victims who file for protective orders who follow through
- Percentage of people injured by DV who were previously being served in the victim services system
- Percentage of people injured by DV who are currently being served in the victim services system

Community Level Service Quality:

- Percentage of Victim Services programs using a common "shared resource directory"
- Percentage of Victim Services programs who had at least one staff member participate in inter-agency training opportunities
- Percentage of victims who have received at least one victim service
- Percentage of Victim Services cases served that were non-English speaking
- Percentage of Montgomery County crime victims registered with VINE

Community Level Workload/Outputs:

- Number of individuals served by all victim services
- Number of contacts on scene
- Number of contacts via telephone
- Number of inter-agency public education campaigns about Victim Services
- Number of individuals provided with safety planning
- Number of individuals provided with follow up counseling
- Number of who obtain Civil Orders
- Number of individuals provided court accompaniment
- Number of victims who receive crime victim compensation
- Number of victims registered with VINE

Notes:

CHAPTER IX. Agency Comments on Final Draft

The Office of Legislative Oversight circulated a final draft of this report to the agencies and service providers included in our study of victim services to juvenile victims and witnesses of crime in Montgomery County.

Formal written comments were received from the County Government, Montgomery County Public Schools, Office of the State's Attorney, and Office of the Sheriff, and are attached in their entirety:

- Comments from Bruce Romer, Chief Administrative Officer (page 108);
- Comments from Larry Bowers, Chief Operating Officer, Montgomery County Public Schools (page 110);
- Comments from Douglas Gansler, State's Attorney (page 111); and
- Comments from Raymond Kight, Sheriff (page 113).

Summary of Changes to the Draft Report

OLO's final report incorporates technical corrections provided by agency staff. In addition, based upon additional research and feedback received during the comment period, OLO edited the report to:

- Clarify that some of the variation in services to juvenile victims/witnesses of crime is justified by differences in needs and requests for service.
- Clarify that data based on event reports represent incidents reported to the Police Department regardless of case status or disposition.
- Substitute more recent agency performance data in the Appendix, and more recent National Crime Victimization Survey data in Chapter II, National Overview of Juvenile Victimization.

OLO also added: a summary description of the federal Family Educational Rights and Privacy Act (FERPA) in Chapter IV, Legal Framework for Victim Services; and a section in Chapter IV, Feedback from the Field, that articulates concerns expressed by Montgomery County Public Schools and Montgomery County Police Department staff about the flow of information between the two agencies.

One of OLO's recommendations for follow-up work (Recommendation #5A) was expanded to include examining the flow of information between MCPS and the Montgomery County Police Department.

As always, OLO appreciates the time taken by staff to review our draft report and provide feedback. We look forward to further discussion of the issues identified during the study period.



OFFICES OF THE COUNTY EXECUTIVE

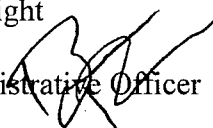
Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

MEMORANDUM

March 21, 2005

TO: Karen Orlansky, Director
Office of Legislative Oversight

FROM: Bruce Romer, Chief Administrative Officer 

SUBJECT: Office of Legislative Oversight Report 2005-4
Services to Juvenile Victims and Witnesses of Crime in Montgomery County

This memorandum is to communicate our general comments on the findings and recommendations of OLO Report 2005-4, Services to Juvenile Victims and Witnesses of Crime in Montgomery County. As always, OLO has produced a thorough and well researched study. In particular, this study has provided a national and local context for the services to juvenile victims and witnesses of crime, and in-depth descriptions of various programs and their roles. The report will serve as an excellent base from which to begin the work necessary to further develop the best integrated and coordinated system of services possible.

Executive Branch staff has already been in contact with OLO with comments on the technical aspects and information in the report. In general, we concur with the findings and recommendations in this report with the following comments:

- The Victim Services Task Force does seem to be the logical structure to utilize in bringing together the representatives from the programs that provide services to juvenile victims of crime to better coordinate the response.
- The report's discussion of the system's issues is helpful in moving in the direction of assuring that services provided to victims will be integrated with existing service delivery. This will allow services to benefit from consistent use of best practice models and experienced supervision that can provide training and assure a consistent level of quality.



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- Further discussion of the issues relating to access to victim services will benefit this system in terms of more efficiently connecting victims with services and increasing the public's knowledge of this process. Although this issue has the potential of being successfully addressed, additional resources will be required over time in order to build and maintain sufficient capacity.

We are committed to improving victim services, and look forward to working with Council in its review of this report.

copies:

Carolyn Colvin, Department of Health and Human Services

Tom Manger, Montgomery County Police

Arthur Wallenstein, Department of Corrections and Rehabilitation

Charles Thompson, Office of the County Attorney

Odessa Shannon, Office of Human Rights

Beverly Swaim-Staley, Office of Management and Budget

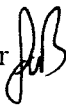
Joseph F. Beach, Offices of the County Executive

Office of the Chief Operating Officer
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

March 21, 2005

MEMORANDUM

To: Ms. Karen Orlansky, Director, Office of Legislative Oversight

From: Larry A. Bowers, Chief Operating Officer 

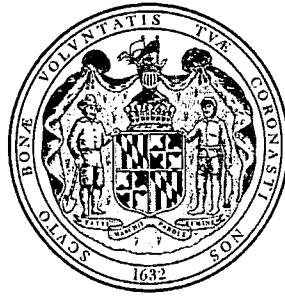
Subject: DRAFT Office of Legislative Oversight Report 2005-4: Services to Juvenile Victims and Witnesses of Crime in Montgomery County

The Montgomery County Public Schools (MCPS) staff has appreciated the opportunity to share information and respond to questions related to juvenile victims and witnesses of crime. Staff has had the opportunity to review the draft report and has provided you with additional feedback and technical comments.

There continues to be an issue between the Montgomery County Police Department and MCPS regarding the investigation and management of serious incidents that occur on school property. A workgroup consisting of the State Attorney's Office, senior police management, MCPS security staff, and other MCPS administrators is currently reviewing this matter along with other issues. I am confident that they will establish a process that works for both agencies.

Staff looks forward to attending the April 7, 2005, Council Committee work session. As always, we appreciate the professional and cooperative manner exercised when the Office of Legislative Oversight is conducting a review or study.

LAB:hls



OFFICE OF THE STATE'S ATTORNEY

Memorandum

TO: Karen Orlansky, Director
Office of Legislative Oversight

FROM: *DG* Douglas Gansler
State's Attorney

DATE: 3-23-05

RE: OLO Report Number 2005-4

Thank you for the opportunity to review and comment on the DRAFT OLO Report 2005-4 *Services to Juvenile Victims and Witnesses of Crime in Montgomery County*. As in past projects, you and your staff have done a tremendous service to the citizens of Montgomery County by providing a comprehensive collection of existing data on the subject at hand, thoroughly and astutely analyzing the issues, and providing the involved agencies with workable recommendations.

We welcome the opportunity to work with council staff to develop a proposal to improve victim and witness services to all children involved in criminal cases. Since I took office in January 1999, my staff and I have consistently demonstrated a strong commitment to enhancing services for our county's most vulnerable victims by spearheading the creation of the domestic violence docket and by seeking additional resources for domestic violence, child abuse and juvenile prosecutions. We are enthusiastic about working toward developing a more progressive plan for prosecution related victim services in a fiscally responsible manner.

Lastly, we concur with the recommendation to expand the current Victim Services Task Force to include the members listed in the report. We respectfully suggest and request, however, that the Council assign Legislative Branch staff to provide support to the work of the Task Force,

similar to how they have done on some occasions in the past, e.g., Domestic Violence Task Force. Experience dictates that, especially with an inter-agency group, the involvement of Legislative Branch staff helps us to deliver a report back to the Council that both reflects a group consensus and meets the Council's expectations.



Maryland's First
Nationally Accredited
Sheriff's Office

MONTGOMERY COUNTY
SHERIFF




50 Maryland Avenue
Rockville, Maryland 20850-2306

Raymond M. Kight
Sheriff
240-777-7000

MEMORANDUM

To: Karen Orlansky, Director
Office of Legislative Oversight

From: Raymond M. Kight, Sheriff 

Subject: Office of Legislative Oversight Draft Report 2005-4, Services to Juvenile Victims and Witnesses of Crime in Montgomery County

Date: March 28, 2005

Thank you for the opportunity to comment on the draft of your report 2005-4, Services to Juvenile Victims and Witnesses of Crime in Montgomery County. It is as thorough and well-documented as your earlier companion reports on services to crime victims and victims of domestic violence. I wholeheartedly agree with your basic finding that juveniles are an underserved category of crime victims and that early intervention could prevent later developmental problems.

Early intervention should include assistance with the criminal justice system and access to mental health services. The County Council has begun the process of providing mental health services with the creation of Safe Start, a program for children who have been exposed to violence in their families. This Office has had the opportunity to work closely with the Council on this issue and looks forward to continued collaboration to provide these services.

The Sheriff's Office has been a member of the inter-agency Victim Services Task Force and will continue to work closely with the other members to improve the response to juvenile victims of crime. We agree unreservedly with your recommendations that training is critical for front line staff on available resources and that we need to identify promising practices in order to provide consistent services across agencies.

OFFICE OF LEGISLATIVE OVERSIGHT REPORT 2005-4

SERVICES TO JUVENILE VICTIMS AND WITNESSES OF CRIME

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DEFINITIONS

Juvenile –an individual who is younger than 18 years old.

General Crime – This study uses the FBI’s definitions of general crime, which are summarized in the table below.

Type of Crime	Includes
Murder	Murder/Nonnegligent manslaughter Negligent manslaughter Justifiable homicide
Kidnapping	Kidnapping and abduction Hostage situations
Sex Offenses	Forcible rape Forcible sodomy Sexual assault with an object Forcible fondling Incest Statutory rape
Robbery	Taking or attempting to take something of value from a victim by force or threat of force or violence
Aggravated Assault	Assaults or attempt to kill Poisoning Assault with a dangerous or deadly weapon Maiming Mayhem Assault with explosives
Simple Assault	Minor assault Hazing Assault and battery Injury caused by culpable negligence
Larceny	Burglary Pocket-picking/Purse-snatching Shoplifting Theft from building Stolen property offenses All other larceny
Vandalism	Deliberate destruction of property Mischievous, less extensive damage to property
Other Offenses	Intimidation Arson Extortion/Blackmail Counterfeiting/Forgery False pretenses/Impersonation Credit card/ATM fraud Bribery

Terms Related to Child Maltreatment

In discussing child maltreatment, this study uses terminology from State law and federal agencies. The source of each definition is noted in parenthesis following each term.

Abuse - the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or sexual abuse of a child, whether physical injuries are sustained or not. (Maryland Code §3-801)

Adjudicatory Hearings - held by the juvenile and family court to determine whether a child has been maltreated or whether another legal basis exists for the State to intervene to protect the child. (National Clearinghouse on Abuse and Neglect)

CASA - court-appointed special advocates (usually volunteers) who serve to ensure that the needs and interests of a child in child protection judicial proceedings are fully protected. (National Clearinghouse on Abuse and Neglect)

Child - Child means any individual under the age of 18 years. (Maryland Code §3-801)

CINA (Child in Need of Assistance)- A child who requires court intervention because 1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and 2) The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs. (Maryland Code §3-801)

Foster care – Continuous 24-hour care and supportive services provided for a minor child placed by a child placement agency in an approved family home. (Maryland Code §5-501)

Guardian ad Litem - a lawyer or lay person who represents a child in juvenile or family court. Usually this person considers the "best interest" of the child and may perform a variety of roles, including those of independent investigator, advocate, advisor, and guardian for the child. A lay person who serves in this role is sometimes known as a court appointed special advocate or CASA. (National Clearinghouse on Abuse and Neglect)

Household member - A person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect. (Maryland Code §5-701)

Indicated - A finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur. (Maryland Code §5-701)

Intake - the stage of the CPS case process where the CPS caseworker screens and accepts reports of child maltreatment. (National Clearinghouse on Abuse and Neglect)

Law Enforcement Agency - A State, county, or municipal police department, bureau, or agency including:

- (i) a State, county, or municipal police department or agency;
- (ii) a sheriff's office;
- (iii) a State's Attorney's office; and
- (iv) the Attorney General's office. (Maryland Code §5-701)

Maltreatment - Any type of child abuse or child neglect as defined in COMAR. (Maryland Regulation 07.02.07.02)

Mental injury - Mental injury means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function. (Maryland Code §3-801)

Neglect – The leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

- That the child's health or welfare is harmed or placed at substantial risk of harm; or
- Mental injury to the child or a substantial risk of mental injury. (Maryland Code §3-801)

Out-of-home placement – Placement of a child into foster care, kinship care, group care, or residential treatment care. (Maryland Code §5-501)

PTSD (Posttraumatic Stress Disorder)- A psychiatric disorder that can occur following the experience or witnessing of life-threatening events such as serious accidents or violent personal assaults. People who suffer from PTSD often relive the experience through nightmares and flashbacks, have difficulty sleeping, and feel detached or estranged, and these symptoms can be severe enough and last long enough to significantly impair the person's daily life. The disorder is also associated with impairment of the person's ability to function in social or family life, including occupational instability, marital problems and divorces, family discord, and difficulties in parenting. (National Center for PTSD)

Report - An allegation of abuse or neglect made or received under this subtitle. (Maryland Code §5-701)

Ruled out - A finding that abuse, neglect, or sexual abuse did not occur. (Maryland Code §5-701)

Sexual abuse - Any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes: incest, rape, or sexual offense in any degree, sodomy, and unnatural or perverted sexual practices. (Maryland Code §3-801)

Unsubstantiated - A finding that there is an insufficient amount of evidence to support a finding that abuse, neglect, or sexual abuse did or did not occur. (Maryland Code §5-701)

Figure 1-2
Range and Definition of Victim Services

<p>EMERGENCY SERVICES</p> <p>Shelter/Food: Find housing for victims who cannot safely remain in their current home or have no place to stay, and provide food to tide them over initial crisis period</p> <p>Security Repair: Repair locks, board up windows, and take similar security measures designed to prevent immediate reburglarization of a home or apartment</p> <p>Financial Assistance: Provide petty cash for meeting immediate needs related to transportation, food, shelter, and other necessities</p> <p>On-scene Comfort: Provide support at scene of crime and shortly thereafter</p> <p>Medical Care: First aid at scene of crime</p> <p>COUNSELING</p> <p>24-Hour Hotline: Provide round-the-clock availability for counseling or referrals to victims who telephone with troubles</p> <p>Crisis Intervention: Meet urgent emotional or physical needs of victims</p> <p>Follow-up Counseling: Counsel after initial victimization and for other than crisis reactions; for example, advise on practical problems created by the victimization experience</p> <p>Mediation: Assistance in resolving family disputes and neighborhood or friend disputes without resort to the criminal justice system</p> <p>ADVOCACY AND SUPPORT SERVICES</p> <p>Personal Advocacy: Act on behalf of victims or witnesses to secure their rights vis-a-vis other social service agencies and the criminal justice system (includes several of the individual services below)</p> <p>Employer Intervention: Document legitimacy of clients' absences or tardiness to employers and facilitate payment of wages or salary when clients must testify in court</p> <p>Landlord Intervention: Facilitate postponements in payment of rent, mortgages, utility bills, and similar financial obligations</p> <p>Property Return: Facilitate postponements in payment of rent, mortgages, utility bills, and similar financial obligations</p> <p>Property Return: Facilitate swift return of victims' property kept by police as evidence</p> <p>Intimidation Intervention: Provide reassurance or protection for victims and witnesses experiencing fear of reprisal</p> <p>Victim Impact Reports: Provide prosecutors and judges with descriptions of the impact of the crime on victims to assist in imposing sentencing and restitution</p> <p>Legal/Paralegal Counsel: Provide legal advice, for example, in civil areas related to having been victimized</p> <p>Referral: Recommend or obtain sources of assistance not provided directly by program</p>	<p>CLAIMS ASSISTANCE</p> <p>Insurance Claims Aid: Help in securing financial reimbursement for medical expenses, life insurance, and lost wages</p> <p>Restitution Assistance: Assist in urging prosecutors to advise to judges that they impose, or probation authorities collect, restitution</p> <p>Compensation Assistance: Help in filling out application forms for victims-of-violent-crime compensation in states that have this program.</p> <p>Witness Fee Assistance: Help in securing any available fee for appearing in court</p> <p>COURT-RELATED SERVICES</p> <p>Witness Reception: Staff courthouse reception area to orient victims/witnesses</p> <p>Court Orientation: Provide information on the criminal justice system and victims' or witnesses' responsibilities in court</p> <p>Notification: Inform witness of required upcoming court appearance</p> <p>Witness Alert: Place witnesses on standby to come into court (and, less often, to shelters or social service agencies)</p> <p>Transportation: Transport witnesses to and from court (and, less often, to shelters or social service agencies)</p> <p>Child Care: Provide baby-sitting services for witnesses testifying in court</p> <p>Escort to Court: Accompany witnesses to courtroom, support during proceedings</p> <p>POST-SENTENCING SERVICES (usually provided by advocates within corrections agency, or by other program staff who work with or assist the agency)</p> <p>Orientation: Explain the corrections system, the roles of officials within the system, and victims' rights within the system</p> <p>Notification: Inform victim of the offender's status within the penal system</p> <p>Victim-Offender Reconciliation Program: Help coordinate, if desired by both parties, meeting between offender and victim</p> <p>Restitution: Help victims to obtain restitution payment</p> <p>SYSTEMWIDE SERVICES</p> <p>Public Education: Educate public through media, brochures, or speeches on victimization issues and program services</p> <p>Legislative Advocacy: Lobby or provide assistance to secure State legislation that provides or funds additional services to victims</p> <p>Training: Train police, prosecutors, and other human service providers on how to improve their handling of victims and witnesses and how to avail themselves of the program's services</p>
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Note: These categories (but not the definitions) were originally suggested, in a somewhat different form, in the National Evaluation Program Phase I Assessment of Victim/Witness Assistance projects conducted for the Law Enforcement Assistance Administration by the American Institutes for Research. Programs surveyed for this publication (in both 1986 and 1994) were asked about their provision of each of these services except for postsentencing services.

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ABUSED PERSONS PROGRAM
BEHAVIORAL HEALTH AND CRISIS SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Overview

The Abused Persons Program (APP) offers victims of partner abuse and their families support and advocacy services such as shelter, crisis and ongoing counseling, case management, and information and referral for other support services. Specifically, the APP has four program teams to support victims of abuse and their families:

- Domestic violence victim counseling and case management team;
- Domestic violence shelter;
- Domestic violence victim assistance team; and
- Abuser intervention program.

The FY 05 approved budget for APP is \$2.71 million and 18.4 workyears.

B. Interactions with Juvenile Victims of Crime

The Abused Persons Program occasionally serves juveniles who are victims of abuse by their own intimate partners. For these clients, the Code of Maryland Regulations establishes parental/guardian consent guidelines that APP must follow. If a client is over the age of 16, APP can treat him/her without parental consent. For clients under 16, only one-time diagnostic services are available without parental consent.

The Abused Persons Program does not regularly provide direct services to juvenile victims except for juveniles who are residents of the Betty Ann Krahnke Center who have witnessed domestic violence.

The Betty Ann Krahnke Center is a 54-bed residential facility providing a safe and healthy living environment for women and children who are victims of domestic violence. If the shelter is at full occupancy, victims are placed in a motel. Shelter residents pay a daily fee on a sliding scale, with a maximum charge of \$5 per day. APP oversees the management of the Center whose services are provided by a contract agency. Victims are screened and admitted to the Center from the Crisis Center or APP.

Therapists at the Betty Ann Krahnke Center provide assessment and group counseling specifically to juveniles residing at the Center. Staff also refer families for ongoing victim and/or child treatment after a shelter stay.

The Betty Ann Krahnke Center averages around 50 residents at any given time. Approximately 60 percent of these residents are juveniles. The BAK budget is \$1.01 million. The BAK served 156 families in FY 04 at an average cost of \$6,551 per family.

CHILD AND ADOLESCENT MENTAL HEALTH SERVICES
BEHAVIORAL HEALTH AND CRISIS SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Overview

The Child and Adolescent Mental Health Services program is structurally located in the Department of Health and Human Services' (DHHS) Behavioral Health and Crisis Services section. This program oversees a wide range of mental health services for eligible juveniles. The service elements include:

- Child and Adolescent Outpatient Mental Health Clinic;
- Community Kids program;
- Mental health assistance for other DHHS programs.

B. Interactions with Juvenile Victims of Crime

The mental health services described below are available to eligible juveniles, some of whom are victims of crime. The primary source for referring juveniles to these mental health services is DHHS' Access Team. The Access Team provides information for persons with commercial insurance about outpatient mental health services available within their policies. For those without private insurance, the Team helps link them to the Public Mental Health System or to locate appropriate community mental health services. The following data is available on the number of juveniles linked to mental health services by the Access Team over the four-month period from July to October 2004.

NUMBER AND PERCENT OF ACCESS TEAM REFERRALS LINKED TO JUVENILES

Program Measure	Jul 04	Aug 04	Sept 04	Oct 04
Total number of referrals	215	197	193	186
Number of juveniles ages 18 and under linked to mental health services	52	62	63	74
Percent of juveniles ages 18 and under linked to mental health services	24%	31%	33%	40%

Source: DHHS, Child and Adolescent Mental Health Services.

1. Child and Adolescent Outpatient Mental Health Clinic

The Child and Adolescent Outpatient Mental Health Clinic (CAMH) is a County-wide outpatient mental health program located in Silver Spring with satellite locations in Rockville and Germantown. The clinic provides individual, family, and group therapy, as well as substance abuse education. The clinic also provides mental health treatment, family support services, and clinical case management at local schools and other County locations. Families who are uninsured, undocumented, or meet Medical Assistance eligibility requirements are eligible to receive clinic services.

Staffing at each site is as follows:

- The Silver Spring clinic staff consist of six full-time therapists, one full-time psychiatrist, and one part-time psychiatrist;
- The Rockville satellite staff consist of one part-time psychiatrist and two full-time therapists; and
- The Germantown satellite staff consist of one part-time therapist.

Services to Juvenile Victims of Crime. Clinic staff have expertise in working with juveniles that have been victimized in both familial and non-familial contexts. Specific services provided to juveniles (both victims and non-victims) include:

- Mental health assessment and psychiatric evaluations for juveniles and their families;
- Development of an individual treatment plan;
- Family, individual, group, and play therapy, activity groups, and behavioral and medication management;
- Drug and alcohol assessment, education, and therapy;
- Treatment coordination with other agencies involved with the child and family; and
- Community-based outreach services to schools and targeted neighborhoods.

The numbers of juvenile crime victims served is not tracked separately. However, Clinic staff estimate that between one-third to one-fifth of their juvenile clients witness domestic violence. Staff also report that most crime victims referred to CAMH are school or family violence related. Youth ages 16 and over can consent to receive mental health treatment with or without parents/caregivers permission.

Budget and Performance Data. CAMH's approved FY 05 budget is \$565,000, funding 8.5 workyears. Available CAMH performance data is listed in the table below.

FY 04 PERFORMANCE DATA FOR THE CHILD AND ADOLESCENT MENTAL HEALTH CLINIC

Program Measure	FY 04
Number of new clients served	394
Average cost per session	\$123
Percent of clients who meet their treatment goals at the time of discharge and who successfully integrate back into the school/community	96%
Percent of parents/families who are satisfied with the services provided	98%

Source: Montgomery Measures Up!, December 2004.

2. Community Kids

DHHS contracts with 37 providers who offer mental health services for County residents. One of these contracted providers, Community Kids, falls under the supervision of the Child and Adolescent Mental Health Services program.

Overview. Community Kids is a federal grant awarded by the Substance Abuse and Mental Health Services Administration. DHHS staff describe the Community Kids program as using “a unique strengths-based, needs-dictated, family-driven wraparound model to work with youth diagnosed as Seriously Emotionally Disturbed and their families.” Community Kids serves approximately 100 juveniles per year between the ages of 5 and 18.

The program utilizes a “wraparound” service delivery model – integrating family-to-family support, care coordination, and flexible funds to build individual plans and implement family centered services. The Community Kids staff describe the programs’ services as follows:

- Identifying strengths to be used as supports when addressing needs in the family;
- Creating a Child and Family Team composed of individuals who know the child best, who are culturally competent, and who identify services which fit the family’s culture and community;
- Combining traditional professional services and non-traditional services, e.g. art classes, therapeutic riding; and
- Assigning Care Coordinators who are responsible for linking families to services and providers, creating and updating action plans, and facilitating team meetings.

The sources of referrals to the program include the courts, juvenile justice system, families, schools, mental health agencies, Child Welfare Services, and other community organizations. The reasons for referrals may include: physical aggression, property damage, theft, sexual abuse, suicidal intentions, and severe hyperactivity. Families are enrolled in Community Kids for an average of 12 to 18 months. Juveniles ages 16 and over can consent to receive mental health treatment with or without parents/caregivers permission.

Services to Juvenile Victims of Crime. Community Kids does not exclusively provide service to juvenile victims of crime. However, many juveniles eligible to receive services have victimization in their background. There are no specific data available on the number of juveniles served who are also crime victims.

Budget and Performance Data. The Community Kids budget is \$7 million over six years, or \$1.4 million annually. The program included 4.0 workyears in FY 02 and FY 03 and 3.0 workyears in FY 04. Funding will end in August 2005 but there is a request to fund a seventh year. Community Kids performance data is in the table below.

FY 04 PERFORMANCE DATA FOR COMMUNITY KIDS

Program Measure	FY 04
Percent of juveniles who have shown improvement in emotional/behavioral symptoms in two or more domains ¹	100%
Number of juveniles served	106
Number of families served	87
Average cost per juveniles served ²	\$12,623

Source: Montgomery Measures Up!, December 2004.

3. Mental Health Assistance for Other DHHS Programs

CAMH provides for mental health services offered through two other DHHS programs. These other programs serve juvenile victims of crime as part of their regular program activities. In both cases above, Child Welfare Staff obtain consent for treatment or by virtue of the situation; Child Welfare has custodial rights thus allowing CWS staff to consent for treatment.

Child Assessment Center.³ CAMH provides the Child Assessment Center with a clinician to conduct mental health assessments on juvenile victims of maltreatment. The clinician also provides referrals for long-term mental health services.

Child Welfare Services. CAMH has a mental health liaison co-located at CWS for six hours a week. The liaison provides technical assistance and consultation to the CWS social workers, facilitating their ability to link children and youth to mental health services. The liaison also provides referrals for longer-term mental health services.⁴

CAMH also plans to co-locate a psychiatrist at CWS for ten hours a week. The psychiatrist will provide competency evaluations for court and consultation on medication management.

¹ As measured by the Child Behavior Checklist (CBCL), an instrument that assesses eight domains of behavior such as anxiety, delinquency, aggression, and social problems. The CBCL, which is part of a national evaluation for the program required as a condition of federal funding, is administered as a baseline assessment, with follow-up assessments every 6 months.

² Includes direct and indirect costs.

³ See description for Child Assessment Center in the Appendix (© 93).

⁴ See description for Child Welfare Services in the Appendix (© 17).

CHILD WELFARE SERVICES
CHILDREN, YOUTH AND FAMILY SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Overview

The mission of Child Welfare Services (CWS), as stated in CWS' 2004 annual report, is "to protect children, preserve families, strengthen communities, and ensure permanency for every abused and neglected child in Montgomery County." CWS' major activities by program are:¹

- **Protective Services** investigates reports of child abuse and neglect to ensure the safety of children and provides services to preserve families.
- **In-Home Services including Family Preservation and Continuing Protective Services** provide home-based services to families with children at risk of out-of-home placement.
- **Foster Care** provides case management and permanent living situations for children who have been removed from their homes. Foster parents are recruited, trained, and supervised by the Foster Care Division.
- **Adoption** prepares children who have been removed from their homes and placed under state supervision for permanent placement with adoptive families.
- **Community Education** provides educational programs on positive parenting, and child abuse and neglect prevention.
- **Court Preparation** helps staff prepare for court hearings, reviews legal issues with staff, and represents CWS in both Juvenile and Circuit Court hearings.

Legal Representation by the County Attorney. The Child and Adult Protection Unit of the County Attorney's Office provides CWS with legal representation. County Attorney staff represents CWS in Child in Need of Assistance (CINA) cases, Termination of Parental Rights (TPR) cases, and adoptions.

Services provided include: pre-trial mediation; adjudication/disposition; permanency planning; and reunification planning. There are approximately 250 new CINA petitions filed each year and 1,200 open CINA cases at any given time.

Materials prepared by Child Welfare Services, including laws and regulations related to CWS, overviews of the CWS system, and guidelines on how to report maltreatment to CWS are available in the Appendix (© 21).

¹ These program descriptions are adapted from the Child Welfare Services website.

B. Interactions with Juvenile Victims of Crime

Because of the relationship of juveniles who are abused or neglected and their families, it is difficult to isolate services provided exclusively to the juvenile victim. The following services provided by CWS involve juveniles and their families.

Screening and Assessment. The Screening Unit of CWS is the single point of entry for all child welfare cases. This unit receives and processes all referrals of suspected child abuse and neglect, and other requests for services. The Assessment Unit investigates reports of alleged child abuse and neglect and evaluates the need for services. In addition to determining the validity of the report, staff are responsible for assessing the risk of further harm or injury to a juvenile. In a select number of sexual abuse or severe physical abuse investigations CWS works in conjunction with the Child Assessment Center.²

In FY 04, the Screening Unit received 9,892 telephone calls and investigated 2,574 families involving 5,602 juveniles. There was a monthly average of 337 juveniles placed in out-of-home care throughout the year. Of the investigated cases in FY 04, 42 percent were for neglect, 36 percent were for physical abuse, 9 percent were for sexual abuse, and 13 percent were for referrals from other agencies.³

CWS does not track data on referral sources, but CWS staff estimate that approximately 70 percent of referrals are from MCPS.

In-Home Services. If the Assessment Unit determines that a juvenile was maltreated yet imminent danger is no longer present and the family is intact, home-based services are provided to the family. Services provided to these families include counseling, frequent monitoring and a variety of other services such as housing, mental health, or addiction problems. In FY 04, there were 201 families receiving in-home services.

Out-of-Home Services. Foster care and adoption services are provided by CWS for juveniles who are in out-of-home placements. Interventions are aimed at improving family functioning and reunification; if reunification is not possible, the focus becomes other permanent placements for juveniles. Services include case management and permanent planning, assessment and training of families who foster or adopt juveniles, and preparing juveniles for placement.

For child welfare cases that require court hearings, CWS provides an alternative Juvenile Court mediation program with CWS staff. The program originally was used in the early stages of Child in Need of Assessment (CINA) cases. The program is now expanded to include Permanency Planning and Termination of Parental Rights hearings.

² See the Child Assessment Center description in the Appendix (© 93).

³ CWS also conducts investigations of alleged abuse and neglect in the County at the request of other agencies and jurisdictions.

Role of Child Welfare Services' Ombudsman

Other agency staff or members of the public can lodge complaints about CWS services or performance to a social worker, a supervisor, or the CWS Ombudsman. CWS established the Ombudsman position explicitly to assist schools and community agencies with concerns about child maltreatment. The major responsibilities of the Ombudsman include:

- Providing training on how to identify child abuse and neglect;
- Consulting on borderline cases of suspected abuse or neglect;
- Providing allowable follow-up information on reported cases of suspected abuse and neglect; and
- Resolving problems or concerns that other agency staff or members of the public have with how CWS staff are responding.

Workload Data. The following tables present summary data about CWS activities and performance during FY 04.

FY 04 OVERVIEW OF CHILD WELFARE SERVICES

Child Welfare Services Activity	FY 04
Number of calls received	9,892
Number of families investigated	2,574
Number of children involved in investigations	5,602
Number of families receiving in-home services	201
Average number of children in out-of-home placement during the year	337
Number of court hearings	1,686

Source: CWS FY 02-FY 04 Annual Reports and Montgomery Measures Up!, December 2004.

Budget and Performance Data. The FY 05 approved budget for CWS is \$15.8 million, funding 193.6 workyears. The table on the next page presents performance information for CWS.

FY 04 PERFORMANCE DATA FOR CHILD WELFARE SERVICES

Program Measure	FY 04
Percent of children re-entering foster/kinship care	8%
Percent of children in foster/kinship care who are not victims of abuse or neglect perpetrated by the foster parent or kinship caregiver	99%
Percent of children placed in out of home care who are reunited with their family, whose caretaker is awarded custody, or who are placed for adoption	81%
Percent of families receiving in-home services who do not have a child protective service investigation with an abuse or neglect finding within one year after receiving services	93%
Percent of families receiving in-home services who do not have a child protective service investigation with an abuse or neglect finding after receiving services	96%
Average number of cases per social worker	17
Average cost per case	\$11,624
Average cost per family served	\$44,259

Source: Montgomery Measures Up!, December 2004.

MONTGOMERY COUNTY
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILD WELFARE SERVICES
1301 Piccard Drive, 4th Floor
Rockville, Maryland 20850

MAKING A REPORT OF CHILD ABUSE OR NEGLECT

CALL 240-777-4417

When a Screening Unit Social Worker returns your call you will be asked to provide the following information:

- * Name, address, sex, and date of birth or approximate age of the reported child or children and of any other children in the household.
- * Names, addresses, and telephone numbers of the child's parents or other persons responsible for the child's care.
- * Child's current location.
- * Language spoken by the child and the child's caretaker.
- * Your name, address, telephone number, profession, and relationship to the child. (Non-mandated reporters may request anonymity.)
- * Full nature and extent of the child's maltreatment, injuries, abuse or neglect factors.
- * Indication of prior maltreatment, injuries, abuse or neglect.
- * Direct knowledge, observations of the maltreatment.
- * Circumstances under which you first became aware of the child's alleged injuries, abuse or neglect.
- * Statements made by the child pertaining to the maltreatment, abuse, or neglect.

REMEMBER: Those mandated by law to report must also submit a written report within 48 hours that includes the name of the social worker in the Screening Unit.

MONTGOMERY COUNTY
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILD WELFARE SERVICES

FREQUENTLY ASKED QUESTIONS OF THE CHILD PROTECTIVE SERVICES PROGRAM

1. **Who must report child abuse and/or neglect?**

Any citizen who suspects that a child has been abused and/or neglected is required to report the incident.

Human Services workers, law enforcement officers, health practitioners and educators are required by law to report the incident. Verbal reports must be followed by a written report within 48 hours. Failure to report can result in certain professional sanctions.

2. **How do I make a report?**

Call Child Protective Services at 240-777-4417, 24 hours a day, 7 days a week to report abuse and/or neglect.

If you think the child is in immediate danger, you should call 911 and inform the police.

3. **Can I make an anonymous report?**

Yes. You do not have to give your name. However, it is helpful to Protective Services to be able to reach you for further information.

If you are a professional who is required to report, you would want to give your name.

4. **Does Protective Services give the name of the person making the report?**

No. Protective Services does not release the name of the person making the report to those who are being investigated without a court order directing them to do so. It is possible, however, for a person to figure out who made the report.

5. **Can I be sued if I make a report?**

No. Maryland law states that any person who, in good faith, makes a report of suspected abuse and/or neglect is protected from criminal and civil suit.

Over

6. **Will I find out what happens after I make a report?**

In order to protect the confidentiality of the client, Protective Services will not give out details of the investigation.

7. **Is it against the law to spank my child?**

No. In Maryland there is no law which prohibits you from spanking your child.

If, however, physical punishment leaves injuries, such as bruises or welts, it is the responsibility of Protective Services to investigate.

8. **At what age can a child be left home alone?**

Parents who leave a child under the age of 8 may be investigated for neglect.

Parents who leave any child alone for long periods of time, may be investigated for neglect.

Parents who leave any child alone who is not capable of handling the responsibilities, or becomes frightened of the situation, may be investigated for neglect.

A babysitter must be at least 13 years old to care for children under the age of 8.

9. **Should I believe a child who tells me he/she has been sexually abused?**

Yes. The most reliable indicator of child sexual abuse is the child's verbal disclosure.

10. **If I make a report of child abuse and/or neglect will the child be removed from the home?**

The goal of Protective Services is to keep children with their families, as long as the child is in a safe environment.

If Protective Services finds that the child's home is unsafe, they will place the child with a relative, friend, or in a foster home. Written parental permission and/or a court hearing is required. Protective Services will return the child to the home when it is determined that the home is safe.

11. **Does Protective Services investigate "emotional" or "verbal" abuse?**

No. Protective Services investigates "mental injury"; an observable, identifiable, and substantial impairment of a child's mental or psychological ability to function, caused by an act by a parent or caretaker or an omission by a parent or caretaker.

**MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILD WELFARE SERVICES**

**DEPARTMENT OF EDUCATION COMAR REGULATIONS
CHILD WELFARE SERVICES INVESTIGATIONS ON SCHOOL PREMISES**

- 1. During the course of a child abuse or neglect investigation can Child Welfare Services/Child Protective Services interview the children at school?**

Yes. In accordance with State Board of Education COMAR 13A.08.01.13B, schools shall allow Child Welfare Services to interview children on school premises during school hours.

- 2. May school personnel be present during these interviews?**

Yes. COMAR 13A.08.01.13B states that the "school superintendent or superintendent's designee" may determine whether a school staff member needs to be present. Usually the school principal makes this decision and in the majority of cases it is the guidance counselor who is present during the interview. However, it is important to note that the school official present attends as an observer only and should not ask questions or take notes during the interview process. In addition, anyone attending the interview may be subpoenaed as a witness should the case go to court.

- 3. Does Child Welfare have the right to remove children from school?**

Yes. In accordance with COMAR 13A.08.01.13E, Child Welfare Services may remove children from school with an Order from the Court or a Shelter Care Authorization form.

- 4. Can schools share information with Child Welfare Services?**

Yes. In accordance with Department of Human Resources COMAR 13A.07.02.06B schools may share pertinent information regarding conditions that may have led to the abuse or neglect referral as well as information regarding "risk factors" to the child.

- 5. Should schools notify parents regarding the referral to CWS?**

No. In accordance with State Board of Education COMAR 13A.08.01.13D school staff does not need to notify parents of the investigation unless the child has been removed from the school by Child Welfare or the MCPD. (In cases where children are removed, Child Welfare will notify the parents as well.) For each case investigated Child Welfare notifies parents regarding the CPS referral after interviewing the children and then follows up with a visit to the home.

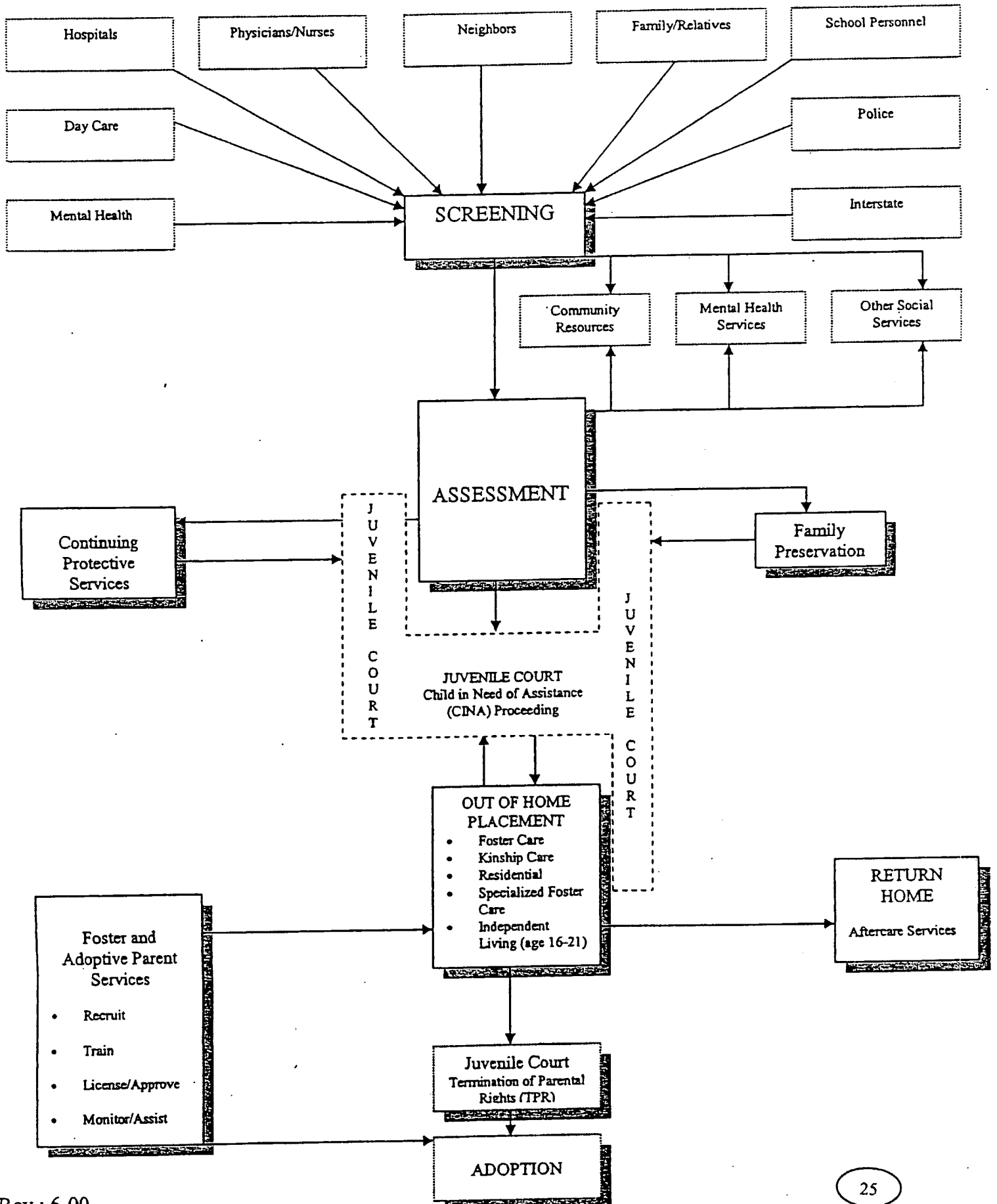
- 6. How can principals be sure that all school staff is fully informed regarding recognizing and reporting child abuse and neglect?**

Child Welfare is available to train school staff regarding issues surrounding child abuse and neglect. These presentations are usually scheduled as part of regular faculty meetings but can be presented to smaller groups as well. To schedule a presentation for your staff, PTA or other school based groups, please call Denyse M. Fredriksson, Ombudsperson, at 240-777-3516.

- 7. If you have questions or concerns about child protection issues or procedures, please contact the screening supervisor, Salem Yohannes at 240-777-3533 or Denyse M. Fredriksson, Ombudsperson, at 240-777-3516.**

10/02

CHILD WELFARE CASE FLOW



The abuse and neglect of children is a serious problem which requires the involvement of all private citizens and professionals in the community for the purpose of prevention, identification, and treatment. In Maryland, the child abuse and neglect law requires that all persons, including all professionals, are mandated to make a report as soon as possible to the Department of Health and Human Services, when they SUSPECT a child has been or is being mistreated. (In cases of child abuse, a report may be made to Health and Human Services-Child Welfare or the Police Department.)

Any professional who knowingly fails to make a required report of child abuse may be subjected to certain professional sanctions. The professionals identified in Maryland law include: health practitioners, police officers, educators, and human service workers. **To report child abuse or neglect call 240-777-4417 (24-Hour Service).**

The law provides immunity from any civil liability or criminal penalty when a report is made in good faith. The law also provides immunity for persons who participate in an investigation or a resulting judicial proceeding.

Child Physical and Sexual Abuse:

1. **Physical injury**, not necessarily visible, of a child by a parent, other individual who has permanent or temporary care or custody or responsibility for supervision of a child, or by a household or family member under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or
2. **Any sexual abuse**, meaning an act or acts involving sexual molestation or exploitation, whether physical injuries are sustained or not, by a parent, other individual who has permanent or temporary care or custody or responsibility for supervision of a child, or by a household or family member; or
3. **Mental injury**, meaning the observable, identifiable and substantial impairment of a child's mental or psychological ability to function, that is caused by the act of a parent or other individual who has permanent or temporary care, or custody or responsibility for supervision of the child, or by a household or family member.

Child Neglect:

1. **"Child neglect"** means the failure to give proper care and attention to a child, including the leaving of a child unattended (even for a short period of time) by the child's parent, or other individual who has permanent or temporary care or custody, or responsibility for supervision of the child, under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm; or
2. **Mental injury to a child**, meaning the observable, identifiable and substantial impairment of a child's mental or psychological ability to function, or a substantial risk of mental injury that is caused by the failure to give proper care and attention to a child by the child's parents, or other individual who has permanent or temporary care or custody, or responsibility for supervision of the child.

(OVER)

**MONTGOMERY COUNTY
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILD WELFARE SERVICES**

The following State Law and State Procedures are followed regarding Unattended Children:

Maryland Family Law 5-701(p) states that NEGLECT is "the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate: that the child's health or welfare is harmed or placed at substantial risk of harm."

Maryland Statewide Child Protective Services Screening Procedures (SSA 95-13) define an "Unattended Child" as:

- A child [who] has been abandoned.
- A child under eight left alone or left in the care of a person who is not reliable or under 13.
- A child aged eight through 12 left alone for longer than brief periods, without support systems which should include phone numbers of parents, other family members or neighbors, information about personal safety, and what to do in an emergency. Children in this age group may not be left to care for children under the age of eight.
- A child 12 or over who is left alone:
 - For long hours or overnight, or with responsibilities beyond his or her capacities; or
 - where there is some special risk factor such as mental retardation or physical handicap that would indicate that the child may be in jeopardy.
- A child of any age who is handicapped and left alone, if the handicapping condition constitutes a special risk factor which indicates that the child is in jeopardy.

CRISIS CENTER
BEHAVIORAL HEALTH AND CRISIS SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Overview

The Crisis Center provides telephone and walk-in crisis stabilization services to persons experiencing situational, emotional, or mental health crises. The Crisis Center, located on the ground floor of DHHS' office building on Piccard Drive in Rockville, is open 24 hours a day, seven days a week.

The Crisis Center performs the initial assessment for those clients fleeing active domestic violence for admission to the Betty Anne Krahnke Center (the County's residential shelter for abused persons), and collaborates with the Victim Assistance and Sexual Assault Program (VASAP) to offer crisis intervention to victims of sexual assault. The Crisis Center also operates the Mobile Crisis Team that serves persons experiencing emotional or mental health crises. In addition, the Crisis Center has a continuum of crisis phone services that include the Abused Persons Crisis Line and the Sexual Assault Crisis Line.

All Montgomery County residents are eligible for Crisis Center services. There is no charge for telephone consultation or for a walk-in counseling session. There is a fee charged for multiple visits based on income, family size, and ability to pay. The Crisis Center's services are available to any person in crisis and not limited to victims of crime, and all services are available to both adults and juveniles. The Crisis Center operates under state regulations that require clients ages 16-17 to consent for treatment (similar to adult clients). If a juvenile is under age 16, then the Crisis Center must obtain consent from the parent or guardian before treatment.

B. Interactions with Juvenile Victims of Crime

The Center provides crisis intervention for juveniles of all ages, including risk assessment to rule out imminent danger to themselves or others. A formal agreement exists with MCPS such that the Crisis Center is the single point of referral for juveniles when their behavior suggests there may be a risk of suicide or homicide. The Crisis Center staff also provides early identification of problems with:

- Alcohol and drug use;
- Grief related to a significant loss;
- Conflict resolution;
- Interpersonal problem solving;
- Self-esteem issues; and
- Unresolved peer/family issues.

Within victims' issues, the Crisis Center deals with a substantial number of domestic violence victims. Crisis Center staff members work directly with staff from the Abused Persons Program to offer crisis intervention services for victims of domestic violence and their children.

Juvenile clients are referred by many sources including the police, MCPS, healthcare organizations, etc. Many referrals are directed to the Crisis Center to deal with behavior or psychiatric problems, but in the course of the assessment, it is found that the juvenile may also be a victim.

Budget and Performance Data. The Crisis Center's FY 05 budget is \$3.9 million, funding 42.5 workyears. The portion of the Crisis Center's resources spent on victim services is not tracked separately.

SCHOOL HEALTH SERVICES
PUBLIC HEALTH SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Overview

School Health Services (SHS) works to maintain, promote and improve the health of students. SHS provides prevention, detection, and correction of health and developmental problems to public school students in the County, and consults with private schools on student health issues. SHS provides health assessments, crisis intervention, health counseling, health education/promotion, and referral services.

The FY 05 approved budget for School Health Services is \$12.8 million. While there are no separate records maintained on the number of victims that SHS serves, there were 527,000 health room visits in FY 04.

B. Interactions with Juvenile Victims of Crime

Although School Health Services staff do not distinguish between victims and non-victims when providing services, staff report that they interact with juvenile victims of crime in multiple ways. They serve juveniles who show up as victims, and juveniles who show up for other problems and are identified later as victims.

The first group of juveniles, those who show up as victims, include any juvenile injured in a school-based incident, such as a fight. SHS staff provide immediate first aid and facilitate access to additional services as needed. If necessary, SHS calls 911 or refers students to the Crisis Center or a personal health provider.

The table below shows the number of students who visit the nurse with presenting problems of abuse and neglect, physical assault, and sexual assault.

NUMBER OF NEW AND FOLLOW UP VISITS TO THE SCHOOL NURSE WITH PRESENTING PROBLEMS OF ABUSE/NEGLECT, PHYSICAL ASSAULT, OR SEXUAL ASSAULT

Presenting Problem	2000-2001		2001-2002		2002-2003		2003-2004	
	New visits	Follow Up visits	New visits	Follow Up visits	New visits	Follow Up visits	New visits	Follow Up visits
Abuse/Neglect	238	334	239	299	261	302	216	257
Physical Assault	188	177	238	118	311	196	204	112
Sexual Assault	50	115	30	42	49	53	58	73

Source: School Health Services, 2005.

The second group is juveniles who show up for another problem and victimization is later determined. This includes juveniles who come to the health room because they do not “feel well” and inform SHS staff about a victimization. Alternatively, the SHS staff suspect a victimization, even when a student does not inform them directly.

If SHS staff suspect a student is a victim of abuse or neglect, then they are legally required to report it to Child Welfare Services. There is protocol for the reporting of child abuse/neglect and a standard reporting form for SHS.

School nurses follow many federal and state regulations concerning the confidentiality of student records and treatment. These include provisions outlined in the Family Educational Rights and Privacy Act (FERPA), the Code of Maryland Regulations (COMAR), and State law.

Under FERPA and COMAR 13A.08.02, parents have the right to inspect and review all student records. However, schools may not disclose those records to others except for health and safety emergencies, upon request of juvenile justice system authorities, or to comply with a judicial order.

Under the Health General section of the Annotated Code of Maryland, school nurses may, but are not required to disclose, any information to a parent, guardian, or custodian of a minor about treatment provided to juveniles.

VICTIM ASSISTANCE AND SEXUAL ASSAULT PROGRAM
BEHAVIORAL HEALTH AND CRISIS SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Overview

The Victim Assistance and Sexual Assault Program (VASAP) provides information, referral, advocacy, crisis and ongoing counseling, criminal justice assistance, court accompaniment, compensation, and other support services to crime victims and their families. VASAP also provides services to secondary victims, e.g., witnesses or others affected by a criminal incident including family members and significant others.

All County residents who are victims of crime and non-residents who are victims of crime committed in the County are eligible for VASAP services. VASAP provides specialized services designed for victims of rape/sexual assault, adult men or women who were victims of childhood sexual abuse, and all types of general crime. Eligible crime victims include victims of driving while intoxicated (DWI) and vehicular manslaughter; victims of terrorism and torture; victims of robbery, auto theft, car jacking, assault and battery, arson, purse snatching, burglary, larceny, vandalism and other general crimes; and surviving family members and friends of homicide victims.

Rape/Sexual Assault Outreach. VASAP provides 24/7 outreach services to rape/sexual assault victims through outreach volunteers. Outreach volunteers are included as a part of a Sexual Assault Assistance Team (SAAT) that mobilizes at a hospital or police station to assist victims of rape/sexual assault. The outreach volunteer serves as a crisis counselor and describes services available to the victim and to the victim's family. Additionally, the outreach volunteer provides the victim with a direct connection to a VASAP therapist.

Counseling. VASAP provides specialized counseling services to sexual assault victims and to general crime victims. The goal of the counseling program is to assist victims overcome their trauma and maintain safety. VASAP's counseling services include:

- Individual counseling;
- Couples counseling;
- Family counseling;
- Group counseling;
- Support groups; and
- Psychiatric evaluation, treatment, and consultation.

Compensation Fund. VASAP administers the Montgomery County Crime Victim Compensation Fund. By law, the Fund is intended to compensate income eligible crime victims for losses incurred by a crime. Victim Assistants process compensation requests for income eligible victims from the Fund. Additionally, they provide assistance to crime victims in applying to the Maryland Criminal Injuries Compensation Board and coordinate the claims with the Board.

Other Services. Other services provided by VASAP staff include court accompaniment; general education and support throughout the criminal justice process; assistance in meeting a victim's urgent needs, such as food, shelter, and/or clothing; creditor intervention; and community education and outreach on sexual assault and general crime prevention.

B. Interactions with Juvenile Victims of Crime

The services VASAP provides to adults are also available to juveniles. In practice, VASAP's primary services to juveniles are outreach after a rape and/or sexual assault and related counseling. VASAP also provides some limited court accompaniment and special programs to juveniles, including some community education (see Special Programs for Juveniles below). Additionally, juveniles are eligible to receive compensation from the Crime Victim Compensation Fund. However, compensation claims must be filled out and signed by a parent or guardian.

Eligibility. In order for a juvenile to receive services from VASAP the juvenile must meet the following eligibility requirements:

- Victim of general crime; or
- Victim of sexual assault and the offender is a stranger, acquaintance, date, or neighborhood playmate; or
- Victim of child abuse who needs court accompaniment after VASAP coordinates with Child Welfare to determine appropriateness and non-duplication of services.

A juvenile is not eligible to receive VASAP services if the juvenile is a:

- Victim but also an offender; or
- Victim of sexual abuse where the offender is a relative, caretaker, or guardian.

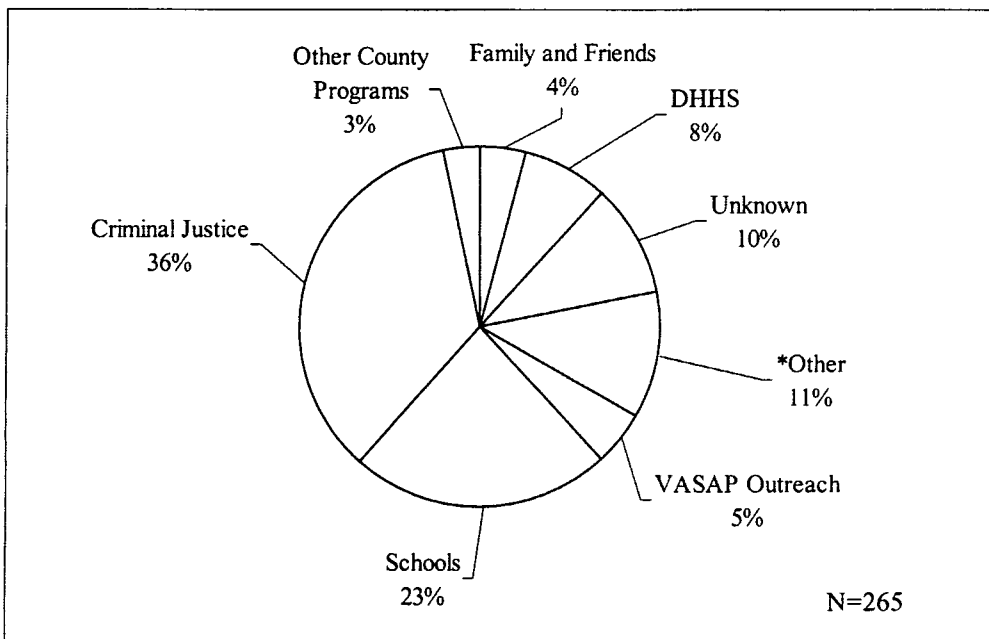
VASAP staff estimate that 25 percent of their clients are under the age of 18, with most of the children between the ages of 12 and 17. More than half of these clients are sexual assault victims.

Special Programs for Juveniles. VASAP therapists serve as liaisons to assigned clusters of schools and provide some outreach, crisis counseling, and education on violence prevention. VASAP staff also teach students, parents, and teachers about the symptoms of victimization. In addition, VASAP manages a small grant funded contract with a community educator to provide education on rape/sexual assault issues to juveniles at MCPS. A school may contact a VASAP therapist to discuss a student's Individualized Education Plan¹ at the request of the parent and/or juvenile if the juvenile is a VASAP client.

¹ Individualized Education Plans (IEP) are developed for any student with a diagnosed disability under the Federal Individuals with Disabilities Education Act. Some students may have therapeutic services as part of their IEP.

Sources of Referrals. VASAP obtains clients in different ways, depending upon if the client is a victim of a rape/sexual assault or a general crime. As shown in the Exhibit below, multiple sources refer juvenile victims to VASAP; however the primary referral sources are law enforcement and schools. VASAP learns about a small portion (5 percent) of its juvenile clients through its outreach efforts.

FY 04 REFERRALS TO VASAP FOR JUVENILE VICTIMS OF CRIME



*Other includes former clients, other victims programs, private attorneys, county hospitals, health care providers, RAINN (Rape, Assault, Incest National Network hotline), media, 411/phone book, religious organizations, Planned Parenthood, and employers.

Source: OLO and VASAP, 2004.

Budget and Performance Data. VASAP's FY 05 approved budget is \$1.9 million, funding 18.7 workyears. OLO estimates that VASAP will spend approximately \$475,000 on juvenile victims of crime in FY 05, based on the staff estimate that juveniles make up 25 percent of VASAP clients. The table below lists VASAP's FY 04 workload and performance data related to juvenile victims of crime.

FY 04 WORKLOAD AND PERFORMANCE DATA FOR VASAP

Program Measure	FY 04
Number of new cases involving juvenile victims	204
Total number of cases involving juvenile victims	750
Average cost per ongoing case involving juvenile victims	\$649
Percent of juvenile victims counseled that show a decrease in symptoms	78%

Source: Montgomery Measures Up!, December 2004.

LINKAGES TO LEARNING
DEPARTMENT OF HEALTH AND HUMAN SERVICES AND
MONTGOMERY COUNTY PUBLIC SCHOOLS

A. Overview

Linkages to Learning is a school-based collaboration between the Montgomery County Department of Health and Human Services (HHS), Montgomery County Public Schools (MCPS), and non-profit, community based service providers. The mission of Linkages to Learning is “to improve the well-being of children and their families through a collaborative delivery of school-based services that address the social, economic, health, and emotional issues that interfere with the academic success of a child.”

The program offers prevention and early intervention services to students and their immediate families at 23 school-based sites. Specifically, it provides “accessible services to at-risk children and their families to improve adjustment to and performance in school, home, and community. Prevention and early intervention services include health, mental health, social services and educational support.”

Sites are chosen based on the socio-economic needs of the school community. Those needs also determine the services offered at each site, which can include:

- Supporting students' adjustment to school;
- Counseling individuals, families, and groups;
- Providing preventive health care and health education;
- Providing workshops and classes on issues of parenting, nutrition, and acculturation;
- Assisting with food, utility, and housing problems;
- Providing translation services for non-English speaking families;
- Assisting parents in completing financial and medical assistance forms;
- Planning community outreach and prevention programs; and
- Empowering parents to access the "service system" on their own.

Linkages teams typically include a site coordinator, mental health counselor, case manager, family service aide, school counselor, and the school community health nurse so that an integrated assessment and plan for the child and his/her family members may be completed.

B. Interactions with Juvenile Victims of Crime

Linkages to Learning receives referrals from school staff, school nurses, or self-referrals from families. A juvenile could be referred to Linkages specifically due to a victimization event or may have victimization issues in their background. Services offered by Linkages to Learning most relevant to juvenile victims of crime include:

- Short term and ongoing counseling for individuals and families;
- Health care and health education;
- Workshops on issues such as parenting and acculturation;
- Assistance with food, utility, and housing problems;
- Translation services for non-English speaking families; and
- Assistance in completing financial and medical assistance forms.

Budget and Performance. The FY 05 approved budget for Linkages to Learning is \$3.2 million, funding 7.6 workyears. The table below provides performance measures for the program.

FY 04 PERFORMANCE DATA FOR LINKAGES TO LEARNING

Program Measure	FY 04
Number of families served	1,450
Number of juveniles affected ¹	3,240
Average cost per student served	\$749
Percent of students in Linkages whose teachers report improvement in their classroom behavior	58%

¹Includes only school-aged children in a family receiving social services in connection with the program.

Source: Montgomery Measures Up!, December 2004.

**VICTIM/WITNESS ASSISTANCE UNIT, FAMILY CRIMES DIVISION, AND
EDUCATIONAL FACILITIES OFFICERS
MONTGOMERY COUNTY POLICE DEPARTMENT**

A. Overview

The Montgomery County Police Department (MCPD) provides some specialized services to juveniles who are victims/witnesses of crime. The Victim/Witness Assistance Unit works directly with both adult and juvenile victims and witnesses of crime. The Family Crimes Division also has program components that provide specialized services for juvenile victims of crime. The Educational Facilities Officers (EFOs) provide services to juvenile victims of crime within the schools.

In addition, the hundreds of patrol officers who respond to emergency calls routinely play an important role in providing victim services. The job of a responding patrol officer includes: stabilizing a crime scene; providing on-scene comfort; and providing crime victims with information about their rights and available victim services. MCPD's policies require officers to provide each crime victim and witness with a *Maryland Crime Victims and Witnesses: Your Rights and Services* brochure and a *Montgomery County Victim/Witness Assistance Information Sheet* that includes contact information for available County services.¹

B. Victim/Witness Assistance Unit

On a daily basis, MCPD's Victim/Witness Assistance Unit staff review event reports in order to identify crime victims and witnesses. The Unit's goal is to contact all victims and witnesses of serious crime within 24 hours of the incident for the purpose of identifying their individual needs and to offer assistance. Victims and witnesses who are not reached via telephone receive letters that explain and offer services.

In FY 05, the Victim/Witness Assistance Unit consists of one Program Manager and seven Victim Service Coordinators. One Victim Service Coordinator is assigned to each District Station, except that two Victim Service Coordinators are assigned to the Wheaton District Station.

The Victim/Witness Coordinators offer to help crime victims/witnesses by providing crisis intervention and support, and referrals to other service providers that can meet longer term needs. The specific services provided by Unit staff include:

- **Emergency Services** – Victim/Witness Coordinators provide on-scene comfort and help to increase a crime victim's or witness's immediate safety by, for example, helping them to locate temporary shelter, helping them to obtain a protective order, changing door locks, or replacing broken doors or windows.

¹ See the Appendix (© 123) for *Maryland Crime Victims and Witnesses: Your Rights and Services* and the Appendix (© 42) for *Montgomery County Victim/Witness Assistance Information*.

- **Information and Referral** – Victim/Witness Coordinators provide crime victims and witnesses with information about investigative procedures, the criminal justice process, available victim services, and general information about the status of a case.
- **Court-Related Services** – Victim/Witness Coordinators provide crime victims and witnesses with information about their rights before, during, and after adjudication. At times, they also offer to help with arranging transportation and/or provide court accompaniment.
- **Victim Compensation** – Victim/Witness Coordinators facilitate a victims' application for reimbursement from either State and/or County victim compensation funds for medical bills, lost wages, funeral expenses, etc.

INTERACTIONS WITH JUVENILE VICTIMS/WITNESSES OF CRIME

Any victim or witness of crime committed in Montgomery County is eligible to receive assistance from the MCPD's Victim/Witness Unit. This includes juveniles as well as adult victims/witnesses of crime.

Eligibility. When the victim or witness of a crime is a juvenile, the Victim/Witness Coordinator must first contact the parent(s)/guardian(s) of the juvenile to receive their permission to provide services. If the parent/guardian does not want any services for the juvenile, then no services are provided. There are no formal records of the number of juveniles served, however staff estimate that during FY 04 approximately 10 percent of the victims served by the Unit were less than 18 years old.

Referrals. Unit staff primarily identify juvenile victims/witnesses from their daily review of event reports. In addition, the parent or guardian of a juvenile victim/witness may be referred to the Unit from officers working in one of MCPD's investigative units. On occasion, individual victims of crime walk into a District Station seeking out services.

Budget and Performance Data. The FY 05 approved budget for the Victim/Witness Assistance Unit is \$413K. The 2004 performance data (through September 30th) for the Unit is in the table on the next page.

FY 04 PERFORMANCE DATA FOR THE MCPD VICTIM/WITNESS ASSISTANCE UNIT

Program Measure	FY 04 (through September 30th)
Number of outreach efforts to victims of all crimes	7,492
Number of outreach responses to domestic violence victims in district stations	1,941
Number of referrals to APP	1,113
Number of referrals to VASAP	3,978
Number of court accompaniments made on behalf of domestic violence victims	213

Source: Victim/Witness Assistance Unit, January 2004.

C. Family Crimes Division

Many of the crimes assigned for investigation to MCPD’s Family Crimes Division involve juvenile victims and witnesses. The Division is responsible for investigating: all child abuse/sexual assault/rape cases where the victim is under 18 years old, runaway and missing children, family and stranger abductions, domestic violence, and elder abuse; the Division also maintains the Sex Offender Registry. In addition to their routine interactions with crime victims and witnesses as part of the investigatory process, the Family Crimes Division provides some specialized court-related services and victim notification responsibilities that involve juveniles.

INTERACTIONS WITH JUVENILE VICTIMS/WITNESSES OF CRIME

The Family Crimes Division has two components that have specialized interaction with juvenile victims and witnesses of crime.

Child Victim Case Coordinator. The Child Victim Case Coordinator provides assistance to Family Crimes Investigators who are working on selected cases involving juvenile victims and/or witnesses. The Child Victim Case Coordinator provides information and referral assistance to the parent/guardian of the juvenile victim/witness. The Coordinator is also in charge of two pilot programs designed for working effectively with juvenile victims/witnesses of crime.

- **Forensic Interviewing.** The Child Victim Case Coordinator uses specialized “child friendly” techniques for interviewing juveniles who are involved in cases moving through the criminal justice system. The forensic interview serves two purposes: to enhance the criminal investigation and to assess for mental health needs. Currently, the Child Victim Case Coordinator is using this special approach for juveniles who are identified as witnesses in domestic violence cases.

Over time, the Department hopes to expand child-friendly forensic interviewing to all cases involving juveniles as victims or witnesses.²

² Child Welfare Services staff currently uses similar forensic interviewing techniques when working with victims of child abuse.

- **Court School.** The Child Victim Case Coordinator is developing a curriculum of court preparation classes, designed specifically for juvenile sexual abuse victims and their parents/guardians. The goal of the program is to better prepare victims and their parents for the court processes. Over time, the Division would like to expand Court School to all children who are involved with cases moving through the criminal justice system.

The pilot program (designed for juveniles ages 10-12) has four components: what is required of parents; emotional issues of being a witness; how to be a good witness; and how the witness is part of the entire process.

Case Screening Unit. The Case Screening Unit in the Family Crimes Division is responsible for initial assessment of all criminal incidents that involve juveniles who are charged with a delinquent act. When the Unit receives a case, it has two basic options: (1) forward the case to the Department of Juvenile Services where the juvenile will be processed as a delinquent, or (2) recommend the case be diverted out of further processing by the criminal justice system. State regulations establish guidelines for case diversion. In sum:

- The charge must be a for a non-violent misdemeanor; and
- The victim (if one is identified) agrees to the diversion.

When a case is diverted, staff in the Case Screening Unit work directly with the juvenile offender and his/her parent or guardian to develop a "Diversion Contract", in which the offender is offered alternatives to court.³ As part of the process of diverting a case, the Case Screening Unit staff is required to contact the victim (if one is identified in the event report) and obtain their concurrence. When the named victim is a juvenile, the Case Screening Unit contacts the juvenile's parent or guardian.

Budget and Performance Data. The Sergeant in command of several sections of Family Crimes, including the Case Screening Unit, and two positions (one police officer and one civilian) within the Case Screening Unit cost approximately \$266K in FY 05. There are no available numbers on other costs within Family Crimes because the department does not budget operating costs within individual units. There is no performance data available that is specific to juvenile victims of crime.

³ A copy of the template Diversion Contract, a description of the diversion programs, and the written criteria for diversion are available in the Appendix (© 44).

D. Educational Facilities Officers

The Educational Facilities Officer (EFO) program, established in 2003, is a joint effort of the Montgomery County Police Department (MCPD) and Montgomery County Public Schools (MCPS). EFOs are sworn, uniformed police officers assigned to elementary, middle, and high schools within each MCPS school cluster. The goals of the EFO program are to enhance emergency preparedness, foster positive relationships among members of the school community, and enhance lines of communication between the school system and public safety agencies. In addition to their law enforcement duties, EFOs also act as liaisons between MCPS and MCPD, and provide crime prevention, substance abuse awareness, and gang resistance education to students.

Administratively, EFOs are part of the MCPD District command structure and are assigned to a specific District Station. In addition to responding to incidents occurring at schools, the EFOs also report some non-school incidents to MCPS. The District Stations provide the appropriate EFO with all reports of community incidents (outside of school) for which a student is suspected to be involved. State law requires MCPD to report the most serious of these incidents to MCPS.⁴

INTERACTIONS WITH JUVENILE VICTIMS OF CRIME

Similar to a responding patrol officer, EFOs provide on-scene comfort to victims as well as providing victims with information about their rights and available victim services.

EFOs file incident reports through District Stations. These reports may cover incidents that happened on school property or in the surrounding community. Copies of these reports are provided to the Victim-Witness Coordinators within the District Stations. EFO's monitor incidents involving students that happen outside of school, and prevent or minimize their effects on the school environment

Budget Data. The EFO program has been funded since FY 03 by a three-year, \$4 million, federal COPS grant to support 32 EFO positions. The terms of the grant require Montgomery County to fund the same number of EFOs (32) with local money for FY 06 through FY 09. MCPD is committed to selecting experienced, specialized police officers for the EFO program. MCPD estimates that the salary and fringe benefit cost of these officers to be \$86,650 annually. Based on this estimate, OLO projects an FY 06 cost for the EFO program of around \$2.8 million, plus equipment costs.

⁴ See the Appendix (© 136) for a listing of these "Reportable Offenses."



MONTGOMERY COUNTY DEPARTMENT OF POLICE VICTIM/WITNESS ASSISTANCE INFORMATION



The Montgomery County Department of Police is committed to the fair, compassionate and sensitive treatment of victims and witnesses of crime. Our commitment to victims/witnesses includes ensuring that victims and witnesses are afforded reasonable protection: are kept reasonably informed of case status and the arrest of any suspect; receive stolen property promptly unless needed for court, and are given information and referrals that may aid in coping and recovering from the effects of crime.

COUNTY POLICE DISTRICT STATIONS

1ST DISTRICT

1451 Seven Locks Rd., Rockville, MD 20854
 Main (301) 279-1591
 Victim Assistance (301) 279-1817

2ND DISTRICT

7359 Wisconsin Ave., Bethesda, MD 20814
 Main (301) 652-9200
 Victim Assistance (301) 657-0149

3RD DISTRICT

801 Sligo Ave., Silver Spring, MD 20910
 Main (301) 565-7740
 Victim Assistance (301) 565-7511

4TH DISTRICT

2300 Randolph Rd., Wheaton, MD 20902
 Main (240) 773-5500
 Victim Assistance (240) 773-5547/48

5TH DISTRICT

2000 Aircraft Dr., Germantown, MD 20874
 Main (301) 840-2650
 Victim Assistance (301) 601-1647

6TH DISTRICT

18749 N. Frederick Ave., Mont. Village/Gaithersburg, MD 20879
 Main (240) 773-5700
 Victim Assistance (240) 773-5704

NEED TO KNOW ABOUT AN INMATE'S CUSTODY STATUS OR RELEASE?

Call 1-866-MD4VINE (1-866-634-8463) *(The VINE Service)*

What is Vine?

VINE is a free, anonymous, fully automated service for crime victims and witnesses. VINE allows you to check the custody status of an inmate in the Montgomery County Detention Center and register to receive automatic telephone notification when the inmate is transferred or released.

IMPORTANT POLICE INFORMATION

Emergency (24 hours) 911
To request police assistance if a crime is about to occur, is in progress, has just occurred or if someone is in danger or at risk of being injured.

Non-Emergency (24 hours) (301) 279-8000
To request police assistance where there is no reason to believe there is any physical danger. You may be referred to our Telephone Reporting Unit (TRU).

Montgomery County Department of Police VICTIM/WITNESS ASSISTANCE UNIT

Please refer to numbers to your left for the victim advocate located within a specific District Station.

Assists victims in finding support, information and appropriate sources within the community to help in the aftermath of crime.

Family Crimes Unit (240) 773-5400
Investigates child abuse, rape and certain sees offenses involving victims under 18 years of age. Also handles reported cases of youth runaways and houses the Domestic Violence Unit.

Domestic Violence Unit (240) 773-5050
Investigates cases of family trouble, including domestic abuse.

Fraud Section (301) 840-2590
Investigates reports of credit card fraud forgery, counterfeiting and embezzlement.

Crime Solvers Tip Line (240) 773-5038
Allows citizens to offer anonymous information about crime. Rewards are paid for information leading to the arrest and indictment of criminals or the capture of wanted persons.

Drug Tip Hotline 1-(800) 673-2777
Allows citizens to offer anonymous information relating to illegal drug activity.

Crime Prevention Unit (301) 840-2575/2585
Provides advice as how to increase protection of your home or business. including information about Neighborhood Watch.

OBTAINING POLICE REPORTS

Copies of Accident Reports can be obtained at the district police station located in the district where the accident occurred. To obtain a copy of an Event Report, direct your request in person or in writing to:

Montgomery County Department of Police
 Information & Support Services Division
 Headquarters, 2350 Research Boulevard
 Rockville, MD 20850(240) 773-5330

Walk-in hours: 7:30 a.m. - 5:00 p.m. Monday-Friday
 Payment is \$10.00 per report. Please provide the correct report number and payment with your request. Checks should be made payable to Montgomery County Government.

HOW TO FILE CHARGES

Report the incident to the police.

Obtain the report number from the officer.

See a District Court Commissioner to file criminal charges. A warrant or a summons to appear in court may be issued for the offender. If a Commissioner declines to issue charges, you can request that the States Attorney file charges against the offender.

District Commissioners:

Rockville (24 hours) (301) 340-0160

Silver Spring (301) 588-5181

Germantown (301) 540-0963

Report Number: _____ Date: ___/___/___

Officer's Name: _____

Telephone Number: _____

Additional Information: _____

DOMESTIC VIOLENCE INFORMATION

If you have been hurt or threatened by a spouse or intimate partner - this is a crime. Dial 911 and notify the police immediately. (You do not have to be a U.S. citizen to receive help.)

If you are injured - seek medical attention and have them call the police for you. If you need emergency shelter, call:

Abused Persons Crisis Line: (240) 777-4210
and [after 5 p.m.] (240) 777-4000

If you have left home and are in fear of harm if you return - call the police to request they accompany you back home to get essential items such as clothing and medicine.

EMERGENCY PROTECTION FROM DOMESTIC VIOLENCE

(Ex Parte Order) An Ex Parte Order can temporarily remove the abuser from the home, order the abuser to stop the abuse and enter counseling, and award temporary custody of children. An Ex Parte Order must be issued by a judge and is served by the Montgomery County Sheriff's Office (240) 777-7000
Violation of the Ex Parte Order is a crime and should be reported to the Sheriff's Office immediately. To file for an Ex Parte Order, you should:

Appear before the Civil Clerk Monday through Friday.
before 3:30 p.m. at any of these locations:

50 Courthouse Square Rockville, MD
(Circuit Court) (240) 777-9400

27 Courthouse Square, (District Court), Rockville, MD
(Criminal Division) (301) 279-1406

(Civil Division) (301) 279-1500

8665 Georgia Avenue, Silver Spring
(District Court) (301) 608-0660

CONCERNED ABOUT HIV EXPOSURE?

If you are the victim of an offense which may have resulted in exposure to HIV, you can obtain further information about your rights under Maryland Law, Article 27, Section 763, by contacting the State's Attorney's Office at (240) 777-7300

RESOURCE/REFERRAL INFORMATION

Emergency Food, Shelter, Financial &/or Counseling Assistance

Montgomery County Crisis Center (240) 777-4000

24 hour hot line and walk-in service to assist in situational or mental health crisis.

Victim Assistance and Sexual Assault

Program Crisis Line (24 hrs.) (240) 777-1355

Provides counseling and, in some cases, financial assistance to victims of general and sexual crimes.

Abused Persons Program Crisis Line (240) 777-4000

Assists victims of mate-related physical abuse - including shelter and counseling services.

Health and Human Services Emergency Services

Provides food stamps, medical assistance, temporary cash assistance and other financially-eligible services.

Germantown (240) 777-3420

Rockville (240) 777-4600

Silver Spring (240) 777-3100

After 5:00 p.m., call (240) 777-4000

Maryland Energy Assistance Prog (240) 777-4450

First Call for Help-Food Hot Line 1-(800) 492-0618

Associated Catholic Charities (301) 942-1856

Maryland Youth Crisis Hot Line (301) 738-2255

Suicide Hot Line (301) 738-2255

Maryland Center-Missing Children 1-(800) 637-5437

MONTGOMERY COUNTY GOVERNMENT AGENCIES

Office of Child Support Enforcement (301) 610-4500

Landlord/Tenant Affairs (240) 777-3600

Child Protective Services (24 hours) (240) 777-4417

Adult Protective Services (24 hours) (240) 777-3000

Court-Related Numbers

State's Attorney's Office (240) 777-7300

Sheriff's Office (240) 777-7000

Family Services Division-Circuit Court (240) 777-9079

Department of Juvenile Justice (301) 279-1580

Division of Parole and Probation

Rockville (301) 998-6701

Silver Spring (301) 588-8240

Gaithersburg (240) 386-2600

Domestic Violence Assistance House of Ruth

Circuit Court (240) 777-9077

Other Useful Numbers:

Consumer Credit Counseling (301) 231-5833 x1300

Legal Aid Bureau (301) 942-8100

Verizon's Unlawful Call Center 1-(800) 518-5507



DEPARTMENT OF POLICE

Douglas M. Duncan
County Executive

J. Thomas Manger
Chief of Police

FAMILY CRIMES DIVISION
DIVERSION CONTRACT

Client Name: _____ Case Number: _____

I hereby agree to participate in the Montgomery County Department of Police, Family Crimes Division (FCD) Diversion Program. I understand my charge will be retained at FCD and will not be forwarded to the Maryland Department of Juvenile Services (DJS) for further action if I fulfill the following requirements:

- I agree to participate in, and successfully complete, the substance abuse and/or mental health program recommended by the Department of Health and Human Services.
I agree to participate in the Urine Monitoring Program as directed by the Department of Health and Human Services.
I will participate in and successfully complete Teen Court.
I will attend and successfully complete the Juvenile Education Training Seminar (JETS).
DATES: _____ TIMES: _____ COST: _____
I will attend and successfully complete the Safety Education Training Seminar (SETS)
DATE: _____ TIME: _____ COST: _____
I will participate in and successfully complete the Community Conferencing Initiative.
I agree to complete the service hours I will be assigned by an Alternative Community Services staff member.
I understand that transportation to and from any of these programs is my responsibility.
I understand I must complete all requirements within 90 days from the date of this contract. If I fail to comply with any portion of this contract, my case will be forwarded to DJS for further action.
I will obey all laws in this or any other jurisdiction. If I commit an offense while participating in this program, I understand I will be terminated from this program, and this case will be returned to FCD for referral to DJS for further action.

Client's Signature

Screener

Date

Parent/Guardian



Family Crimes Division

DIVERSION PROGRAMS UTILIZED BY FAMILY CRIMES DIVISION

Alternative Community Service, 301-279-1580 (No fee) ACS provides a means whereby youthful offenders, ages 14-17, can make a contribution to the community by working in a volunteer status for a non-profit, tax-supported, or philanthropic agency. Successful completion of the ACS contract results in the expungement of the of the juvenile offender's record.

Behavior Health Screening, 240-777-1430 (\$15) The BHS is offered to Montgomery County residents through the Department of Health and Human Services. Then Case Screening Unit refers all eligible first time offenders, and second time offenders whose first charge was minor in nature and occurred at least one year earlier. When the juvenile and parent agree to participate in this diversion program, the juvenile is screened by a licensed clinical social worker for substance abuse or mental health issues. If either is determined to be a contributing factor in the juvenile's actions, the juvenile will be referred to an appropriate agency for an educational program, counseling, or treatment. Successful completion of the BHS, as well as completion of the assigned diversion program, i.e. ACS, JETS, Teen Court, will result in the expungement of the juvenile offender's record.

CHOICES Program, 301-253-2451 (\$30) The CHOICES Program empowers youth to make informed decisions about alcohol usage by providing current information from nationally recognized experts. Course instructors assess a student's knowledge about alcohol and then administer a self-screening. The course is designed to be interactive and encourages students to discuss their opinions. The program teams a law enforcement officer with a prevention expert. All instructors have played a key role in formulating the alcohol enforcement, education and preventions policies in Montgomery County. Successful completion of Choices results in the expungement of the juvenile offender's record.

Community Conferencing Initiative, 301-585-6200 (No fee) A community conference is a meeting of the community of people affected by behavior that has caused serious harm. The conference provides a forum in which juvenile offenders, their victims, and their respective supporters, can seek ways to repair the damage caused by the incident and to minimize further harm. It gives the offender the opportunity to understand the impact of their behavior on other people, themselves, and the wider community. It also gives the victims the opportunity to explain how they have been affected, and they can contribute to the negotiations about how best to repair the damage. Successful completion results in the expungement of the juvenile offender's record.

Juvenile Education Training Seminar, 301-762-4242 (\$50 fee-negotiable) JETS is specifically designed to educate and allow potential delinquents to discern the realistic destruction of delinquent behavior. The primary goal of JETS is to cause reflection by the juvenile on his/her past behavior, via open discussion, examples, and films, emphasizing that their future rests solely on their shoulders, and to deter them from future

encounters with the law. Successful completion of JETS results in the expungement of the juvenile's record. This program is appropriate for juveniles 11-17 years of age.

Operation Extinguish, 240-777-2448 (No fee) Operation Extinguish provides mental health intervention for juvenile fire setters, juveniles who have activated a false fire alarm, juveniles who have possessed or used fireworks, and their families. This program, developed by the Montgomery County Department of Fire and Rescue Services, combines psychological counseling and fire safety education, in an effort to eliminate this type of behavior. Upon successful completion, the juvenile's record is expunged. It is designed for juveniles of all ages.

Parent and Child Together, 301-762-4242 (\$40 fee-negotiable) PACT attempts to foster greater understanding and communication within the family unit. Both parent and child need to realize that continued delinquent behavior will only circumvent what could be a positive relationship and future. Upon completion, the juvenile's record is expunged. This program is designed for juveniles 7-10 years of age.

Safety Education Training Seminar, 301-762-4242 (\$40 fee-negotiable) SETS is a comprehensive instructional program tailored specifically for juveniles involved in the possession of alcohol or drugs, driving under the influence of alcohol or drugs, speeding and reckless driving. SETS is a combination of lecture and guided discussion. Upon completion of the program, the juvenile's record is expunged.

Teen Court, 240-777-7344 (\$10 fee) The concept of Teen Court is based on juvenile offenders being held accountable by their peers, and sentenced to alternative community service, restitution, a written apology, jury duty, or other sanctions. Teen Court is not a court of guilt or innocence; therefore, an offender must admit to involvement in the delinquent act prior to entering the courtroom. Teen Court exists as a structure of accountability for juvenile offenders, and is an effective diversion from the juvenile justice system. Upon successful completion, the juvenile's record is expunged. Participants in Teen Court must be at least 12 years of age.

CRITERIA FOR DIVERSION

- The charge must be a misdemeanor that falls under the criteria listed in the Case Screener's S.O.P. In a theft case, the property must have been recovered intact.
- The juvenile is either a first-time offender or a second-time offender, who has been charged with a minor offense, and who may benefit from a referral to a behavioral health or substance abuse screening.
- In some cases, i.e. minor assaults (no injury) and vandalism (restitution has been made), the victim needs to agree with the referral to a diversionary program.
- The juvenile must admit to involvement in the delinquent act before he/she can be assigned to a diversionary program.
- If the juvenile is a Montgomery County resident who has been charged with an alcohol violation or misdemeanor drug possession, he/she should be referred to SASCA for substance abuse screening.
- If possible, all Montgomery County juveniles, who have been charged with a delinquent act, should be referred for a behavioral health screening and, upon attending the initial counseling session, will be referred to a diversionary program selected by the case screener.
- For juveniles ages 7 to 10, a behavioral health screening may suffice. However, a conference with the case screener may be recommended, as well as an age-appropriate writing assignment.

- For juveniles ages 11 to 17, if the dollar amount stolen and recovered is under \$60, or the case screener feels a juvenile involved in another delinquent act would benefit from an educational type of program, the Juvenile Education Training Seminar (JETS), is the usual diversion program.
- For juveniles ages 12 to 17, who are Montgomery County residents, or who attend school in Montgomery County, Teen Court is an option if the delinquent act is a theft over \$60, a vandalism where the damage has been repaired by the juvenile offender, a minor assault, or a possession of alcohol.
- For juveniles ages 14 to 17, referral to Alternative Community Service (ACS) is made if the juvenile is not a Montgomery County resident, and the theft is over \$50, or if the case screener feels this would be the best option for a Montgomery County resident.
- The case screener may exercise discretion, and may change diversion programs for the juvenile, upon speaking with the parent of the juvenile offender and learning of specific disabilities, or after consulting with the behavioral health screener who had interviewed the juvenile offender.

**MONTGOMERY COUNTY
DEPARTMENT OF CORRECTION AND REHABILITATION**

A. Overview

The stated mission of the Montgomery County Department of Correction and Rehabilitation (DOCR) is “to protect the public and citizens of Montgomery County by providing a wide range of constructive, professional correctional services for pre-trial and convicted detainees.”¹ While DOCR functions are primarily for offenders, certain DOCR programs and policies relate to crime victims. The Detention Services Administration Unit, the Pre-Trial Services Unit, and the Pre-Release Center/CART programs each include activities that involve interactions with victims of crime.

B. Interactions with Juvenile Victims of Crime

Although none of DOCR’s services that involve crime victims are uniquely designed for juveniles, juvenile victims of crime benefit in the same ways as adult victims of crime. The relevant services performed by DOCR are summarized below.

Post-Sentencing Services. State law outlines specific crime victim notification requirements, some of which apply explicitly to correctional facilities. According to §11-508 of the State Criminal Procedure Article, correctional facilities in Maryland are required to notify a victim, victim’s representative, or witness if the victim (or representative) has filed a notification request form of any of the following events occurs:

- An escape;
- A recapture;
- A transfer to another confinement unit;
- A release from confinement and any conditions attached to the release; or
- The death of the defendant.

The legal responsibility to notify is contingent upon the victim formally stating his/her request for notification and providing the necessary contact information, e.g., name, address, and telephone number.

DOCR accomplishes victim notification through a combination of the automated Victim Information & Notification Everyday (VINE) system and outreach by DOCR staff members. VINE is a free, anonymous, automated telephone service that provides both adult and juvenile victims of crime with information and notification for any inmate whose status changed and informs victims of that change. VINE is a statewide system managed by the Governor’s Office of Crime Control and Prevention.

¹From DOCR website (<http://www.montgomerycountymd.gov/mcgtmpl.asp?url=/content/docr/DOCR-MISSION.asp>).

DOCR participates in VINE by sending an electronic data stream on all jail bookings and releases to the VINE system. DOCR enters data on any individual committed to the Detention Center upon completion of the intake process, including sentenced inmates and inmates awaiting trial. After receiving the data, the VINE system will automatically telephone whoever is registered to receive notification for any inmate whose status changed and inform them of the change.

Court-Related Services. DOCR provides court-related victim services through the Pre-Trial Services Unit and the Pre-Release Center.

Pre-Trial Services Unit. The Pre-Trial Services Unit (PTSU)'s mission is "to maximize the release of pre-trial defendants from detention while maintaining a high appearance rate for court hearings and a low rate of new arrests while defendants are awaiting trial."² PTSU carries out this mission by carefully screening defendants before release and providing supervision tailored to the needs of the court, the community, and individual defendants.

For all domestic violence cases that are referred to PTSU, a letter is sent to the victim informing him/her that the offender has been placed under pre-trial supervision and detailing any conditions that were included with the pre-trial contract, e.g., no physical, verbal, or written contact with the victim, and stay away from the victim's home and place of employment. The letter, which includes the phone numbers for PTSU and for the State's Attorney's Office, encourages the victim to contact PTSU with any concerns about the defendant or regarding any violations of the pre-trial conditions.

DOCR recently instituted a protocol for domestic violence cases that involve a juvenile victim or witness of the crime. A DOCR staff member contacts Child Welfare Services when a juvenile is a witness to an arrest in a domestic violence case or is a victim of suspected child abuse. DOCR also provides the juvenile's parent or guardian with information about the program in the Sheriff's Office where mental health services are available for juveniles who witness domestic violence.³

Pre-Release Center. A victim service provided by the Pre-Release Center (PRC) relates to ensuring the payment of court-ordered restitution by inmates who are employed. Specifically, if the Court orders an offender to pay restitution to a victim while the offender is still incarcerated, the Pre-Release Services staff would enforce that order by coordinating the payment of restitution either by withdrawals from the inmate's account or by payroll deductions to ensure that restitution is being paid through the Department of Parole and Probation. Restitution could be paid to the juvenile or the juvenile's parent/caregiver.

Budget and Performance Data. Data on VINE usage are currently unavailable. The portion of DOCR's resources spent on victim services is not tracked separately and would be difficult to estimate. DOCR does not have any staff solely assigned to conduct victim services and no specific budget items earmarked for victim services.

² Montgomery Measures Up!, December 2004.

³ See Sheriff's Office program description in the Appendix (© 81).

MONTGOMERY COUNTY OFFICE OF HUMAN RIGHTS

A. Overview

The stated mission of the Office of Human Rights is to:

- Enforce antidiscrimination laws in housing, commercial real estate, employment, and public accommodations;
- Promote, monitor, and enforce fair housing laws relating to access and treatment;
- Provide training and technical assistance in civil rights laws;
- Address community conflict motivated by prejudice, intolerance, and bigotry based on race, ethnicity, religion, disability, and sexual orientation; and
- Promote increased understanding and tolerance among diverse groups.

The Office of Human Rights' victim services target the needs of victims of hate/violence crimes. In particular, the Office administers a compensation fund and oversees a community-based support network for victims of hate/violence crimes.

B. Interactions with Juvenile Victims of Crime

Office of Human Rights staff report that the victim services they provide are available to both adult and juvenile victims of hate/violence crimes.

Partnership Fund for Victims of Hate/Violence. The County Council enacted legislation in 1987 to establish the Partnership Fund for Victims of Hate/Violence (the Fund). The Fund provides partial compensation for property damage and/or personal injury to victims of racial, ethnic, religion, sexual orientation and disability based hate/violence. The law also created a seven-member, volunteer Partnership Board that meets monthly to consider claims under the Fund.

The maximum award is \$8,000 every 12 months. Claimable expense include: medical expenses, lost wages, psychological service, or property damages. The maximum award for property damage is \$2,000 and for all other eligible expense is \$4,000. The Fund must reduce payment by the amount a victim receives or is entitled to receive from any private or public source as compensation for damages from the incident.

Individuals or private institutions may be eligible to receive financial assistance from the fund to repair or replace their property if:

- The incidents was a hate/violence act committed because of race, ethnicity, religion, sexual orientation, or disability; and
- The hate/violence incident occurred in Montgomery County.

The Office of Human Rights reports that they have never had a juvenile apply directly for compensation from the Partnership Fund. Although there is no specific age requirement, staff report that it is likely that any application for funds relating to a juvenile victim would come through the parents because most claims are for insurance reimbursement related to property damage.

Office of Human Rights staff learn of victims of hate/violence incidents through police reports, from victims themselves, or referrals from someone who knows the victim. Office of Human Rights staff contact all potential hate/violence victims for whom they have been provided contact information.

Vandalism victims receive a letter notifying them of services available, and violence victims are contacted via telephone to offer services. Victims who request an application for compensation from the Partnership Fund are sent one and have 30 days to return the application with the appropriate documentation. Office of Human Rights staff investigate the application, verify receipts, etc., and make a staff recommendation to the Board at its next meeting.

Victim Support Network. The Office of Human Rights administers a victim support network, called Network of Neighbors, as a method of providing community-based support and assistance to victims of hate/violence incidents through the use of community volunteers. The stated goals of the Network of Neighbors are to:

- Offer support to victims;
- Restore a sense of community when acts of hate/violence have occurred;
- Serve as a referral source; and
- Participate in community activities, which promote harmony and counteract acts of hate and violence.

After learning about a hate/violence incident, a Network of Neighbors volunteer member contacts the victim and listens, offers support, and communicates available resources.

MONTGOMERY COUNTY PUBLIC SCHOOLS

Overview

By definition of their routine contact with almost 140,000 students, Montgomery County Public School staff are uniquely positioned to identify juveniles who are victims and/or witnesses to crime. School-based personnel provide emergency assistance and immediate intervention for incidents that occur on school property or in connection with a school activity. Although school system personnel do not typically provide the traditional package of victim support services (e.g., explanation of a victim's rights in the criminal justice process, court preparation and accompaniment, mental health treatment for trauma associated with being victimized), many MCPS staff are actively involved in facilitating a student's access to needed services.

Any MCPS staff member could observe directly or learn about a student who is a victim or witness of a crime. This is as true for bus drivers and building service workers as it is for teachers, school counselors, and psychologists. In many cases, the student chooses which adult to confide in and when to share information about a victimization.

Role of the School Principal

MCPS' 192 principals are responsible for the oversight and management of the school system's 24 high schools, 36 middle schools, 125 elementary schools, and 7 special schools. Principals have significant influence over how any individual school responds to juvenile victims/witnesses.

MCPS regulations and policies establish guidelines for managing what occurs during the school day, but delegate the details to the principals. For example:

- MCPS regulation "Reporting a Serious Incident" (COB-RA) provides definitions of a serious incident and mandates a reporting process, but also delegates to the principal the responsibility for determining "the appropriate course of action."¹
- MCPS policy "Student Discipline" (JGA) establishes a philosophy of discipline, guidance for handling infractions, and desired outcomes. The policy also provides that each school will maintain a local school discipline policy (consistent with the philosophy outlined in the policy) that is developed and reviewed regularly with the active involvement of parents, students, and staff.²

¹ The Appendix (© 75) contains a copy of MCPS Regulation COB-RA, Reporting a Serious Incident. The regulation defines "serious incident" to include: any incident resulting in serious injury; serious property damage that results in disruption of the school day; serious abuse or assault of any person; weapons; a request for police assistance; and behavior that results in potential or actual disruption of the school day.

² The Appendix (© 64) contains a copy of MCPS Policy JGA, Student Discipline.

- MCPS regulation “Counseling and Guidance Services” (IJA-RA), and policy “School Counseling Programs and Services” (IJA) establish MCPS’ approach to and procedures for providing school-based counseling and guidance services. The regulation tasks each principal with responsibility for providing leadership and ensuring that the policies are implemented.³

The table below contains a list of MCPS policies and regulations that address different aspects of students’ rights, student discipline, and handling incidents that occur on a school site or as part of a school activity. Except for the policy and regulation on reporting suspected child abuse/neglect, none explicitly provide guidance on how to respond to students identified as victims or witnesses to crime.

SELECTED MCPS POLICIES AND REGULATIONS*

Student Rights and Responsibilities (JFA; JFA-RA)
Student Discipline (JGA; JGA-RA)
Reporting a Serious Incident (COB-RA)
Search and Seizure (JGB-RA)
Weapons (COE-RA)
Loss of MCPS Property (ECC-RA)
Bomb Threats/Explosive Devices(EKC-RA)
Psychological Testing (JHE-RA)
Counseling and Guidance (IJA; IJA-RA)
Child Abuse and Neglect (JHC; JHC-RA)
Suspension and Expulsion (State Law), Suspension and Expulsion (State Regulation) (JGA-EB)

*The letters contained in parentheses refer to the MCPS indexing system. Regulations are indicated by “-RA.”
Source: MCPS and OLO

OLO’s interviews with MCPS staff suggest that, in practice, there is a range of different approaches taken to supporting students who are identified as victims/witnesses of crime. Which staff members become involved and the specific intervention strategies vary by incident and by school. In addition to administrators (Principals and Assistant Principals), the MCPS personnel involved are typically some combination of School Counselors, School Security Staff, Pupil Personnel Workers, Psychologists, and/or the Juvenile Court Liaison Specialist. In some cases, other school-based staff not employed directly by MCPS, such as a School Nurse or an Educational Facilities Officer will also be involved.

³ The Appendix (© 70) contains copies of MCPS Policy IJA, School Counseling Programs and Services, and Regulation IJA-RA, Counseling and Guidance Services. Regulation IJA-RA is currently being revised.

The following pages summarize the general job responsibilities and specific interactions with juvenile victims and witnesses for the MCPS staff members who are most often involved. For descriptions of the related activities and actions taken by School Nurses and EFOs, see Appendix © 30 and Appendix © 41, respectively.

MCPS Staff	Summary of Role begins on ©
A. School Counselors	55
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A. SCHOOL COUNSELORS

DEPARTMENT OF STUDENT SERVICES

1. Overview

MCPS' FY 05 approved budget funds 430 (FTE) school counselor positions. Almost all counselor positions are school-based, with 125 assigned to elementary schools, 126 assigned to middle schools, and 169 assigned to high schools.

School counselors must have a master's degree in school guidance and counseling from an accredited institution and be certified by the Maryland State Department of Education.

Principals supervise the day-to-day work of the school counselors assigned to their respective schools. The School Counseling Services Unit in the Department of Student Services organizes training and provides general coordination of school counselors' activities across the school system. School counselors work closely with teachers, school psychologists, pupil personnel workers, and parents to address and support the needs of students who are not achieving school success.

The focus of the school counselors' work varies by grade level assigned, school size, and direction provided by individual principals. In the most general terms, the school counselors:

- Provide information about academic programs, opportunities and community resources;
- Assist students in their transition from one school level to another;
- Support the school when there is a crisis in the school community;
- Equip students with the skills necessary for personal, interpersonal, academic, career, and healthy development; and
- Consult with teachers, administrators, and parents on issues affecting a student's potential for success in the school setting.

2. Interactions with Juvenile Victims of Crime

The interactions that school counselors have with students (juveniles) who are victims/witnesses of crime vary across the school system and from situation to situation. Interviews with counselors at the elementary, middle, and high school levels indicate that issues involving juvenile victimization are routinely encountered at some but not all schools. While some incidents of victimization occur on school sites (e.g., bullying, assaults, property thefts), the counselors report the more prevalent victimization issue they encounter is with students who are witnessing violence at home or in the community.

Counselors report that they frequently work with students who are both offenders and victims. For example, a student who is disruptive in class is often sent to talk to a school counselor. After spending some time with the student, the counselor may learn that the student him/herself is experiencing some type of victimization, either at school or at home.

Counselors report that they are also typically involved in situations where another MCPS staff member suspects a student is a victim of child abuse or neglect. In such cases, the counselor either contacts Child Welfare Services directly or supports the other staff member to make the telephone call him/herself.

In some schools, at the principal's request, counselors are routinely involved with the intervention following an incident of crime that occurs at school, whether the crime is formally reported or not. Counselors may hold separate individual sessions with alleged offenders and victims, or may arrange mediation between the offender and the victim. Counselors also participate in re-entry hearings that are held for students who have been suspended or expelled.

Interviews with counselors suggest that the time that they have to work intensely with individual students on a one-on-one basis (including, for example, helping a student deal with an incident of victimization) declines with grade level. At the secondary school level, more and more of the counselors' time is taken up with class scheduling and other administrative responsibilities.

Counselors at all school levels expressed interest in having more time to invest in counseling individual students. In addition, there is widespread interest in having more opportunities to conduct and evaluate prevention activities.

Elementary School Counselors. MCPS' current practice is to assign one counselor to each elementary school. As a result, the student-to-counselor ratios vary significantly depending upon each elementary school's enrollment. For the current school year, the student to counselor ratio in elementary schools ranges from 232:1 to 752:1.⁴

⁴ Four elementary schools (with populations that range from 242 to 288 students) have only a half-time counselor.

Elementary school counselors have more available time than secondary school counselors to meet with students individually or in small groups. According to MCPS regulation, school counselors must request parental permission for students to participate in on-going individual or group counseling sessions. Counselors refer students and their families to more intensive counseling resources as appropriate. For instance, counselors working in schools served by the Linkages to Learning program, may refer students and their families to short and long-term counseling offered by school-based Linkages to Learning therapists. For more information about Linkages to Learning services, see Appendix © 35.

In accordance with the revised MCPS policy on School Counseling Services and with the proposed revision of the accompanying regulation, school counselors will notify parents/guardians of on-going responsive counseling services that may be offered to students.

Middle School Counselors. Counselors in middle school are most commonly assigned by grade level. As the cohort of students move from grade to grade during the three years of middle school, the counselor moves with them. For the current school year, the average middle school student to counselor ratio is 255:1. In many schools, however, the actual ratio is higher. It is typical for adjustments to be made in counselor caseloads in order to accommodate the additional administrative and leadership responsibilities of the Resource Counselor (counselor serving as the department chair).

In middle schools, the counselors' focus is largely on orienting students to the middle school environment, and then on preparing them for high school and post-secondary options, although counselors strive to make time to respond to personal and social concerns through individual or small group counseling sessions. For issues such as victimization, counselors typically do not have the time to work with students on a one-on-one basis over an extended period. In such cases, a counselor will try and work with the student's parent/guardian to facilitate the student's access to more intensive counseling services.

High School Counselors. High school counselors have primary responsibility for guiding students through academic and career planning, including class scheduling and post-secondary education options. At the high school level, the counselors' administrative responsibilities consume the largest portion of their time. For the current school year, the reported high school student to counselor ratio is 266:1. As in the middle schools, the actual ratio is higher because adjustments are made to everyone's caseload in order to reduce the number of students served by the Resource Counselor.

High school counselors do meet with students individually in selected cases, but do not have the time for extended periods of one-on-one counseling. Some high school counselors hold group sessions with students on specific issues, which at times include aspects of dealing with victimization. When a counselor identifies that a student needs help related to a specific incident of victimization, the counselor will generally work to facilitate a student's access to more intensive counseling services.

B. SCHOOL SECURITY STAFF

DEPARTMENT OF SCHOOL SAFETY AND SECURITY

1. Overview

MCPS describes the mission of the Department of School Safety and Security as follows:

To ensure a safe and secure environment essential to accomplishing the Success for Every Student Plan through committed staff using a combination of current technology, applied skills in the safety and security field, and specific expertise.

The Director of the Department of School Safety and Security coordinates the hiring and training of school security staff and manages a central office staff that includes six field security coordinators. Each principal selects and directly supervises security staff at their school. The FY 2005 MCPS budget supports the assignment of the following school security staff: 23 security team leaders at the high schools; 81 security assistants at the high schools; and 64.5 security assistants at the middle schools.

School security staff are trained to assist school administrators in managing emergency and crisis situations. They maintain a visible presence in the schools and often are the first responders to incidents that occur on school property. Although the specific activities vary from school to school, MCPS staff reports that principals rely on school-based security staff members to respond to incidents of criminal activity, drug/alcohol use and possession, property damage, and theft committed by students during the school day. School security staff also work collaboratively with Montgomery County Educational Facilities Officers in the area of emergency/crisis preparedness and other safety and security issues.

2. Interactions with Juvenile Victims of Crime

School-based security staff often are the first to respond to any criminal incident that occurs at an MCPS school site. As a result, the security staff members have frequent contact with offenders, victims, and witnesses.

The school security staff member who responds to any incident is responsible for providing the principal with detailed information on the incident. The information often includes written statements from the involved students and witnesses. In many cases, the school security staff member will include his/her recommendations for follow-up actions.

Interviews with school security staff indicate that their involvement with juveniles who are victims of crime varies significantly. In some instances, the principal will direct the school security staff member to contact the victim's parents to discuss the incident. In some cases, the school security staff member helps to facilitate follow-up services for the victim, e.g., mediation, counseling. If a victim has continuing safety concerns, school security staff often will arrange their own schedules to be more accessible and reassuring to the victim.

C. PUPIL PERSONNEL WORKERS
DEPARTMENT OF STUDENT SERVICES

1. Overview

The FY 05 MCPS budget funds 44 (FTE) Pupil Personnel Worker positions. Forty-three of those PPWs are assigned to the MCPS field offices; one is assigned to the Department of Alternative Programs. Each PPW carries a caseload of five or six schools.

All PPWs must be certified by the State Department of Education. To be certified, an applicant must have a master's degree in pupil personnel or related field, 21 semester hours of specialized graduate credit, and three years of satisfactory teacher experience.⁵

The Department of Student Services describes the role of a PPW as including the following four major functions:⁶

1. **Advocate** – PPWs work with individual students, parents, and staff (case management) to determine interventions and special placements for students who are experiencing behavioral difficulties at school; PPWs also identify early intervention strategies for student success as part of the Collaborative Action Process.⁷
2. **Liaison** – PPWs maintain connections with home-schooled students, provide crisis support to staff and students, and assist in the case management process for students referred to the Department of Health and Human Services and the Department of Juvenile Services.
3. **Consultant** – PPWs collaborate with school staff to address chronic attendance issues and dropout prevention, work with school staff and families on residency and guardianship issues, assist in the special education identification and placement process, and collaborate with school staff and families on drug and alcohol treatment.
4. **Referral Source** – PPWs refer students, families, and school staff to a variety of County agencies and community services providers for appropriate services.

⁵ At the recommendation of a local superintendent of school, an applicant can substitute two years of related experience for two years of teaching experience.

⁶ The description of a PPW's role is adapted from MCPS' Department of Student Services website.

⁷ The Collaborative Action Process is a problem solving approach that identifies and resolves learning and behavior challenges for individual students, groups of students, classrooms, and schools.

2. Interactions with Juvenile Victims of Crime

School-based administrative staff ask PPWs to work with individual students who are identified as experiencing attendance and/or behavioral difficulties at school. In the course of working with individual students, PPWs may learn that a student's victimization is causing or contributing to the problems that he/she is having. In these cases, the PPWs' primary role is to refer the student for additional support services. For example, PPWs may try to connect the student to community mental health resources, consult with counselors, security and other school-based staff, and/or facilitate a school assignment change.

Students who have been suspended or expelled from MCPS must undergo a re-entry hearing in order to return to school. A PPW is included in this hearing. If a student has been suspended or expelled because he committed an offense against another student, the PPW may help school-based staff determine what accommodations (e.g., re-arrange schedules to minimize the contact between the offender and victim) will make the re-entry process go as smoothly as possible.

D. PSYCHOLOGISTS

DEPARTMENT OF STUDENT SERVICES

1. Overview

The FY 05 MCPS budget includes funding for 98 (FTE) psychologist positions. Every MCPS school is assigned a psychologist, but each psychologist carries responsibility for more than a single school.

School psychologists are mental health professionals trained in both psychology and education. All MCPS school psychologists have a master's degree and meet additional educational requirements as set forth by the Maryland State Department of Education.

School psychologists perform a wide range of functions in the school system. The Department of Student Services describes the role of school psychologist to include the following services:

- **Consultation** – school psychologists help problem solve, help others to understand child development, and strengthen working relationships among educators, parents, and community services.
- **Assessment** – school psychologists evaluate students' academic skills, learning aptitudes, personality and emotional development, social skills, learning environment and school climate, and eligibility for special education.
- **Intervention** – school psychologists help solve conflicts and problems in students' learning and adjustment, provide psychological counseling for children and families, provide social skills training and behavior management, and help schools and families deal with crises.

- **Prevention** – school psychologists help to identify students’ potential learning difficulties, design programs for at-risk children, provide skills for coping with disruptive behavior, and develop school-wide initiatives to make school safer.
- **Education** – school psychologists provide workshops and training activities for MCPS families and staff.
- **Research and Planning** – school psychologists actively seek information about the results of their efforts and how they benefit students by research, and use results of research to help schools with continuous improvement efforts.
- **Health Care Provision** – school psychologists collaborate with school and community-based personnel for school-linked health services that provide access to community supports and emphasize psychosocial wellness and health-related issues.

Psychologists tailor their services to the particular needs of each school, child, and situation. MCPS is currently collecting data to accurately determine how much time each psychologist spends performing each of the functions described above. According to MCPS staff, school psychologists spend much of their time responding to special education referral issues. This limits their ability to engage in prevention and focused intervention.

2. Interactions with Juvenile Victims of Crime

The interactions that school psychologists have with juveniles who are victims or witnesses to crime vary across the school system and from situation to situation. In addition to interactions that occur as part of the psychologists’ core responsibilities, there are some special services being provided as part of “Kids First,” a program funded by a federal Safe Schools/Healthy Students grant.

As part of core responsibilities, MCPS school psychologists’ interactions with juvenile victims most often occur in the course of providing consultation or intervention services. School psychologists rarely conduct counseling or therapy sessions designed explicitly for victimization. Instead, they tend to be indirect service providers who interact with juvenile victims when a guidance counselor or other school administrator seeks out their assistance and/or advice. Staff report that they focus on educating teachers, administrators and parents on how best to support students with exceptional issues such as victimization.

As part of specialized grant program. The 10 schools in the Gaithersburg High School cluster are participating in a special grant-funded program entitled “Kids First Alliance (KFA).” The KFA staffing commitment is six school psychologists, one school counselor, and one school social worker. Additionally, four school psychologists not directly assigned to the KFA grant have reduced case loads so that each of the 10 schools can benefit from school psychological services.

The Kids First Alliance includes several components that together provide a continuum of prevention, early intervention, intensive intervention and crisis services. Most relevant to juvenile victims of crime is enhanced access to counseling, school social work services, and focused therapeutic interventions.

Through another component, the Collaborative Action Process (CAP), school-based staff work in concert to identify and alleviate challenges that may cause students to exhibit problem behavior that might otherwise result in a special education evaluation.

Based on research conducted at the national level, it is expected that one of the results of this approach will be the identification of juveniles who have been victimized, e.g., as victims of abuse or neglect, as victims of bullying, as victims of general crime. The grant also funds: training for teachers on how a child who has experienced trauma will conduct him/herself in the classroom; and on-site therapy services for students.

E. COURT LIAISON SPECIALIST

DEPARTMENT OF STUDENT SERVICES

1. Overview

MCPS Court Liaison Specialist serves as the primary point of communication between MCPS and the Courts/Department of Juvenile Justice about adjudicated youth. The Court Liaison Specialist is responsible for coordinating the return of MCPS students who have been detained or confined at a Department of Juvenile Justice residential facility. The Court Liaison Specialist has one office in the District Court building and one office in the Juvenile Assessment Center (JAC).

In the course of a given year, the Court Liaison Specialist engages in a wide range of activities. The Court Liaison spends a great deal of his time responding to court orders that request intervention information and/or additional intervention on cases involving adjudicated youth. This includes:

- Obtaining inter-agency reports;
- Obtaining student grades;
- Meeting with at-risk youth; and
- Providing counseling.

The Court Liaison chairs the Montgomery County Interagency Student Transition Team, which assists with the re-entry of students who have been detained or committed at a Department of Juvenile Services' residential placement facility such as the Noyes Children's Center or the Charles Hickey School. The other members of the Transition Team include representatives from the Department of Health and Human Services, DJS Pupil and Field Services, Family Court, and MCPS Student Services. The Team meets every other Friday at the Juvenile Assessment Center.

The Court Liaison's annual report summarizes his work in the following four categories:

Direct Juvenile Court involvement – this includes responding to requests from the Juvenile Court for information about the school records of students being adjudicated and participating in court proceedings, either in person or by submitting a written report.

Liaison for identified MCPS students with community partners – this includes consulting with the Department of Juvenile Justice involving the educational, placements, and policies concerning MCPS students; consulting with staff from Child Welfare Services, the Office of the County Attorney, the Office of the State's Attorney, the Police Department, the Public Defender, the Adult Divisions of District and Circuit Court (regarding students being charged as adults), and others about the educational needs of students.

Liaison responsibilities to MCPS staff, parents, and students – this includes consulting with MCPS staff (e.g., PPWs, psychologists, school counselors, teachers, administrators) regarding proceedings in Juvenile Court, the Department of Juvenile Justice, and Child Welfare Services; participating in special education placement meetings; appearances before the expulsion review board; and assistance with obtaining parental permission for release of records and testing authorizations.

Involvement with MCPS due process hearings – this includes site visits to residential facilities operated by DJS (Noyes Children's Center, Charles Hickey, Youth Ranch); consulting with parents, students, and attorneys regarding court and MCPS policies and procedures; requesting and obtaining student records from DJS facilities; and informing schools that a student has been detained or confined to a DJS residential facility.

2. Interactions with Juvenile Victims of Crime

The Court Liaison Specialist's work focuses on students who have been adjudicated as offenders. In many cases, these individual students have also been victims of a crime that occurred either at school or outside of school. The Court Liaison will include information regarding the student's victimization in his report to the Court, and the Court may use that information to guide its decision-making in the case.

Additionally, as Chair of the Interagency Student Transition Team, the Court Liaison encourages MCPS to structure the re-entry of a student in a way that considers the impact on any known victim(s). For example, the Team may recommend that MCPS notify any student victim before the student offender returns to school. The Team may also recommend that the offender return to a different school than the victim, depending on the nature of the criminal incident.

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACF, ACF-RA, COC-RA, COE-RA, COF-RA, COG-RA, ECC-RA, GDB-RA, JGA-RA, JGA-RB, JGB-RA, JFA, JFA-RA

Responsible Office: Deputy Superintendent of Schools

Student Discipline

A. PURPOSE

1. To provide a philosophy of discipline that will guide staff and students in promoting good behavior in an environment that is conducive to effective and efficient learning
2. To promote a disciplined environment that is safe, that holds mutual respect as an expectation, and does not tolerate disrespect
3. To ensure that our students and staff are protected against disruptive behavior and encouraged to participate in the pursuit of higher social standards for behavior and respect for others
4. To clearly communicate to students, staff, and parents expected student behaviors and consequences for misbehavior

B. ISSUE

The Board of Education of Montgomery County believes that learning is a continuous evolutionary process. The Board also believes that while learning is not confined to a school building, it is nonetheless the primary function of the school. Like all social institutions, the school must evolve a certain set of rules and regulations to govern its participants and to facilitate the performance of its primary function. These rules should reflect a balance between the responsibilities and rights of the individual and the responsibilities and rights of the group. They must also reflect the need to promote good behavior in an environment that is conducive to effective and efficient learning and the need for mutual respect and cooperation among all segments of the school community. Schools should be communities in which positive behavior is expected and modeled within an environment of mutual respect and dignity.

C. POSITION**1. Philosophy**

- a) In a school system the size of Montgomery County, absolutely consistent application of a discipline policy, if valued as the overriding consideration and taken to the extreme, would require the listing of every possible infraction with a specific, mandated disciplinary action in response to each. At the other extreme, recognition of both the diversity of community settings within the county and the individuality of each disciplinary situation would suggest that each school should establish its own disciplinary standards and apply them only as appropriate to each student's situation. The Board finds the need to balance these two opposing considerations and, therefore, elects to follow a middle-ground policy. Certain major infractions are recognized as requiring consistent countywide actions from and direction for all schools. For these infractions, a specified range of responses must be utilized by all school personnel, with the severity and/or frequency of the infraction determining where in the range the penalty should lie. At the same time, for disciplinary infractions not established with mandated disciplinary actions, development of appropriate standards and responses will remain an individual school responsibility subject to review by the appropriate director in the Office of School Administration. Input from students, parents, and school personnel will permit these disciplinary actions to be tailored to the needs and desires of each community within the county. The Board seeks in this way to provide consistent responses to the more severe infractions without prejudging every disciplinary situation and without depriving individual school administrators of the opportunity for flexible and creative responses to the vast majority of cases.
- b) The Board believes that discipline is learned and, therefore, can and should be taught in the home, school, and community. The child also learns through experience and imitation of those around him. Discipline is a developmental process. As the child matures, he/she should be given increased responsibility in keeping with his/her developmental level and social maturity and every opportunity to practice self-discipline in order to positively reinforce responsible action. Classroom models should put children's needs at the center of decisions about classroom management and problem-solving. Children should be helped to understand the consequences of violence and conflict. Our schools should be environments where conflict that may occur can be used as an opportunity to teach and learn. The ultimate goal should be the internalization of discipline so that little external enforcement is required. The Board believes that this philosophy will foster the development of positive, self-disciplined, self-reliant individuals capable of

behaving appropriately as the situation demands. The Board believes that this philosophy will produce individuals with social consciences who see the good sense in acceptable behavior and who are spared the consequences of misbehavior.

While causes are not always evident, misbehavior may be related to economic, social, physical, psychological or emotional factors. It is important for staff to consider that misbehavior could be a symptom. Effective discipline depends on the cause of the behavior. Staff members are encouraged to involve the family to seek solutions. The family and community also must take responsibility to provide guidance, support, and structure to meet student needs. In some instances, changing the environment will be the most appropriate response; in other situations, the student and his behavior must be dealt with directly.

2. Student Behavior

- a) Student conduct that disrupts class work, involves disorder, or invades the rights of others will not be tolerated and may be cause for suspension or other disciplinary action.
- b) The administration of disciplinary action will focus both on consequences and on changing or managing inappropriate behavior. To that end, all available resources should be utilized, including preventive and responsive interventions to support students' needs. These interventions should include interdisciplinary – psychological, curricular, behavioral – services which should take place within classrooms, schools, and alternative settings. Exclusion from the classroom should be the disciplinary action of last resort. Fair, firm, and consistent application of disciplinary action is expected, and students should be made aware of the consequences of misbehavior. It is equally important that there be careful evaluation of the individual situation so that the school's response to the student is appropriate.
- c) The superintendent will ensure that major infractions that are recognized as requiring consistent countywide actions from and direction for all schools are described in Regulation JFA-RA: *Implementation of Students Rights and Responsibilities* and summarized in the *Student Guide to Rights and Responsibilities*.

- d) Each school will maintain a local school discipline policy developed and reviewed regularly with the active involvement of parents, students, and staff. All school discipline policies and procedures shall be consistent with the philosophy of this student discipline policy.

3. School Climate

School organizational and operational structures are as important a focus for change as the individual student's behavior.

The superintendent will implement a comprehensive plan for safety and security that will ensure a learning and working environment that protects the rights, health, and welfare of students and staff.

D. DESIRED OUTCOMES

- 1. Students will understand their responsibilities and rights.
- 2. Schools will be safe and orderly environments where students are engaged in learning.
- 3. Students will exercise self-discipline, self management, and demonstrate appropriate behavior in order to become productive citizens.
- 4. Parents and students will be well informed about school discipline policies and will be encouraged to participate in efforts to ensure that schools are safe and orderly.

E. IMPLEMENTATION GUIDELINES

- 1. Information from this policy will be described in *The Student's Guide to Rights and Responsibilities* which will be made available to all elementary school students and will be distributed to all students entering secondary schools.
- 2. Specific rights and responsibilities which all members of the school community should assume are presented in Regulation JFA-RA: *Implementation of Student Rights and Responsibilities*.
- 3. Each school is responsible for disciplinary infractions not established with mandated disciplinary actions based on analysis of local data and input from students, parents, and school personnel.

4. Procedures for disciplining students for major infractions that require consistent countywide actions from and direction for all schools are found in specific regulations such as:
 - a) Regulation ACF-RA: *Sexual Harassment*
 - b) Regulation CFA-RA: *Site-based Participatory Management*
 - c) Regulation COC-RA: *Trespassing or Willful Disturbances on MCPS Property*
 - d) Regulation COE-RA: *Weapons on MCPS Property*
 - e) Regulation COF-RA: *Intoxicants on MCPS Property*
 - f) Regulation COG-RA: *Portable Communication Devices*
 - g) Regulation ECC-RA: *Loss of MCPS Property*
 - h) Regulation GDB-RA: *Protection of Employees, Students, and Property*
 - i) Regulation IGT-RA: *Appropriate Use of Computer Networks*
 - j) Regulation JGA-RA: *Maintenance of Classroom Control and Discipline*
 - k) Regulation JGA-RB: *Suspension or Expulsion of an MCPS Student*
 - l) Regulation JGB-RA: *Search and Seizure*
5. The superintendent will monitor issues of concern to the safety and security of the MCPS community and report to the Board, particularly those items for which legislative positions need to be taken.
6. The superintendent will monitor recordkeeping and other data collection from schools and field offices regarding disciplinary infractions and interventions to evaluate and develop programs.
7. The superintendent will strengthen existing instructional programs to include such skills as respect for others, conflict resolution, interpersonal relations, etc. Efforts to improve discipline should include students in identifying effective classroom management strategies and problem solving in a diverse environment.

8. The superintendent will seek a continuum of alternative strategies to address students who are chronically disruptive and/or dangerous to the school including:
 - a. Strengthening classroom behavior management skills through staff training
 - b. Expanding the repertoire of curriculum based instruction about conflict resolution, positive social skills, problem solving, bias awareness and prejudice reduction
 - c. Increasing prevention, intervention and alternative strategies, programs, and/or sites

F. REVIEW AND REPORTING

1. The Board of Education will receive suspension information in the annual Success for Every Student report.
2. This policy will be reviewed on an ongoing basis in accordance with the Board of Education's policy review process.

Policy History: Adopted by Resolution No. 20-97, January 14, 1997.

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: BMF, IJA
Office: Deputy Superintendent of Schools

Counseling and Guidance Services

I. PURPOSE

To establish procedures for implementation of the policy on counseling and guidance service

II. BACKGROUND

The Board of Education supports a strong program of counseling and guidance services because of the benefits it can provide to students, parents, and staff. The counseling program should provide services to assist students to succeed in school, to help personalize school experiences, and to develop; skills necessary for appropriate decision making.

Students have available to them many options, and they need skills to assist them not only in seeking information, but also in evaluating the information and making good decisions related to these options. Because counselors have the information and perspective to consider the whole student rather than his/her performance in one subject or situation, they can provide the personal attention needed to coordinate and focus the student's total school experiences.

The program must be staffed with an adequate number of highly skilled counselors at all secondary schools, and to the extent possible at elementary schools, who coordinate and consult on personal social, educational, and career matters. These individuals must be supported by supervisory and supporting guidance personnel who have strategies to provide a full array of services.

III. DEFINITIONS

- A. Consulting – a process of sharing of information and ideas with those persons (parents, teachers, and administrators) who have some responsibility for students – with the objective of making mutually agreed upon decisions about future plans affecting students.

- B. Counseling – the helping process, employed individually or in groups, in which a trained professional utilizes appropriate resources to assist in the client's development according to mutually agreed upon guidelines.
- C. Coordinating – a method used to integrate all the guidance services within a school program utilizing all school staff and appropriate resources.
- D. Supervisory Guidance personnel – administrative and supervisory central office person(s) with guidance certification appropriate to Maryland State Department of Education and MCPS regulations.
- E. School Operational Plans (Guidance Operational Plans) – Guidance Department's plans which include objectives, rationales, processes, and feedback indicators.
- F. Educational Program – including, but not limited to, the Four-Year Plan which is specified in Black Action Step 23.

IV. PROCEDURES

A. Principal's Responsibilities

The principal will:

1. Provide leadership in establishing a school atmosphere of support, leading students to a better understanding of themselves and a positive self-concept.
2. Provide for the implementation of the Advocacy Process (as adopted by the Board of Education on July 9, 1974) and inform students and parents of its provisions.
3. Ensure that student, parents, and staff are informed of guidance resources through assemblies, newsletters, orientation sessions, handbooks, or other appropriate means.
4. Ensure that students and parents are informed of the open choice of counselors.
5. Ensure that students with specific school/social needs are identified and are provided with alternatives.
6. Establish a school Guidance Advisory Committee made up of the required components.

7. Ensure that the school's counseling staff has adequate and appropriately utilized supporting services personnel.
8. Ensure that the counseling staff works together with the administrator and the chairperson of the school Guidance Advisory Committee yearly to devise and submit a Guidance Operational Plan directed to the needs of their students.
9. Ensure that the counseling staff implements the 4-year planning sessions as mandated by Black Action Step 23 and submits the required end-of-year report on the school.
10. Ensure as nearly as possible, that guidance staff complements the staff of the school; is utilized primarily to meet the needs of students, parents, and teachers; and is evaluated periodically for effectiveness.

B. Counselor's Responsibilities

The counselor will:

1. Assist teachers and parents in helping all students achieve increased self-awareness and feeling of self-worth.
2. Assist students in acquiring decision-making skills in order that they can learn to make appropriate educational, career, and personal decisions.
3. Interpret various instruments that help students analyze their interests, abilities, and values with respect to career awareness.
4. Provide opportunities for students to meet individually or in groups to discuss personal and/or social problems that may affect learning, motivation, and personal development.
5. Act as child advocate in any reasonable cause.
6. Collect information from all relevant sources and interpret such data to students, parents, and staff when needed to assist in planning students' educational programs.
7. Meet with each secondary student (starting in Grade 8) annually to plan an educational program consistent with his/her needs (MCPS Form 560-45, *Student Educational Career and Educational Planning*, and MCPS Form 560-46,

Review and Revision of Student Educational and Career Plan, are used for this purpose.)

8. Take active role in assisting the administration to inform students and parents of guidance services through assemblies, newsletters, orientation sessions, handbooks, or other appropriate means.

C. Area Director of Educational Services (or Designee) Responsibilities

Area directors of educational services or designee will:

1. Review guidance department operational plans for purposes of determining local school, area, and systemwide needs and to identify resource supports. Such plans will be submitted to the supervisor of guidance/alternative programs for further review and input.
2. Monitor counselor and resource counselor selection process to see that the selection is according to policy.
3. Monitor the open choice of counselor procedures.
4. Act as a second observer in the counselor evaluation process when requested.
5. Assist in implementing the area guidance program developed by supervisor of guidance and alternatives.

D. Supervisor of Guidance/Alternative Programs Responsibilities

The supervisor of guidance/alternative programs will:

1. Review and critique guidance department operational plans and report significant trends to the advisory committee on counseling and guidance and provide feedback to schools when plans are either inadequate or inappropriate.
2. Monitor counselor and resource counselor selection processes to see that the election is according to policy.
3. Initiate the development and the implementation of an appropriate needs assessment.

4. Provide leadership in the development and implementation of a countywide guidance program.
5. Act as second observer in the resource counselor evaluation process when requested.

E. School Guidance Advisory Committee Responsibilities

The school Guidance Advisory Committee will:

1. Monitor the effectiveness of the guidance program and make recommendations for improvements.
2. Assist in the design of guidance operational plans, review the final product, and suggest changes if appropriate.
3. Provide support of the guidance program and staff in reaching goals defined in the Guidance Operational Plan.
4. Complete a final report and send a copy to the:
 - a) School Principal
 - b) School PTA President
 - c) Chairman of Montgomery County Advisory Committee on Counseling and Guidance
 - d) Area director of Educational Services
 - e) Supervisor of Guidance/Alternative Programs

Administrative History: Formerly Regulation 335-7, November 25, 1981

POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: IJA-RA

Responsible Office: Special Education and Student Services

School Counseling Programs and Services

A. PURPOSE

The Board of Education is committed to ensuring high quality school counseling programs that are comprehensive, developmentally appropriate, foster academic achievement and personal growth, and are provided to all Montgomery County Public Schools (MCPS) students in an equitable manner.

B. ISSUE

Comprehensive, developmentally appropriate, school counseling programs and services provided by credentialed school counselors are essential to achieving the MCPS mission of academic excellence and success for all students. School counselors are critical partners in the delivery of a high quality education and contribute significantly to the removal of barriers to learning. In partnership with school staff, school counselors teach the knowledge and skills necessary for success in a rigorous instructional program and promote healthy social and emotional development as it pertains to academic achievement. Counselors collaborate with staff, parents, and community members to mobilize resources needed to support student success. Counselors support students in attaining their full potential and achieving their academic and personal aspirations.

C. POSITION

1. In all schools:

- a) Counselors provide a comprehensive, developmentally appropriate school counseling program to all students
- b) The school counseling program aligns with the MCPS educational mission
- c) Counselors provide information and support to students and families about academic programming, community supports, and other relevant information

- d) School counselors are essential to the articulation process and communicate information needed to ensure a student's continued success
 - e) The school counseling program is based on national standards and includes prevention, intervention, and crisis response services
 - f) School counselors promote personal, interpersonal, health, academic, and career development for all students through proactive classroom programs and other services
 - g) School counselors address the unique needs of individual students through interventions which are culturally appropriate
 - h) School counselors communicate the role and goals of the school counseling program with all stakeholders including students, parents, staff, administrators, and community
 - i) The school counseling program and school counselors address equitably the needs of the diverse school population and advocate for educational excellence for all students
 - j) School counselors collect and analyze both qualitative and quantitative data to identify and address student needs and to develop, implement, evaluate, and continuously improve the counseling program
2. The school counseling program is implemented in grades preK-12. Because the academic and developmental needs of students change as they mature, the counseling program addresses the unique academic and developmental needs of students at each school level in collaboration with staff, parents, and community.
- a. At the elementary level:
 - (1) The school counseling program promotes school success by assisting students in acquiring the skills and attitudes necessary for academic achievement
 - (2) The school counseling program teaches decision making, problem solving, and resiliency skills
 - (3) School counselors foster the development of positive self-concept and interpersonal skills

- b. At the middle school level:
 - (1) The school counseling program focuses on building academic and social competence and career awareness
 - (2) School counselors coordinate, monitor, and manage the process by which students develop a rigorous, appropriate comprehensive plan that meets high school graduation requirements and reflects post secondary goal setting
- c. At the high school level:
 - (1) School counselors meet with students regularly to review, guide, and support them through the academic and career planning process. School counselors plan and manage the process for students reviewing and updating rigorous comprehensive plans to support students' post-secondary educational and career goals
 - (2) The school counseling program equips students to develop competence in decision making, career planning, interpersonal relationships, personal responsibility, and other skills essential to being a productive citizen

D. DESIRED OUTCOMES

Throughout MCPS, all students will have access to comprehensive, developmentally appropriate school counseling programs and services which support academic achievement and personal growth. At all school levels, school counselors collaborate with parents, students, staff, and community to remove barriers to learning and provide opportunities and supports to empower students to embrace their full potential and achieve their academic and personal aspirations.

E. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

Policy History: Adopted by Resolution No. 410-78, June 12, 1978; amended by Resolution No. 621-04, November 9, 2004.

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: COB-EA, COC-RA, COE-RA, COE-EA, COE-EB, COF-RA, COG-RA, EBA-RA, EBH-RA, ECC-RA, EEA-RA, EKC-RA, Negotiated Agreement
Responsible Office: Deputy Superintendent of Schools

Reporting a Serious Incident

I. PURPOSE

To establish procedures for reporting serious incidents to the appropriate administrative offices and to the public in order to provide for the health, safety, and security of MCPS students and employees

II. BACKGROUND

To ensure the protection of MCPS students and employees, all serious and unusual incidents must be reported to the deputy superintendent of schools. All incidents involving personal injury and MCPS property damage must be reported to the immediate supervisor so that safety and/or legal measures may be applied as necessary.

The involvement of police and/or fire and rescue officials on MCPS sites to assist with a problem is always considered an unusual circumstance and must be reported to the deputy superintendent.

The MCEA/MCPS Agreement requires employees to make reports to their immediate supervisors of assaults against them by non-school persons (See Article 21).

The agreement also requires teachers to report incidents in which force has been required to restrain a student (See Article 22).

III. DEFINITION

- A. A *serious or unusual incident* is any incident that occurs on an MCPS site, or in connection with a school-related activity, that may be classified into the following categories and may include but not be limited to:

1. Safety/Health

- a) Any incident resulting in death or serious injury of any person on an MCPS site or while conducting MCPS business (See Regulation EBH-RA, *Reporting Student Accidents*. For information concerning reporting an accident involving a school bus, see Regulation EEA-RA, *Transportation of Students*.)
- b) Bomb threats or explosive devices on MCPS sites (See Regulation EKC-RA, *Bomb Threats/Explosive Devices*.)
- c) Fire (See Regulation EBA-RA, *Fire Safety*)
- d) A request for emergency medical assistance
- e) Serious property damage that results in disruption of the school day (See Regulation ECC-RA, *Loss of MCPS Property*.)
- f) Substantial or critical malfunction of essential equipment, facilities, and/or services
- g) Serious abuse or assault (physical/sexual) of any person
- h) Serious abuse of any person that is based on sexual harassment, race, religion, or ethnic background (i.e.; hate/violence incidents)
- i) Weapons (See Regulation COE-RA, *Weapons*)

2. Security/Discipline

- a) A request for police assistance
- b) Behavior that results in potential or actual disruption of the planned school day
- c) Portable Communication Devices (See Regulation COG-RA, *Portable Communication Devices*.)

B. *An MCPS Site* is defined as any school or facility, including grounds owned or occupied by MCPS. The definition includes the location of an MCPS sponsored activity.

- C. The *principal/director* refers to the administrator responsible for a school or office as appropriate.
- D. *Appropriate associate superintendent* means the associate for:
- Office of School Performance when referring to regular school
 - Office of Instruction and Program Development when referring to special education schools
 - Office of Student and Community Services, when referring to alternative programs
 - Office of the Chief Operating Officer when referring to all other sites

IV. PROCEDURES

- A. All serious and unusual incidents are to be reported immediately to the principal/director or designee.
- B. If the incident involves a student, the principal will make every effort to first notify the parent(s)/guardian(s) of the student before any other referral is made unless circumstances require an immediate action by police or other emergency officials to protect the health and safety of all persons involved. The principal/director or designee is responsible for determining the facts and assuring that the students/employees involved have an opportunity to give their input and description of the incident.
- C. The principal/director or designee will be responsible for determining the appropriate course of action including requests for outside (non-school) assistance in accordance with the comprehensive local crisis plans.
- D. As soon as possible, the principal/director or designee will notify by telephone the appropriate associate superintendent. The Office of School Performance will notify the Office of the Deputy Superintendent of Schools, which will inform the superintendent and other appropriate staff. In the case of sexual harassment, racial or hate/violence incidents, the principal/director or designee will also immediately notify the MCPS Diversity and Training Unit by telephone. Within 24 hours of the oral report, the principal/director or designee will report the incident in writing, using MCPS Form 270-3, *Report of a Serious School Incident*.

- E. Whenever the principal/director or designee perceives that a serious incident threatens the health, safety, or security of students or staff, or there is the likelihood of community concern about the incident, the principal/director or designee, in consultation with the appropriate associate superintendent, may release information about the incident to parents, staff, and students, using the guidelines below.
1. The purpose of such a release is to provide all interested parties with timely and accurate information and to solicit support for resolving the situation.
 2. No information will be released that violates the confidentiality rights of any person involved in the incident.
 3. A release regarding a serious incident will contain the following elements:
 - a) The relevant facts of the incident, which may include the age, gender, and grade level of students and/or employee but must exclude any personally identifiable information
 - b) A description of the actions taken to resolve the problem
 - c) A statement of any support activities that parents and/or immediate supervisors or others can provide (if appropriate)
 4. A copy of the letter or other release documents will be attached to the written report, MCPS Form 270-3: *Report of a Serious School Incident*.

Regulation History: Formerly Regulation No. 285-9, November 19, 1976; revised January 31, 1992, revised November 4, 1996; revised July 20, 1998; revised September 24, 1999; updated office titles June 1, 2000.

Office of the Deputy Superintendent of Schools
 MONTGOMERY COUNTY PUBLIC SCHOOLS
 Rockville, Maryland 20850

REPORT OF A SERIOUS
 SCHOOL INCIDENT

INSTRUCTIONS: To be submitted by the principal within 24 hours of the telephone report to the Office of School Administration and, in the case of racial or hate/violence incidents, the MCPS Department of Human Relations.

PART I — INFORMATION

School name _____ School No. _____ Incident _____
 FY _____ Sequence # _____

Date of incident ____/____/____ Time of incident _____
 Person Reporting Incident To Principal _____

Nature of Incident (Check (✓), circle all that apply) See glossary on reverse side.

- | Check | Circle Type | Check | Circle Type |
|--|---------------------------------|--|---|
| <input type="checkbox"/> Accident | automobile, bus, student, staff | <input type="checkbox"/> Hate/Violence | (specify) _____ |
| <input type="checkbox"/> Assault | against staff, against student | <input type="checkbox"/> Robbery | actual, attempted |
| <input type="checkbox"/> Beeper | communications device | <input type="checkbox"/> Sex Offense | (harassment, other, specify) _____ |
| <input type="checkbox"/> Bomb | threat, explosion | <input type="checkbox"/> Theft | private property, school property |
| <input type="checkbox"/> Burglary | actual, attempted | <input type="checkbox"/> Trespassing | non-student, suspended student |
| <input type="checkbox"/> Drugs/Alcohol | distribution, possession, use | <input type="checkbox"/> Vandalism | private property, school property, graffiti |
| <input type="checkbox"/> Equip. Malfct. | (specify) _____ | <input type="checkbox"/> Verbal Abuse | of staff, student, other _____ |
| <input type="checkbox"/> Extortion | actual, attempted | <input type="checkbox"/> Weapon | knife, gun, other |
| <input type="checkbox"/> Fire | accidental, arson | <input type="checkbox"/> Other (specify) _____ | _____ |

PART II — DESCRIPTION OF INCIDENT

Describe incident and attendant circumstances (Use MCPS Form 336-01: *Addendum to MCPS Forms* if additional space is necessary.)*

*MCPS Form 336-01: *Addendum to MCPS Forms* completed: Yes No If Yes, attach.

PART III — ACTION TAKEN

- Person(s) and/or agency(s) contacted:**
- School Administration Parents Area Maintenance
 Area Transportation
 Other Agency (specify) _____

Conference Held: Yes No

If "Yes," date ____/____/____

Participants _____

Requested emergency service(s):

- Fire Department Police Department
 Protective Services Rescue Squad
 Other (specify) _____

Community Notified (attach notification): Yes No

MCPS Form 560-6: *Report of Suspension* filed:

Yes No If "Yes," how many _____

MCPS Form 525-2: *Student Accident Report* filed:

Yes No If "Yes," how many _____

MCPS Form 230-5: *Work Order Completed*:

Yes No

Requested assistance:

- Department of Human Relations
 Area Pupil Services Team Department of Information

 Signature, Principal _____ Date _____

MCPS Form 270-3, Rev. 10/98

NOTE: This is a multipart form. No carbon paper is required. Remove appropriate copies and complete.
 DISTRIBUTION: COPY 1/Deputy Superintendent; COPY 2/Superintendent; COPY 3/School Administration;
 COPY 4/Department of Human Relations; COPY 5/Retain in school

SERIOUS INCIDENT GLOSSARY

Accident

Any accident resulting in death or serious injury of any person on MCPS property.

Assault

Battery; unlawful beating. Any physical force or violence unlawfully applied to a person. This can include jostling, tearing clothes, seizing, or striking another. (NOTE: non-criminal school *fight* is: "altercation; mutual participation.")

Beeper

Any portable communication device carried, worn, or stored by an individual to receive or communicate messages.

Bomb

Any device containing combustible material and a fuse.

Burglary (breaking and entering)

Unlawful entry into an *unoccupied* school with the intent of committing a felony, or to steal, or to take and carry away the property of another person. (See *Theft*.)

Drugs

Any illegal substance, including alcohol, which when taken internally or smoked, causes a change in a person's behavior.

Use:

The appearance to a "reasonable individual" that the subject is acting as if under the influence of a drug while under school jurisdiction.

Possession:

Possessing (in clothing or among personal property) or control (unique knowledge of the location) of drugs or electronic beeper that are illegal according to criminal statutes/school policy.

Distribution:

Transfer of an illegal substance to any other person with or without the exchange of money or other valuables. The category will be used only if the police include distribution among the arrest charges.

Equipment Malfunction

Any service interruption that interferes with normal school operations (plumbing, power, telephones, etc.)

Extortion

Use of "mild" threats or intimidation to demand money or something of value from another. (See *Robbery*.)

Fire

Purposeful (arson) or accidental setting of a fire on school property.

Graffiti

Crude inscriptions or drawings scratched, painted, or sprayed on a surface. (Contact Department of Human Relations if hate/violence is implied.)

Hate/Violence

Any act committed against an individual, institution, or group because of race, religion, ethnic background, or disability.

Robbery

Taking something of value from a person by force or violence, or by putting in fear. (See *Extortion*.)

Sex Offense

Includes offensive touching, rape, indecent exposure, sodomy, fornication, and obscene phone calls.

Theft

Unlawful taking and carrying away of property belonging to another person from an occupied building. (See *Burglary*.)

Trespass

Unlawful entering of the school grounds by persons neither attending nor working at that school (includes suspended students).

Vandalism

Willful or malicious destruction or defacement of public or private property belonging to another.

Verbal Abuse

Offensive or threatening language directed toward staff/students.

Weapon

An implement that can cause bodily harm. This includes knives, razors, clubs, metal knuckles, nunchakus, guns, and any object used as a weapon.

DOMESTIC VIOLENCE UNIT
MONTGOMERY COUNTY SHERIFF'S OFFICE

A. Overview

The Sheriff is an elected official under State law.¹ All of the Deputy Sheriffs are sworn Maryland law enforcement officers. The Sheriff's Office engages in a wide range of court-related and general law enforcement activities, which includes:

- Providing courthouse security;
- Transporting prisoners;
- Apprehending fugitives;
- Serving arrest warrants and court orders;
- Conducting evictions and court-ordered seizures;
- Conducting community policing functions;
- Maintaining a K-9 team that is cross-trained in explosive detection, patrol, and tracking;
- Maintaining a Special Response Team (SRT) that responds to high-risk situations and assists the Montgomery County Police Department's Emergency Response Team; and
- Participating in law enforcement task force operations with local, state and federal agencies.

The Sheriff's Domestic Violence Unit provides the following services related to domestic violence victims involved in the civil and criminal justice system:

- Serves Interim and Temporary Protective/Peace Orders including Domestic Violence Petitions and Emergency Evaluation Petitions;
- Coordinates the Assessment, Lethality, and Emergency Response Team (ALERT) for Domestic Violence;
- Completes welfare checks on domestic violence victims;
- Arrests violators of court protective orders; and
- Contacting victims to provide assistance.

In addition, the Domestic Violence Unit coordinates a program for juveniles exposed to domestic violence. (See description of "Safe Start" below.)

B. Interactions with Juvenile Victims of Crime

The primary interaction that the Sheriff's Office has with juvenile victims of crime is the coordination of "Safe Start". This program, initiated by the Council in FY 05, provides counseling for juveniles exposed to domestic violence. The Domestic Violence Coordinator's Team within the Domestic Violence Unit coordinates Safe Start.

¹ The Office of the Sheriff in Montgomery County was created in 1777 by the Maryland Constitution as part of the judicial branch of State government.

The Sheriff's Office contracts for services with a mental health provider, with clinical supervision provided by the County's Department of Health and Human Services.

Eligibility. Any juvenile who witnesses domestic violence is eligible for the mental health services. To maximize County funds, the contractor will collect reimbursement for services from health insurance, Medicaid, the State compensation fund, or other source if possible. The services are funded with County dollars if no reimbursement source exists.

Identification. The Domestic Violence Coordinator's Team identifies domestic violence victims through daily reviews of criminal charging documents, and Temporary Protective/Peace Orders petitions that list the victim's names. Juvenile witnesses are often identified in a police officer's narrative description of an incident. Petitions for Temporary Protective/Peace Orders also help to identify juvenile by asking "Are there additional people living in the home?" and "Who should be included in the protection order?" Staff estimate that more than one half of Protective Orders have juveniles in the family.

The Sheriff's Office is also in the planning stages of creating an e-justice system that will track children who are named in Protective/Peace Orders. If the Team identifies juveniles that were harmed or alleged to be harmed in an incident, the Team refers the case to Child Welfare Services. Other programs or agencies that identify and refer juveniles to the counseling services program, Safe Start, include the Abused Persons Program, the Police Department and the Courts.

Indirect Services. Juvenile victims or witnesses who do not receive counseling services may receive indirect benefits from services provided to their non-offending parent/guardian. These services include:

- Attorney representation through the House of Ruth/Women's Law Center Domestic Violence Assistance Project;
- Civil remedies such as Interim and Temporary Protective Orders;
- Safe shelter;
- Referrals to victim advocacy and counseling programs;
- Victim compensation; and
- Safety planning.

Budget and Performance Data. The Domestic Violence Unit's FY 05 approved budget is \$2 million, funding 26.4 workyears. Additionally, the Council appropriated \$100,000 for the counseling services for juveniles who witness domestic violence. The table below lists performance data for Safe Start.

FY 04 PERFORMANCE DATA FOR THE SAFE START CHILDREN'S PROGRAM

Performance Measure	As of 2/28/05
Number of children referred by Sheriff's Office	148
Number of initial contacts made from therapists to clients	140
Number of children assessed	70
Percent of children assessed referred by therapist for ongoing treatment	100%
Number of children enrolled in group treatment	37
Number of children receiving individual treatment	30
Number of children/families receiving family treatment	6/3
Number of children completing treatment plan	12
Number of children referred to other professionals	3

Source: Sheriff's Office

The table below shows the performance data for the Domestic Violence Unit.²

FY 04 PERFORMANCE DATA FOR THE DOMESTIC VIOLENCE UNIT

Performance Measure	FY 04
Percent of Interim and Temporary Protective Orders attempted within 6 hours of being brought to the Sheriff's Office	80%
Percent of Interim and Temporary Protective Orders attempted within 12 hours of being brought to the Sheriff's Office	100%
Percent of Interim and Temporary Orders served	78%
Percent of domestic violence victims issued cell phones when requested	100%
Number of Interim and Temporary Protective Orders received and closed	2,201
Number of Interim and Temporary Protective Orders served	1,787
Number of Temporary Peace Orders received and closed	1,382
Number of Temporary Peace Orders served	1,079

Source: Montgomery Measures Up!, December 2004.

² Data is not specific to juveniles.

A joint project of the
Montgomery County, Maryland
Office of the Sheriff,
Montgomery County Council
and the Department of Health
and Human Services.



Raymond M. Kight
Sheriff



Montgomery County Council



Douglas M. Duncan
County Executive



Safe Start Kids Group



*A program for children who
have been exposed to
violence in their families.*



OFFICE OF THE SHERIFF
Montgomery County, Maryland
50 Maryland Avenue
Rockville, Maryland 20850

Under a new County Council initiative, Montgomery County is offering a program of education and counseling to help children deal with topics such as:

- ✓ conflict resolution
- ✓ fears
- ✓ safety planning
- ✓ peer relations
- ✓ self esteem
- ✓ guilt reduction

Licensed counselors may provide:

- ✓ an assessment of each child's needs
- ✓ referral to a 12-week education counseling group
- ✓ information and referrals for other needs

The counselors will work with children at various locations such as schools, County facilities and the counselor's offices. Groups will be scheduled in the afternoon and early evening. Referrals can be made through County agencies such as the Department of Health and Human Services, the Office of the Sheriff, the Department of Police and the Office of the State's Attorney.

Counselors will work with private insurance, Medicaid and the County for reimbursement.

For further information, please call the Abused Persons Program at 240-777-4195 or the Montgomery County Sheriff's Office at 240-777-7016.



MONTGOMERY COUNTY STATE'S ATTORNEY'S OFFICE

A. Overview

The Montgomery County State's Attorney's Office (SAO) is an independent judicial branch agency whose primary responsibility is to investigate and prosecute criminal violations of State and County law. The SAO is organized into specialized prosecution teams.

- **The Circuit Court Team** handles serious criminal cases. The prosecutors assigned to the Circuit Court Team are divided into regional teams, which correspond to the six police districts in the County.
- **The Family Violence Team** prosecutes all cases of domestic violence, elder abuse, and child abuse (physical and sexual). The Family Violence Team tries cases in both District and Circuit Court.
- **The Juvenile Court Team** prosecutes cases involving offenders who are under 18 years old and being tried as juveniles. These cases are heard in Juvenile Court, which is a special division of Circuit Court.
- **The District Court Team** prosecutes all cases heard in District Court with the exception of those assigned to the Family Violence Unit. Comparatively, the District Court Team handles the largest volume of cases, including all misdemeanors arrests, incarcerable traffic offenses, auto theft, and drug violations.

B. Interactions with Juvenile Victims of Crime

The SAO does not currently track the numbers of cases that involve juvenile victims and witnesses.¹ At OLO's request, SAO staff provided some estimates based upon a review of current dockets. The data (summarized in the table on the following page), show that:

- The SAO prosecutes an estimated 1,630 cases each year that involve juvenile victims and witnesses;
- Cases heard in Juvenile Court involve the largest number of juvenile victims and witnesses.

¹ SAO staff anticipate that implementation of the Case Management System will allow for tracking this type of statistical data.

STATE'S ATTORNEY'S OFFICE ESTIMATES OF CASES INVOLVING
JUVENILE VICTIMS/WITNESSES

District Court	
Domestic Violence Docket	416 cases per year
Regular Docket	120 cases per year
<i>District Court Total</i>	<i>536 cases per year</i>
Circuit Court	
Family Violence Unit	200 cases per year
Juvenile Court Unit	700 cases per year ¹
Other	194 cases per year
<i>Circuit Court Total</i>	<i>1,094 cases per year</i>
Combined Total	1,630 cases per year

¹The SAO reports that Juvenile Court cases routinely involve multiple juvenile victims/witnesses.

Source: State's Attorney's Office, January 2005

The interactions that SAO staff have with juvenile victims and witnesses of crime vary by team. In addition to different types of cases and different venues, there are differences because the SAO's three Victim/Witness Coordinators work primarily on the most serious cases being tried in Circuit Court. The range of services provided to victims and witnesses, by team, are described below.

Circuit Court Team. The Victim/Witness Assistance Unit is assigned to the Circuit Court Team to provide support, notification, and information to victims and witnesses of serious crimes, regardless of age. The services provided depend upon the type of crime and the needs of the victims and witnesses involved.

The Victim/Witness Assistance Unit is staffed by three Victim/Witness Coordinators. The three Coordinators handle the "victim intensive" Circuit Court cases that have been indicted by the Grand Jury. "Victim intensive" cases include murder, rape, robbery, assault, and child abuse. The SAO estimates that each Victim/Witness Coordinator provides victim services for approximately 200 cases per year. An estimated 35-40 percent of these cases involve juvenile victims and/or witnesses.

The Victim/Witness Assistance Unit opens a case when the Grand Jury passes down an indictment or the SAO files for information. A Victim/Witness Coordinator notifies all victims or witnesses of an indictment and provides them with information on available services. Specific services provided by the Victim/Witness Coordinators include:

- Organizing pre-trial conferences;
- Conducting case-related home and field visits;
- Court preparation;
- Informing the victims of case status;
- Arranging for transportation to court and conferences;

- Reimbursing for travel and related expenses;
- Accompanying victims to court;
- Notifying victims of subsequent proceedings; and
- Referring to other service providers.

Staff report that work with victims and witnesses often extends beyond sentencing. Post-sentencing, the Victim/Witness Coordinators must notify victims of Motions for New Trials, Reconsiderations, Appeals, Violations of Probation, and Three Judge Panel Review Hearings.

Family Violence Team. The Family Violence Team does not have a separate victim assistance unit, but provides some victim services in combination with other activities related to prosecuting cases. Special attention is paid to meeting the needs of victims and witnesses involved in domestic violence and child abuse cases. Examples of victim services provided by the Family Violence Team are:

- Information sharing;
- Explanation of the criminal justice process;
- Referrals to specialized programs such as counseling and shelter; and
- Assistance with the filing of requests for protective orders.

If the case is prosecuted in Circuit Court, then victim services are provided by the Victim/Witness Assistance Unit. The Family Violence Team formally closes cases after prosecution; however, similar to cases handled by the Victim/Witness Coordinators, staff report that victims frequently continue to contact the SAO long after the trial is over.

Juvenile Court Prosecution Team. The Juvenile Court Team also does not have a separate victim/witness assistance unit, but provides some limited services in combination with other activities related to prosecuting cases. Victim services are primarily provided by paralegals and interns within the Team and sometimes in collaboration with the Circuit Court's Victim/Witness Assistance Unit. The services provided may include:

- Informing the victim of court proceedings;
- Assisting parents with the filing of protection and peace orders for their children;
- Arranging transportation for victims and witnesses;
- Maintaining a separation between victim and offender;
- Facilitating the filing for restitution;
- Assisting in writing of the Victim Impact Statements; and
- Referring to other service providers.

District Court Team. This Division provides limited assistance to victims and witnesses using high school and college volunteers trained and supervised by the Circuit Court's Victim/Witness Assistance Unit (described above). These volunteers contact victims and witnesses to share information about the court system, courts dates, and other case status information.

Budget Data. The total approved FY 05 budget and workyears for selected programs of the State's Attorney's Office is presented in the table below.

**STATE'S ATTORNEY'S OFFICE
FY 05 BUDGET AND WORKYEAR DATA FOR SELECTED PROGRAMS**

Program	Budget (in \$000s)	Workyears
Circuit Court Prosecution ¹	\$4,600	42.9
Victim/Witness Court Assistance	\$217	3.0
Juvenile Court Prosecution	\$859	10.0
District Court Prosecution and Screening	\$2,100	33.3

¹ Includes Family Violence Unit.

Source: Approved FY 05 Operating Budget.

HOUSE OF RUTH DOMESTIC VIOLENCE ASSISTANCE PROGRAM
MONTGOMERY COUNTY CIRCUIT COURT, FAMILY DIVISION

A. Overview

The House of Ruth Domestic Violence Assistance (DVA) program provides legal representation and related victim services to domestic violence victims, primarily in Circuit Court proceedings. Two full-time attorneys, one from the House of Ruth and one from the Women's Law Center, staff the program. Funding for the two attorney positions is provided through a grant from the Administrative Office of the Courts.

Domestic violence victims can file for civil protective orders in either Circuit Court or District Court. The DVA program primarily serves victims of intimate partner violence who choose to file for civil protection in the Circuit Court, Family Services Division. In high lethality cases, DVA staff will provide assistance in District Court proceedings.

B. Interactions with Juvenile Victims of Crime

The DVA program provides services to victims of intimate partner violence and their children who witness the violence. If a juvenile is the victim of intimate partner violence, they are eligible for the same services (described below) as adult victims. Children who witness domestic violence receive indirect services through the provision of services to their parent.

The range of legal and other support services provided by the DVA program to domestic violence victims includes:

- Legal representation at court proceedings, including hearings for Temporary/Final Protective Orders, Peace Orders, order modifications, and order appeals;
- Assistance with completing court forms;
- Court accompaniment at criminal proceedings;
- Referrals to other sources of assistance;
- Safety planning; and
- Legal information on divorce and custody issues.

The two DVA attorneys coordinate their work directly with Abused Persons Program staff to meet the needs of individual domestic violence victims. DVA staff also participate in ALERT meetings and attend the monthly meetings of the County Executive's Task Force on Domestic Violence.

In addition, the two DVA attorneys have provided several trainings on domestic violence legal remedies and resources to court personnel, community service providers, lay advocates, and community groups. Examples include training offered by the Interfaith Coalition Against Domestic Violence and the First Annual Public Forum on Domestic Violence.

MUNICIPAL POLICE DEPARTMENTS
CITY OF ROCKVILLE AND CITY OF TAKOMA PARK

A. Overview

The Rockville Police Department and Takoma Park Police Department each operate a victim services program. Although not identical, the municipal Police Departments provide a core of similar victim services. Each Police Department hires one non-sworn individual to provide services to crime victims. In Rockville the position is titled Victim Advocate, and in Takoma Park the position is titled Victim Witness Coordinator.

Examples of direct victim services provided by the municipal police departments include:

- Assisting the victim in filing a complaint and charging documents;
- Transporting a victim to the Crisis Center, court, State's Attorney's Office, or other County agency; and
- Providing referrals for counseling, court accompaniment, support groups, and financial compensation assistance.

B. Interactions with Juvenile Victims of Crime

Both municipal police departments report that all services available to adult victims of crime are also available to juvenile victims of crime. Any Rockville or Takoma Park resident who is a victim of crime or any person who is a victim of crime within the city limits, as well as the victim's family, is eligible for services. All services are free of charge.

Municipal police department victim assistance staff report that the primary difference for juvenile victims of crime is who the victim is referred to and/or who is notified about the incident. Additionally, municipal victim assistance staff are legally required to report child abuse or neglect cases to Child Welfare Services.

In a small number of violent crime situations, the municipal victim service providers will assist police officers at the crime scene. However, most of the victims are found through a review of the previous day's police reports. All violent crime victims receive a telephone call within 24-48 hours of the incident. All other victims receive a standard letter informing them of their rights and services available.

The victim advocate for the Rockville Police Department also provides some specialized services for juveniles, although they are not exclusive to crime victims. Some of these services include:

- Presenting the Every 15 Minutes programs focusing on the dangers of drinking and driving;
- Counseling for teens on drugs, alcohol, gangs, and bullying;
- Outreach, specifically working with Operation Runaway and Potomac Ridge;
- Psychological and behavioral support; and
- School workshops.

Service coordination. Because the Takoma Park Police Department operates largely independently from the Montgomery County Police Department (MCPD), there is little potential for case overlap between the victim witness coordinator in Takoma Park and the MCPD victim advocates.

To avoid service overlap with the Rockville Police Department, however, the Rockville victim advocate and the victim advocates assigned to the County Police District that includes Rockville have developed an informal agreement for assigning victims for follow-up assistance. Specifically:

- The Rockville Police Department victim advocate follows-up with victims in situations where the crime was committed within Rockville city limits, except that an MCPD victim advocate follows-up in situations where a Montgomery County Police officer was the first to respond to the crime scene; and
- An MCPD victim advocate assumes responsibility for following-up with victims in all crimes that involve an MCPD investigator, i.e., from MCPD's Major Crimes, Family Services, Special Investigations, or Criminal Investigations Division.

MARYLAND DEPARTMENT OF JUVENILE SERVICES

A. Overview

The Maryland Department of Juvenile Services (DJS) provides treatment to juveniles who have violated the law, or who are a danger to themselves or others. Juveniles are referred to DJS by law enforcement or other governmental agencies, parents or concerned citizens. Services provided to juvenile offenders by DJS include individual and family counseling, advocacy, drug abuse education, coordination of restitution payments for damages to victims, community service direction, and appropriate supervision of the youth as needed.

The Department of Juvenile Services also provides assistance to victims of juvenile crime. Under the 1988 Maryland Rights of Victim or Witness of Delinquent Act, DJS must notify victims of juvenile offenders in the DJS system about juvenile court proceedings, the ability to receive financial assistance and/or restitution, the right to submit a victim impact statement, and the right to appeal.

B. Interactions with Juvenile Victims of Crime

DJS estimates the percent of cases they handle that have juvenile victims varies between 25 and 40 percent. For these victims DJS performs notification and other selected services.

Victim Notification. DJS staff contact the parent of the victim via letter and then follow up with a phone call. The staff person provides the victim with information about the criminal justice process, the right to submit a victim impact statement, a form to request restitution, and the right to appeal.

School Notification. DJS has some notification requirements to school systems when releasing a juvenile offender, depending on whether the offender was detained or committed. If a juvenile was detained, meaning held until the next hearing or for a temporary period up to 30 days, DJS has no responsibility to notify MCPS when the juvenile is released.

If a juvenile under consideration for release has been committed, meaning they have been held for longer than 30 days, DJS sends a letter to the court requesting a release hearing. The State's Attorney's Office receives a copy and is required to inform the victim. When the juvenile is released and returning to school, DJS must notify MCPS. MCPS convenes a "transition team meeting" to transition the offender back into school, taking into account whether the victim also attends the school.

Peace Orders. DJS staff will process peace orders for juvenile victims. Staff estimate ninety percent of peace orders they process are juvenile on juvenile. Juvenile Court (Circuit Court) hears requests for peace orders.

Other Services. Although not a direct victim service, DJS teaches a victim awareness class to offenders. Should DJS require an offender to take this course, they inform the victim via letter. Many times, the offender is also required to write an apology to the victim.

DJS also has the option to involve the victim and offender in peer mediation or conflict resolution. This is mostly used in assault or property damage cases. Staff report they use this strategy approximately five to seven times a month.

MONTGOMERY COUNTY CHILD ASSESSMENT CENTER
THE PRIMARY CARE COALITION

A. Overview

The Montgomery County Child Assessment Center (MCCAC) is an initiative of the Primary Care Coalition, a non-profit organization. To date, the MCCAC has been funded by a combination of County funds and grant funds obtained by the Primary Care Coalition.

The MCCAC is currently located in County Government space (the Juvenile Assessment Center) and receives County resources through the Department of Health and Human Services (DHHS). Staff from the State's Attorney's Office, the Police Department, and Child Welfare Services work in partnership on cases, which often involve children who receive services from the MCCAC.

As of this writing, the activities of the MCCAC are in a start-up phase. A process is underway to establish a long-term funding and operational plan for the MCCAC. An Advisory Group for the MCCAC meets regularly. The Advisory Group includes representatives from the Primary Care Coalition, the Collaboration Council, the Police Department, Child Welfare Services, the State Attorney's Office, the Sheriff's Office, and Montgomery County Public Schools.

Advocates want to create a MCCAC that closely resembles the model established by the National Children's Alliance, a non-profit organization that serves as the national accrediting agency for child advocacy centers. According to the Alliance, the purpose of child advocacy centers is "to provide a comprehensive, culturally competent, multidisciplinary team response to the allegations of child abuse in a dedicated, child-friendly setting." A fully developed Center would provide a comprehensive basket of services for victims of child abuse and their families using an inter-disciplinary team approach of staff from law enforcement, child protective services, prosecutory, mental health, medical, and educational agencies. The MCCAC reports that the relevant agencies have signed an inter-agency agreement for the Center to meet NCA accreditation standards.

In order to be accredited, the MCCAC would need to include the following program components¹:

- **Child-Friendly Facility** – A private setting that is both physically and psychologically safe for clients.
- **Multidisciplinary Team** – Team for response to child abuse allegations should include representation from law enforcement, child protective services, prosecution, mental health, medical, victim advocacy, and children's advocacy center.

¹ From the National Children's Alliance website – www.nca-online.org.

- **Organizational Capacity** – A legal entity responsible for program and fiscal operations.
- **Cultural Competency and Diversity** – Policies, practices, and procedures that are culturally competent and allow interaction with diverse populations.
- **Forensic Interviews** – Interviews in a manner which is neutral, fact finding in nature, and coordinated to avoid duplicative interviewing.
- **Medical Evaluations** – Specialized medical evaluations and treatment available through the multidisciplinary team or through coordination with other medical providers.
- **Therapeutic Intervention** – Specialized mental health services available through the multidisciplinary team or through coordination with other appropriate treatment providers.
- **Victim Support/Advocacy** – Support and advocacy throughout the investigation and legal proceedings available through the multidisciplinary team or through coordination with other service providers.
- **Case Review** – Team discussion and information sharing regarding the investigation, case status, and services needed by the child and family.
- **Case Tracking** – A system for monitoring case progress and tracking case outcomes for team components.

The attached summary (© 96), prepared by MCCAC staff, describes the accreditation requirements, what the MCCAC currently has, and what MCCAC identifies as “what we need”. In sum, the MCCAC’s current staffing consists of:

- A half-time executive director;
- A half-time physician;
- A full-time social worker; and
- Assistance from the Primary Care Coalition with administrative support, planning, and fiscal matters.

In FY 05, the County Government is funding the half-time physician and the full-time social worker. The Primary Care Coalition is funding the half-time Executive Director and the administrative support.

In the coming months, the MCCAC plans to expand its personnel, primarily using outside grant funds. MCCAC recently hired a part-time Victim/Family Advocate, starting March 24th, to provide court related and other services. The Center also plans to hire a half-time data manager and a part-time mental health therapist.

B. Interactions with Juvenile Victims of Crime

Currently, the MCCAC conducts medical and/or mental health evaluations of children who are alleged victims of sexual abuse, serious physical abuse, or neglect where there has been physical injury. Clients are referred to MCCAC by Child Welfare Service case workers, and can be sent for a medical evaluation, mental health evaluation, or both. The assessments are a one-time event and can include a background review to ask the juvenile and his/her family about the incident.

The MCCAC's physician conducts some medical evaluations.² The social worker assigned to the MCCAC (from DHHS) conducts the mental health assessments and provides referrals to other mental health providers for longer-term treatment if necessary.

According to MCCAC, the new Victim/Family Advocate "will make contact with non-offending parents and caretakers and children at the time the children are at 7300 Calhoun for a forensic interview, medical examination, or mental health evaluation. It is natural to make the initial contact with the non-offending parent and child while they are physically in that building. This permits the Advocate to follow up with the family from the beginning with respect to the criminal legal process. Also, the Advocate can help the non-offending parent and child to access services in the immediate aftermath of an incident."

MCCAC also reports that work to develop a cross-agency database to track and monitor CAC cases and generate cross-agency reports is underway. The Center anticipates completing a functional database that can be accessed by appropriate staff of all participating agencies in the Fall of 2005.

² The Sexual Abuse and Assault Center at Shady Grove Adventist Hospital also conducts medical evaluations. See the Appendix (© 105) for a description of the Center.

MONTGOMERY COUNTY CHILD ASSESSMENT CENTER

Current Staff:

Diane Dodson, JD, Executive Director (half time)	240-777-4346 gDianeDodson@aol.com
Stephen Boos, MD, Physician (half time)	240-777-4345 DrBoos@comcast.net
Ellen Levin, DSW, Mental Health Screener (full time)	240-777-3974 Ellen.Levin@MontgomeryCountyMD.gov

New staff to be hired in early 2005:

Data manager – half time
Victim/family advocate – part time
Mental health therapist – part time

Additional staff needs:

Full time executive director and physician
Administrative aide – could be paid half time and volunteer half time

THE NEED FOR CHILD ABUSE SERVICES IN MONTGOMERY COUNTY

Allegations of abuse or neglect to CPS - 2003:

>5600 children:

42% neglect
36% physical abuse
9% sexual abuse

Sexual abuse examinations:

200-300 alleged sexual abuse victims per year
(Montgomery County HHS and Shady Grove Adventist Hospital)

Physical abuse, emotional abuse, and neglect examinations:

Until the CAC opened, no formal services existed to evaluate these forms of abuse

Community medical resources:

Very few community physicians are trained in recognizing and documenting child abuse and willing to testify in court

Community mental health resources:

Very few providers are appropriately trained, affordable or reimbursable for a course of therapy, and willing to risk entanglement in court cases

As the center becomes better known and more fully utilized, we believe that it is likely to evaluate ~1000 or more children annually.

HISTORY OF CHILD ABUSE EVALUATION IN MONTGOMERY COUNTY

1980s: Montgomery County pioneers a child sexual abuse evaluation program which employs 1.5 FTE physicians to do physical exams on alleged victims and, when necessary, testify in court.

Early 1990s: Budget cuts result in a reduction of physician time to .4 FTE. As a result, waiting time for appointments is sometimes as long as 3 months.

Mid 1990s: Shady Grove Adventist Hospital agrees to partner with the County's Department of Health and Human Services to develop a Sexual Abuse and Assault Center, caring both for child and adult victims.

February 1996: The Shady Grove Sexual Abuse and Assault Center (SAAC) opens. Montgomery County assigns its .5 FTE physician to the hospital, which also provides a .5 FTE physician, backed up by 5 nurses trained in adult sexual assault evaluation.

1998: Plans are discussed with Shady Grove to expand the SAAC to include comprehensive child abuse services, incorporating physical abuse evaluations and mental health services.

1999-2001: Space is unavailable for expansion of the SAAC at Shady Grove, and other priorities prevail. Several county staff members, concerned about the limitations on service availability, begin looking at alternatives.

2001: DHHS provides 4 rooms for a Child Assessment Center (CAC) at 7300 Calhoun Place, co-located with several Child Protective Services units and the Family Crimes Division of the Department of Police. The Primary Care Coalition (PCC) raises private funds and hires a part-time administrator.

2003: DHHS provides a forensic mental health specialist to the CAC to evaluate alleged victims and their families and to arrange mental health services for them. CAC staff begins participating in weekly multidisciplinary team meetings to discuss legal management of problematic cases.

2004: DHHS provides funding for a part-time physician specializing in evaluation of all forms of child abuse: Dr. Stephen Boos is hired. Grant funds are awarded which will enable the CAC to add 3 additional part-time staff members: a data management specialist (grant application submitted by the Collaboration Council on behalf of the CAC), a victim and family advocate, and a mental health provider. PCC provides funding for temporary half-time administrative support.

NATIONAL CHILDREN'S ALLIANCE
ACCREDITATION REQUIREMENTS

1. CHILD-APPROPRIATE/CHILD-FRIENDLY FACILITY

What we have:

Excellent access to colleagues involved with alleged child abuse victims (CPS and police).

What we need:

More office space!

Friendlier entry

Always-available waiting room

2. ORGANIZATIONAL CAPACITY

What we have:

A half time executive director

A half time temporary administrative aide

Assistance from the Primary Care Coalition with planning and fiscal matters

The ability to use Primary Care Coalition's 501(c)(3) status to apply for grants

What we need:

Funding for:

A full time executive director

Full time administrative support

3. CULTURAL COMPETENCY AND DIVERSITY

(Clients seen at the CAC for mental health assessments have been identified as 31% Hispanic, 28% White/non-Hispanic, 14% African American, 11% African immigrant, 2% Caribbean and 5% other).

What we have:

Director and physician who speak some Spanish

A child welfare staff member who often translates for medical examinations.

What we need:

Bilingual English/Spanish staff:

Mental health therapist

Family Advocate

Receptionist/Administrative Assistant

4. MULTIDISCIPLINARY TEAM

What we have:

Weekly multidisciplinary team (MDT) meetings to discuss problem cases

What we need:

Multidisciplinary discussion of all cases

Expansion of the MDT to include mental health and family advocacy

5. FORENSIC INTERVIEWS

What we have:

CPS and police staff trained in forensic interviewing techniques.

Two rooms in Suite 300 (Police) equipped for recording interviews but with poor sound quality

What we need:

Improved technology for forensic interviews

Interview location closer to the CAC space.

6. MEDICAL EVALUATION

What we have:

Half-time services of Dr. Steven Boos, a national expert in child abuse

Backup services by a pediatric nurse practitioner at Shady Grove Adventist Hospital.

What we need:

Full-time physician services

Consultation to community physicians

7. THERAPEUTIC INTERVENTION

What we have:

A forensic social worker who interviews alleged victims and their families and makes referrals to mental health providers in the community or within HHS. (In many cases, however, funding for mental health services is unavailable)

What we need:

Bilingual mental health providers in the CAC and in the community with training and experience in managing child abuse

Funds to pay these providers

8. VICTIM SUPPORT/ADVOCACY

What we have:

VOCA funding to support a part-time victim and family advocate

What we need:

A full time victim and family advocate

9. CASE REVIEW

What we have:

Weekly Multidisciplinary Team (MDT) meetings to discuss problem cases

What we need:

Additional meetings to review ALL cases

10. CASE TRACKING

What we have:

Funding for a part-time data manager for 9 months

Patient logs kept by the physician and the mental health screener

What we need:

A permanent data manager

A formal case tracking system.

NATIONAL CHILDREN'S ALLIANCE (NCA)

Sets standards for accreditation
Advocates nationally for CACs
Provides training, technical assistance, and networking
Promotes multidisciplinary team investigations

National Children's Alliance is a not-for-profit organization based in Washington, DC, whose mission is to assist communities seeking to improve their responses to child abuse.

OTHER CENTERS IN MARYLAND AND D.C.

Fully NCA accredited sites:

Safe Shores (DC)
Ballimore Child Abuse Center
Carroll County Child Advocacy Center
Frederick County Child Advocacy Center
Harford County Child Advocacy Center
The Listening Place (Howard County)

Non-accredited sites:

Anne Arundel County Child Advocacy Center
Cecil County Child Advocacy Center
Center for Children, Inc. (Charles County)
Prince George's County Dept. of Social Services
Talbot County Child Advocacy Center
Washington County Child Advocacy Center
Life Crisis Center, Inc. (Wicomico County)

WHAT'S IN A NAME?

The National Children's Alliance sets national standards for certification of "Child Advocacy Centers," (CACs) and this terminology is in common use throughout the child protection field.

CHILD ASSESSMENT CENTER has been chosen by our CAC, however, to reinforce that the center strives to provide objective evaluations (as do other CACs). Our concern is that the use of the term "advocacy" may imply a foregone assumption that abuse has occurred and may subtly undermine the credibility of testimony provided by CAC staff.

Actually, we are seeking a more child-friendly name for our CAC. Howard County's "Listening Place" and D.C.'s "Safe Shores" project a kinder and less bureaucratic image than either Child Assessment Center or Child Advocacy Center.

COURT APPOINTED SPECIAL ADVOCATE PROGRAM OF MONTGOMERY COUNTY

A. Overview

The Court Appointed Special Advocate Program (CASA) of Montgomery County is a 501(c)(3) not-for-profit organization whose mission is:

“To advocate for the timely placement of abused and neglected children in safe, permanent homes and for their highest quality of care while they are under the court’s jurisdiction.”

CASA recruits, trains, and supervises volunteers from the community to advocate for abused and neglected juveniles in the court system. CASAs are appointed by the Juvenile Court judges to serve as Court Appointed Special Advocates for these juveniles.

Grants from the Montgomery County Department of Health and Human Services, the State of Maryland Administrative Office of the Courts, and the State Department of Human Resources fund approximately half of CASA of Montgomery County’s budget. CASA raises the other half of its annual operating budget through private sources including foundations, community organizations, and individual and corporate donations. CASA’s FY 05 budget is approximately \$400,000.

B. Interactions with Juvenile Victims of Crime

Juveniles are referred to CASA by anyone involved in the juvenile’s case in the Juvenile Court. In FY 04, CASA served 205 clients of which all but seven of them were Child in Need of Assistance (CINA) cases. The other seven were delinquent cases in which the judge believed the juvenile had child welfare needs.

Out of the 205 juveniles served in FY 04, 150 juveniles were victims of physical and/or sexual abuse and 55 juveniles were victims of neglect. Fifty cases closed during the same year and 90 percent of those juveniles were in permanent placements at the time their cases closed.

Court Appointed Special Advocates staff state that they serve as the “eyes and ears” of the Court by providing detailed information about juveniles involved with the Court as a result of child abuse or neglect. The advocates conduct independent investigations on behalf of the juvenile they represent and provide written reports and oral testimony at each Court hearing to assist the Court in determining what is in the juvenile’s best interest. There is a one-to-one advocate to juvenile client ratio to ensure that the juvenile is represented to the fullest extent.

CASAs also serve as advocates for the juveniles they represent in interactions with other agencies. The advocate also ensures that court-ordered services are provided to the juvenile and his/her family, and monitors case progress.

CONFLICT RESOLUTION CENTER OF MONTGOMERY COUNTY

A. Overview

The Conflict Resolution Center of Montgomery County (CRCMC) is a private, non-profit community center created in 2001. The Center conducts mediation, large group facilitation, Community Conferencing for youths in trouble, and training. The Center interacts with juvenile victims of crime primarily through its Community Conferencing Initiative (CCI) program.

The Mid-County Regional Services Center in Wheaton houses the CRCMC. All Montgomery County citizens are eligible to receive conflict resolution services. The Center provides services at no cost.

In 2004, the CRCMC mediated over 230 cases, including community conferences and large group meetings related to various neighborhood problems. The CRCMC and CCI receive their primary grant funding from the Maryland Mediation and Conflict Resolution Office. CRCMC has over 80 active volunteer mediators and CCI has over 30 active volunteer facilitators.

B. Interactions with Juvenile Victims of Crime

According to the Conflict Resolution Center of Montgomery County, a Community Conference is:

A meeting of the community of people affected by behavior that has caused serious harm. The conference provides a forum in which offenders, victims and their respective supporters can seek ways to repair the damage caused by the incident and to minimize further harm. (Conflict Resolution Center of Montgomery County, Inc, 2004)

The purpose of a Community Conference is to allow offenders an opportunity to understand how their behavior impacts other people and themselves. It also allows the victim to explain how they have been affected and contribute to negotiations about how to repair the damage.

CCI program staff describe the process as “a non-adversarial process for dealing with conflict.” The Conference brings offenders and their victim(s) together to discuss an incident/crime, to hear how the incident affected those involved, and to discuss if the situation can improve and how. The terms of an agreement may include an apology and assurance that the behavior will not occur again, repayment of money, or repair of physical damage to property.

Community Conferencing is designed as a diversion from the court system for an offending juvenile, and participation is voluntary. Examples of incidents where juveniles attend Community Conferencing include: non-violent offenses or crimes, suspensions, truancy, or student fights. Before CCI facilitates a conference, the following must occur:

- The offender admits participation in the incident; **and**
- The victim consents to a Community Conference; **and**
- The organization handling the case refers the matter for a Community Conference.

CCI reports receiving referrals for Community Conferencing from the police, middle schools, and the Department of Juvenile Services (DJS).¹ DJS typically refers cases as part of their diversion program for youthful offenders. On average, CCI receives five cases a month from DJS, of which 75 percent are juvenile on juvenile conflicts. DJS refers cases where the offender has admitted guilt to harming a person or property and there is a continuing relationship between the people involved. Some examples include second degree assault, vandalism, and larceny.

CRCMC is expanding its outreach efforts, which may lead to greater interaction with juvenile victims of crime. CRCMC staff plans to educate new police recruits at the public safety academy about mediation options and provide in-service training. They also have disseminated outreach materials to police stations, regional service centers, libraries, youth service centers, recreation centers, senior centers, and residential complexes. In addition, they work with the County Office of Community Outreach and hold meetings with the County Executive's Advisory Committees for Latino, Asian, and African-American Affairs.

¹ See the Appendix (© 91) for description of DJS.

SEXUAL ABUSE AND ASSAULT CENTER
SHADY GROVE ADVENTIST HOSPITAL

A. Overview

The Sexual Abuse and Assault Center at Shady Grove Adventist Hospital provides medical assessments of sexual assaults and child sexual abuse. The Center's services are available on a 24/7 basis.

Victims of sexual assault (adults or juveniles) most often come to the Shady Grove Center for a medical assessment at the direction of law enforcement. In such cases, a trained volunteer from the County's Victim Assistance and Sexual Assault Program (VASAP) is available to provide support services to the victim throughout the process.

The assessments of child sexual abuse conducted by the Shady Grove Center are arranged either by a case worker from Child Welfare Services (CWS) or an investigator from the Montgomery County Police Department's Family Crimes Division.¹ In comparison to the exams for sexual assault (which often occur at nighttime and on weekends), most exams related to suspected sexual abuse are conducted by appointment during regular business hours.

Shady Grove Hospital employs one State certified Forensic Nurse Examiner (FNE) to perform the medical assessments and coordinate the Center's services.² The FNE routinely works at the hospital 30 hours a week and is on-call for additional hours as needed. In addition, Shady Grove has six other trained forensic nurses on staff who can be called in as needed to assist the FNE. In cases of sexual assault or abuse that the State's Attorney prosecutes, the FNE or other medical staff may be called upon to testify in court about the results of the assessment.

The Center currently uses an exam room that is located within the cardiology unit. A complete forensic exam can take one to three hours. The FNE can use the lab, the radiology facilities, and other resources within the hospital to conduct tests related to the assessments of sexual assault or abuse.

The State Department of Health and Mental Hygiene reimburses Shady Grove a flat fee of \$400 for each sexual assault or sexual abuse assessment, and reimburses the cost of x-rays, laboratory tests, etc. Shady Grove Hospital absorbs the rest of the cost, which is estimated at \$1,200-\$1,500 per assessment. Shady Grove staff estimates that the hospital's annual contribution to the work of the Center is approximately \$100K. In accordance with State law, the assessment and all related tests are performed at no cost to the victim.

¹ Child Welfare Services can refer clients either to Shady Grove or to the Child Assessment Center for a forensic exam. See the Appendix (© 93) for CAC program description.

² A Forensic Nurse Examiner is an experienced Registered Nurse who has undergone additional classroom and practical training in performing exams for the express purpose of documenting injury and collecting and preserving evidence. A FNE can testify in court as an expert witness.

B. Interactions with Juvenile Victims of Crime

As indicated above, the Sexual Abuse and Assault Center provides services to both adults and juveniles. Staff estimate that the Center's assessments of juveniles accounts for more than two-thirds of the Center's workload. Data for 2004 are still being analyzed, however preliminary analysis reveals 176 (70%) of the Center's 250 patients were under 21 years old. The majority of "under 21" patients were between the ages of 11 and 15. Additionally, the Forensic Nurse Examiner made approximately 30 trips to court to provide testimony in 2004.

DESCRIPTIONS OF THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) AND THE NATIONAL CRIME VICTIMIZATION SURVEY (NCVS)

This report uses data from two sources, the Federal Bureau of Investigation's National Incident Based Reporting System (NIBRS) and the National Crime Victimization Survey (NCVS). The NIBRS consists of data reported by local law enforcement while the NCVS consists of survey data collected by the Census Bureau. Each data source has distinct strengths and weaknesses, which are summarized below.

The FBI's National Incident Based Reporting System Data (NIBRS)

The NIBRS database is an incident-based reporting system of 46 specific crimes. All reported and investigated crimes are included, even if no arrest is made. Crime reports deemed unfounded are later removed. The NIBRS currently collects data on approximately three million crimes per year from 21 states.

The 21 states currently reporting data to NIBRS are: Arkansas, Ohio, Colorado, South Carolina, Connecticut, South Dakota, Delaware, Tennessee, Idaho, Texas, Iowa, Utah, Kansas, Vermont, Massachusetts, Virginia, Michigan, West Virginia, Nebraska, Wisconsin, and North Dakota.

Local law enforcement agencies submit a variety of data on each of these crimes, including details on: the nature and types of specific offenses, demographic characteristics of victim(s) and offender(s), types of property stolen and recovered. These data are aggregated at the state and national levels.

Reporting issues. Because local law enforcement agencies are not required to participate in the NIBRS, it does not include data from all states. However, NIBRS still includes a significant number of reported crimes and remains a useful resource of crime data.

One common criticism of the NIBRS is that large urban areas are under-represented. Reporting is also affected by the policies and practices of individual police departments. Finally, technical or clerical issues such as mislabeled data, software limitations, and the use of different definitions across jurisdiction leads to some incomplete or potentially misleading results.

The National Crime Victimization Survey (NCVS)

The Bureau of Justice Statistics maintains the data collected by the Census Bureau through the National Crime Victimization Survey (NCVS). The NCVS is a combination telephone and in-person survey of approximately 49,000 households (about 100,000 persons) conducted twice a year. The NCVS asks respondents a series of questions about the frequency, characteristics, and consequences of any crimes committed against them.

The survey includes anyone in the household over the age of 12. Respondents are asked to provide information about crimes that were formally reported to law enforcement and crimes that were not reported.

The survey aggregates crime into two categories: personal and property. Personal crimes include rape and sexual attack, robbery, aggravated and simple assault. Property crimes include burglary, theft, motor vehicle theft, and vandalism.

Reporting issues. NCVS is a survey, so NCVS results can only reflect what respondents self report. The potential limits of NCVS data include that:

- Some respondents have unreliable memories;
- Some respondents answer untruthfully for unknown reasons;
- Some respondents answer for another member of the household;
- Some respondents are afraid to report a victimization caused by another household member; and
- Some respondents are too ashamed or embarrassed to report any victimization.

Critics of the NCVS also challenge the reliability of the NCVS data because the survey asks juveniles (ages 12-17) the same questions as adults. No special effort is made to ensure that the juveniles understand the questions or interpret them in ways that are relevant to their personal experiences. It is unknown whether surveying juveniles directly may cause anxiety, which leads them to exaggerate or deny their victimizations.

In addition, the survey's classification of age data poses an issue. The NCVS does not collect data for juveniles under 12 years old and does not classify victims by single year of age. Instead, the NCVS uses age groups including 12-15 years old and 16-19 years old. The most recent data available for these age groups is for 2002.²

² In 2000, the BJS was specifically asked to compile data on 12-17 year olds.

ADDITIONAL DATA FROM THE 2001 NATIONAL INCIDENT BASED REPORTING SYSTEM

General Crime Juvenile Victimization by Gender and Type of Crime

Type of Crime	Number of Victimitizations	Percent Female Victims	Percent Male Victims
Crimes Against Person			
Murder	282	36	64
Kidnapping	2,688	60	40
Sex Offenses	33,040	82	18
Robbery	5,671	21	79
Aggravated Assault	25,940	35	65
Simple Assault	111,202	45	55
<i>Subtotal</i>	178,823	50%	50%
Property Crimes			
Larceny	106,656	35	65
Vandalism	36,755	35	65
Other Offenses	38,042	43	57
<i>Subtotal</i>	181,483	37%	63%
Total All Crimes	360,276	43%	57%

General Crime Victimization by Race and Type of Crime

Type of Crime	Number of Victimitizations	Percent of Victims by FBI Category			
		White	Black	Asian/Pacific Islander	Unknown Race
Crimes Against Person					
Murder	282	55	32	0.7	10
Kidnapping	2,688	69	25	0.4	5
Sex Offenses	33,040	78	17	0.3	4
Robbery	5,671	60	32	0.1	7
Aggravated Assault	25,940	62	30	0.4	7
Simple Assault	111,202	68	27	0.4	2
<i>Subtotal</i>	178,823	69%	26%	0.4%	3
Property Crimes					
Larceny	106,656	68	8	0.6	24
Vandalism	36,755	64	6	0.5	29
Other Offenses	38,042	56	12	0.3	40
<i>Subtotal</i>	181,453	65%	8%	0.5%	28%
Total All Crimes	360,276	67%	17%	0.5%	16%

General Crime Juvenile Victimization by Ethnicity*

Type of Crime	Number of Victimations	Percent of Victims		
		Hispanic	Non-Hispanic	Unknown Ethnicity
Crimes Against Person				
Murder	235	13	69	17
Kidnapping	2,181	9	70	21
Sexual Offenses	26,723	7	72	21
Robbery	4,811	8	74	18
Aggravated Assault	23,333	6	73	21
Simple Assault	92,355	6	76	18
<i>Subtotal</i>	149,638	6% ^b	75%	19%
Property Crimes				
Larceny	79,846	3	52	44
Vandalism	29,867	3	57	40
Other Offenses	38,406	4	71	26
<i>Subtotal</i>	148,119	3%	58%	39%
Total All Crimes	297,757	5%	66%	29%

*Hispanic can be of any race. Hispanic/Non Hispanic/Unknown was optional in database. Therefore, data will be less than for all juveniles.

THE VICTIM SERVICES 2000 NETWORK (VS2000)

In 1996, the federal Office for Victims of Crime (OVC) sponsored a demonstration project entitled Victim Services 2000 (VS2000) to provide training and technical assistance to victim service providers. There were multiple VS2000 sites including Denver, Colorado. The following components of the VS2000 model, based upon the experience in Denver, are copied from the VS2000 website (<http://www.vs2000.org/index.html>).

The model network is made up of several components:

1. Coalition of Victim and Offender Service Providers

Agencies serving both victims and offenders work together as partners, recognizing that in order to create seamless service delivery for victims, the agencies which serve them must be actively collaborating, planning, soliciting feedback about services available, and responding to that feedback by refining services. This coalition is also based on the premise that knowledge of offender dynamics and services is necessary to work with victims, and that knowledge of victimization dynamics and services is critical to working with offenders. This coalition offers opportunities for:

- Interaction and trust building between agencies;
- Cross training among agencies;
- Development of protocols and interagency agreements in the areas of service delivery, confidentiality, and soliciting and addressing community/agency feedback about agencies:
 - VS2000 Service Provider Code of Ethics;
 - VS2000 Vicarious Trauma Guidelines;
 - VS2000 Ethical Communication Guidelines;
 - American Sign Language Interpreter Guidelines;
 - Using the 711 Relay System;
- Development of a process for ongoing feedback and evaluation; and
- Representation and advisory roles for victim / survivors as well as recovering abusers:
 - VS2000 Victim Advisory Council Application and Guidelines.

2. Agencies Serving Victims and Offenders

The victim and offender service provider agencies that make up the coalition make a commitment to:

- Recruit and retain diverse staff and volunteers;
- Offer culturally specific and culturally competent services;
- Routinely address the secondary traumatization of staff and volunteers; and
- Respond to feedback from clients and other partner agencies.

Case Management/Coordination

Priority has been placed on developing and offering a full continuum of services for victims of crime. In order to accomplish this, the concept of case management or case coordination has been identified as a necessary tool.

Case management involves:

- Designating a single service provider to work with victims throughout their recovery and ensure that they don't "fall through the cracks" in the network of services;
- Utilizing existing case managers at partner agencies and developing additional case management resources to fill gaps - links to housing and employment;
- Creating a technology system to link all case managers and service providers to each other and to enable access to shared resource directory;
- Staffing of cases shared by multiple agencies;
- Providing feedback about services to coalition of victim and offender service providers; and
- Creating new resources for clients and helping to keep automated resource directory updated.

4. Community Advocates

In response to needs assessment data showing that many victims of crime never access services because of lack of trust in service providers or "the system" of services, the concept of Community Advocacy was developed. Community Advocates are new positions being created to address victimization issues within and possibly unique to a particular community or neighborhood.

Community Advocates will:

- Serve as cultural/community specialists and victim service generalists;
- Create a Trusted link between their community and victim services, because of their role as a respected member of their community;
- Be the connection point between victims/offenders/communities and services;
- Solve problems at the local, community level and then help clients access larger systems or agencies as necessary;
- Create relationships with victim service agencies and community human service agencies;
- Help facilitate community education and neighborhood organizing;
- Provide crisis intervention in their community, as necessary;
- Provide a conduit for feedback to victim and offender service agencies as well as the Coalition of Victim and Offender Service Providers;
- Work collaboratively with outreach specialists housed in victim services agencies; and
- Have access to Case Management services.

PROMISING PRACTICES TO REDUCE A JUVENILE'S "RE-VICTIMIZATION" BY THE CRIMINAL JUSTICE SYSTEM

Forensic Interviewing

Common issues that must be considered when interviewing juveniles about criminal incidents include (Walker, 2002):

- Juveniles are more likely to have difficulty determining whether the information they "know" came from their own experiences or from other sources;
- Juveniles often misinterpret the meaning of words used by interviewers; and
- Juveniles tend to be more vulnerable to suggestion from an interviewer.

Forensic interviewing is a technique used to obtain a statement from a juvenile in an objective, developmentally sensitive, and legally defensible manner. The forensic interviewer is a neutral fact finder. Often, with legal authority, the forensic investigator will tape the interview so that multiple interviews of the juvenile are not necessary. (Walker, 2002)

Although professional disagreements exist about the specifics of forensic interviewing practices, there is general agreement it should involve: (Walker, 2002):

- The use of developmentally appropriate language;
- A research-based interview protocol;
- Establishing rapport so that the juvenile feels relaxed and comfortable;
- Explaining the interview's purpose, emphasizing that the child is the one who has all the information;
- Discussing interview ground rules including telling the truth, the ability to use "I don't know" as a response, and asking to repeat a question if it is not understood;
- The use of substantive questions that allow for spontaneous, free-recall responses; and
- The use of cues/props such as anatomically detailed dolls or drawings to aid memory and communication.

Court Appointed Special Advocate (CASA)/Guardian Ad Litem (GAL)

The Court Appointed Special Advocate (CASA) and Guardian Ad Litem (GAL) programs grew out of a growing awareness of juveniles' legal rights. A CASA/GAL is a volunteer assigned by a judge to represent the best interests of a juvenile who is involved in a case before the court. The CASA and GAL both serve a similar purpose, with the difference being GALs are lawyers who legally represent the juvenile.

According to the National CASA Association, a typical CASA/GAL volunteer serves a number of different roles:

- Investigator - The CASA/GAL conducts an independent investigation on behalf of the juvenile he/she represents.
- Monitor - The CASA/GAL assures that court-ordered services are provided to the juvenile and his/her family, and monitors case progress.
- Spokesperson - The CASA/GAL assures that the juvenile's wishes are heard and that the best interest of the juvenile is presented to the court and agencies dealing with the child.
- Advocate - The CASA/GAL is the advocate for the juvenile during the judicial process.
- Reporter - The CASA/GAL presents information to the court in written form and oral testimony at each hearing in the proceedings to assist the court in determining what is in the juvenile's best interest.

There have been several independent evaluations of the effectiveness of CASA programs. The Packard Foundation-funded *Evaluation of CASA Representation* (2004) found that children and families that had a CASA volunteer appointed for them received more services, and the services received positively impacted permanency outcomes for children in care. In September 2003, an independently conducted Consumer Satisfaction Survey (Litzelfelner, 2003) reported that judges, attorneys, social workers, and parents expressed the highest overall satisfaction with CASA programs.

National CASA provides guidance for member programs to analyze the effectiveness of local programs. The Association published a manual for programs entitled *Measuring Child Outcomes: A Guide to Determining CASA Effectiveness*. The manual describes outcome goals, process goals, and measures for an effective CASA/GAL program.

Court School

Court school is based on the principle that it is important for children to become familiar with the courtroom setting in order to give the most accurate and helpful testimony possible. In addition, research has shown that court appearances can be stressful for a juvenile; and juveniles who are not properly prepared for the courtroom experience are more likely to feel victimized again. (Burkhart, 1998)

Court School programs familiarize children and parents with legal terminology, general court room procedures, and the criminal justice process without discussing the details of any specific case. The curriculum of court school often includes coloring books about a trip to court, role-playing, and tours of the courtroom. Referrals for counseling and community resources are also available, and assistance is offered in applying for crime victim compensation and completing the Victim Impact Statement form.

Children's Advocacy Centers (CACs)

Children's advocacy centers (CACs) offer a "one stop shop" for all services provided to juvenile victims of crime. Law enforcement, child protective services, prosecution, mental health, medical and educational agencies respond as a multidisciplinary team to provide services to juvenile victims of crime. Child advocacy centers across the country have been established primarily to serve victims of child abuse. The table at © 116 lists some examples of CACs.

Child advocacy centers are based upon three principles (www.nca-online.org):

- They reduce stress on juveniles and families involved in victimization. Therefore, a juvenile does not get revictimized by the criminal justice system.
- They increase the accuracy and information of investigations by allowing juveniles to feel more comfortable in a child friendly environment.
- They promote a more effective criminal justice and human service responses.

The National Children's Alliance (NCA) is the national accrediting organization for CACs and the leading source of information and guidance for local CAC implementation. The following program components are necessary parts for full membership in NCA:

- Child friendly facility;
- Multi-disciplinary Team (MDT);
- Forensic interviews;
- Medical evaluation;
- Therapeutic intervention;
- Victim Support/Advocacy; and
- Case Review.

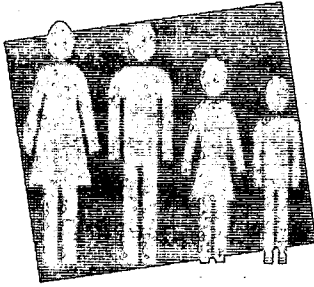
In July 2004, the National Institute of Justice released *A Resource for Evaluating Child Advocacy Centers*. The evaluation tools in this report focus on the National Children's Alliance membership standards and allow for the creation of standard measures of effectiveness for CACs.

The Crimes against Children Research Center (CCRC) is in the process of conducting a multi-site evaluation on the practices of CACs and their effectiveness. The study will examine the overall effectiveness of the CACs, and examine specific programs for their impact on children, families, agencies, the court system and communities. Researchers hope to complete the data collection for this study by January 2005.

SUMMARY OF SELECTED CHILD ADVOCACY CENTERS

Location	Mission	Population Served	Services	Funding
National Child Advocacy Centers				
National Children's Advocacy Center Huntsville, AL	To model and promote excellence in child abuse response and prevention.	Physical and Sexual Abuse	Multi-disciplinary teams to review cases, Clinical services, Advocate services, Prevention, Education/ Training	Public Donations
Chadwick Center San Diego, CA	To protect children and strengthen families through excellence in prevention, treatment, education, public policy, advocacy, and research.	Child abuse and family violence	Family Support Services, Forensic and Medical Services, Trauma Counseling, Professional Education Services, In-Court Program, Research Center	Federal grants, private donations
Maryland Child Advocacy Centers				
The Frederick County Child Advocacy Center Frederick County, MD	To provide comprehensive and coordinated multidisciplinary services to child abuse victims and their families.	Child abuse and family violence	Forensic Interviewing, Medical Evaluation, Therapeutic Intervention, Victim Support/Advocacy, Case Review, Case Tracking	County funds with some private donations
Family and Children's Services of Central Maryland (Central Maryland)	Provides specialized programs to troubled or vulnerable families and individuals so they can improve their quality of life.	Child sexual abuse/assault, physical abuse, emotional abuse, witnesses	Individual and Family Counseling, Case Management, Advocacy, Support Services, Shelter, Legal Representation, Referrals, Health	United Way/Private Non-Profit
The Center for Children Charles County, MD (Southern Maryland)	Every child should be afforded the opportunity to receive quality mental health care. We are dedicated to the promotion of positive mental health; therefore, we provide a wide-range of treatment options and enhanced services.	All victims of crime	Crisis intervention, Individual, group, play, & family therapy, Assessment & evaluation of children, Psychological and psychiatric testing, Prevention programs, Information and referral, Community education, Advocacy in the legal system, Case coordination with other agencies, On-call victim service provider, Supervised visitation for non-custodial parents, Case consultation with educators, physicians, & other professionals	Private Non-Profit

Source: <http://www.nationalcac.org/>, 2004; <http://www.charityadvantage.com/ChadwickCenter/Home.asp>, 2004; <http://www.co.frederick.md.us/OCF/CAC.htm>, 2004; <http://www.fesmd.org/>, 2004; and <http://www.center-for-children.org>, 2004.



Child Physical and Sexual Abuse: Guidelines for Treatment

Revised Report: April 26, 2004

Prepared by:

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TREATMENT PROTOCOL CLASSIFICATION SYSTEM

A primary goal of this project was to establish a clear, criteria-based system for classifying interventions and treatments according to their theoretical, clinical, and empirical support. This system can be applied not only to the treatment protocols presented in these Guidelines, but also can be used to judge the utility of other current treatments and treatments to be developed in the future. Therefore, the classification system is a tool that can be used by practitioners and others to make decisions about the appropriateness of certain treatments that are not included in these Guidelines. Further, the Guidelines reflect the state of knowledge at the time of writing. Hopefully, more research will be conducted testing the effects of existing protocols. Consequently, treatments likely will change their classifications over time as more research is completed. Therefore, the treatment classification system is a tool that can be applied to a dynamic area where information is constantly increasing.

The classification system uses criteria regarding a treatment's theoretical soundness, clinical support, acceptance within the field, potential for harm, documentation, and empirical support to assign a summary classification score. A lower score indicates a greater level of support for the treatment protocol. The summary categories are:

- 1 = Well-supported, efficacious treatment
- 2 = Supported and probably efficacious treatment
- 3 = Supported and acceptable treatment
- 4 = Promising and acceptable treatment
- 5 = Innovative or novel treatment
- 6 = Concerning treatment

Specific criteria for each classification system category are presented below:

1. Well-supported, Efficacious Treatment

1. The treatment has a sound theoretical basis in generally accepted psychological principles.
2. A substantial clinical-anecdotal literature exists indicating the treatment's value with abused children, their parents, and/or their families.
3. The treatment is generally accepted in clinical practice as appropriate for use with abused children, their parents, and/or their families.
4. There is no clinical or empirical evidence or theoretical basis indicating that the treatment constitutes a substantial risk of harm to those receiving it, compared to its likely benefits.
5. The treatment has a book, manual, or other available writings that specifies the components of the treatment protocol and describes how to administer it.

6. At least two randomized, controlled treatment outcome studies (RCT) have found the treatment protocol to be superior to an appropriate comparison treatment, or no different or better than an already established treatment when used with abused children, their parents, and/or their families.
7. If multiple treatment outcome studies have been conducted, the overall weight of evidence supports the efficacy of the treatment.

2. Supported and Probably Efficacious Treatment

1. The treatment has a sound theoretical basis in generally accepted psychological principles.
2. A substantial clinical-anecdotal literature exists indicating the treatment's value with abused children, their parents, and/or their families.
3. The treatment is generally accepted in clinical practice as appropriate for use with abused children, their parents, and/or their families.
4. There is no clinical or empirical evidence or theoretical basis indicating that the treatment constitutes a substantial risk of harm to those receiving it, compared to its likely benefits.
5. The treatment has a book, manual, or other available writings that specifies the components of the treatment protocol and describes how to administer it.
6. At least two studies utilizing some form of control without randomization (e.g., matched wait list, untreated group, placebo group) have established the treatment's efficacy over the passage of time, efficacy over placebo or found it to be comparable to or better than an already established treatment.
7. If multiple treatment outcome studies have been conducted, the overall weight of evidence supports the efficacy of the treatment.

3. Supported and Acceptable Treatment

1. The treatment has a sound theoretical basis in generally accepted psychological principles.
2. A substantial clinical-anecdotal literature exists indicating the treatment's value with abused children, their parents, and/or their families.
3. The treatment is generally accepted in clinical practice as appropriate for use with abused children, their parents, and/or their families.

4. There is no clinical or empirical evidence or theoretical basis indicating that the treatment constitutes a substantial risk of harm to those receiving it, compared to its likely benefits.
5. The treatment has a book, manual, or other available writings that specifies the components of the treatment protocol and describes how to administer it.
6.
 - a. At least one group study (controlled or uncontrolled), or a series of single subject studies suggest the efficacy of the treatment with abused children, their parents, and/or their families, OR
 - b. a treatment has demonstrated efficacy with other populations, has a sound theoretical basis for its use with abused children, their parents, and/or their families, but has not been tested or used extensively with abused populations.
7. If multiple outcome studies have been conducted, the overall weight of evidence supports the efficacy of the treatment.

4. Promising and Acceptable Treatment

1. The treatment has a sound theoretical basis in generally accepted psychological principles.
2. A substantial clinical-anecdotal literature exists indicating the treatment's value with abused children, their parents, and/or their families.
3. The treatment is generally accepted in clinical practice as appropriate for use with abused children, their parents, and/or their families.
4. There is no clinical or empirical evidence or theoretical basis indicating that the treatment constitutes a substantial risk of harm to those receiving it, compared to its likely benefits.
5. The treatment has a book, manual, or other available writings that specifies the components of the treatment protocol and describes how to administer it.

5. Innovative or Novel Treatment

1. The treatment may have a theoretical basis that is an innovative or novel, but reasonable, application of generally accepted psychological principles.
2. A relatively small clinical literature exists to suggest the value of the treatment.
3. The treatment is not widely used or generally accepted by practitioners working with abused children.

4. There is no clinical or empirical evidence or theoretical basis suggesting that the treatment constitutes a substantial risk of harm to those receiving it, compared to its likely benefits.
5. The treatment has a book, manual, or other available writings that specifies the components of the treatment protocol and describes how to administer it.

6. Concerning Treatment

1. The theoretical basis for the treatment is unknown, a misapplication of psychological principles, or a novel, unique, and concerning application of psychological principles.
2. Only a small and limited clinical literature exists suggesting the value of the treatment.
3. There is a reasonable theoretical, clinical, or empirical basis suggesting that compared to its likely benefits, the treatment constitutes a risk of harm to those receiving it.
4. The treatment has a manual or other writings that specifies the components and administration characteristics of the treatment that allows for implementation.

**MONTGOMERY COUNTY POLICE EVENT REPORTS LISTING JUVENILE VICTIMS OF CRIME,
BY AGE**

FY 02 Juvenile Victims by Age and Type of Crime

Victim's Age	Murder	Rape	Robbery	Aggravated Assault	Assault and Battery	Sex Assault	Child Abuse	Total
10 years old and younger	0	5	6	16	101	87	174	389
11 years old	0	0	6	3	41	21	17	88
12 years old	0	13	8	7	69	25	18	140
13 years old	1	16	14	20	85	24	24	184
14 years old	0	13	18	21	110	32	24	218
15 years old	0	15	23	30	143	34	25	270
16 years old	0	11	28	28	145	24	18	254
17 years old	0	8	35	37	128	17	5	230
Total	1	81	138	162	822	264	305	1,773

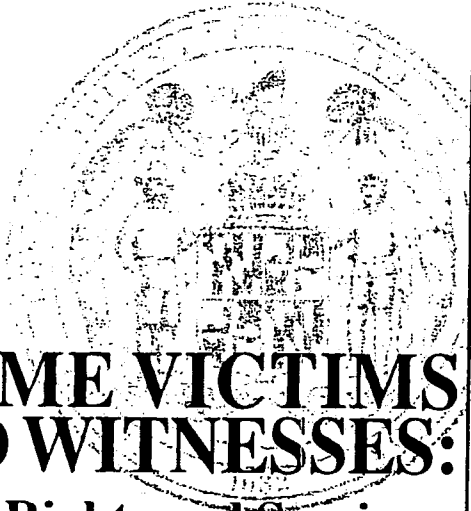
Source: Montgomery County Department of Police, Family Crimes Division.

FY 03 Juvenile Victims by Age and Type of Crime

Victim's Age	Murder	Rape	Robbery	Aggravated Assault	Assault and Battery	Sex Assault	Child Abuse	Total
10 years old and younger	2	2	7	19	88	63	150	331
11 years old	0	0	7	6	40	10	14	77
12 years old	0	2	10	6	51	15	20	104
13 years old	0	12	16	7	92	24	16	167
14 years old	0	16	25	19	89	31	12	192
15 years old	1	21	38	30	105	26	19	240
16 years old	0	14	28	33	153	29	21	278
17 years old	0	8	31	43	141	14	9	246
Total	3	75	162	163	759	212	261	1,635

Source: Montgomery County Department of Police, Family Crimes Division.

M A R Y L A N D



CRIME VICTIMS AND WITNESSES:

Your Rights and Services

MONTGOMERY COUNTY

Officer _____

Complaint # _____

Phone # _____

Investigator _____

Phone # _____

To obtain a written copy of your police
report, please contact the responding
police department

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If you feel as though
your rights as a crime
victim have been
violated, please contact
the Victims' Rights
Compliance Line
Toll Free at
1-877-9CRIME2

Reasonable accommodations for qualified individuals with disabilities will be provided upon request. Please call Denise McCain at 410-321-3521.

VICTIM RIGHTS AND SERVICES

The members of the State Board of Victim Services regret that you have been the victim of a crime. In addition to your personal losses, the experience may have created stress, fear and confusion for you. We would like to help.

The State Board of Victim Services was created by the Maryland General Assembly to address the unique needs of crime victims and to make recommendations for improving state and local crime victim services.

This brochure is designed to inform you of victims' rights and services and to help you use them. It outlines the steps a case goes through in the criminal justice process and explains the responsibilities of the criminal justice system to crime victims and witnesses.

GENERAL VICTIMS' RIGHTS

Under the Maryland Constitution and under State laws and guidelines, a victim of crime must be treated with dignity, respect and sensitivity during all phases of the criminal justice process. After a crime has been committed, and throughout the criminal justice process, different rights and services apply to specific victims during the periods outlined throughout this brochure. For assistance in your community, and to find out your specific rights, refer to the Resource Section of this brochure.

Throughout this handbook, the use of the universal masculine ("he," "him," and/or "his") is used only to simplify the narrative. The use of these words can be interchanged with the universal feminine ("she," "her," and/or "hers") where appropriate to the individual reader's case.

THE CRIMINAL JUSTICE PROCESS

AFTER YOU REPORT A CRIME

If the police arrest a suspect, he will be taken before a Court Commissioner. Information regarding your case will also be provided to the local prosecutor, also called the State's Attorney.

The Court Commissioner will decide if there is enough evidence - known as "probable cause" - to charge the suspect with the crime, and if so, on what conditions the suspect could be released until a hearing before a judge.

If the suspect is held in custody after the Commissioner hearing, he will be entitled to a bail hearing before a judge. The judge will then decide whether to release the suspect, perhaps with certain conditions, or to keep him in jail until a trial is held. A defendant can only be detained if the facts show he is a danger to the community and/or there is a risk that he will not show up at the trial. Most suspects are released.

The prosecutor will review any available information, including that provided by the police and Commissioner, and determine what charges, if any, the suspect should be prosecuted. In more serious cases, the prosecutor may use a Grand Jury to make these decisions.

In serious cases a suspect has the right to ask the judge for a Preliminary Hearing. At this hearing, the judge will decide if there is enough evidence or "probable cause" to continue with the charges against the suspect.

If the prosecutor proceeds with the case, a trial date will be set by the court. Due to crowded court dockets, *the case may take several months to come to trial.* The prosecutor will notify the victim and key witnesses if and when it is time to prepare for trial.

YOUR RIGHTS BEFORE THE TRIAL

A victim or witness can request that their address and phone number remain confidential and not be released by the judge, States Attorney, police, District Court Commissioner or juvenile intake worker.

Once a suspect (now called the defendant) has been charged with a crime, the defendant's attorney will try to discover information which will help him to prepare the case. The attorney will probably ask for, and

generally receive, the names and addresses of witnesses involved in the case. You are not however, required to talk to the defendant's attorney or his representative.

If the defendant threatens you, or interferes with you in any way, do not hesitate to call the police. *If you are acting as a witness for the prosecution and your safety has been threatened as a result, contact the State's Attorney and your local police agency immediately.* It is a crime for the defendant to do anything to stop you from testifying at the trial. Victim/witness protection resources may be available to increase your protection and enable your continued participation in court proceedings.

Before the trial, the defendant may be required to appear at various court hearings. *As a victim, you have the right to attend these hearings, the trial, and any related hearings or proceedings.* You may ask the prosecutor to notify you of any appearance that you should attend. Often the judge will grant several "continuances" of delays, at the request of the defense or the prosecution. Even though delays and continuances are frustrating, it is important that you continue to appear in court when you are requested.

DURING THE TRIAL

A victim has the right to be present at the trial. A victim or witness can request that their address and phone number remain confidential, and not be released. The prosecutor can help you prepare for the trial by telling you what questions he will ask and what questions to expect the defendant's attorney to ask.

AFTER THE TRIAL

If the defendant is found guilty, the judge will hold a sentencing hearing, often at a later date. The judge has several sentencing options including: confinement in prison or jail, probation, payment of fines or restitution, or any combination of these options.

Probation is the most frequently imposed sentence. Probation means that a convicted offender will be released and may be under the supervision of a probation officer. Probation often includes special conditions such as: drug testing, repayment of restitution, monthly reporting to a probation or parole officer, etc.

At the sentencing hearing, the victim or victim's representative may address the court to describe the impact of the crime. In cases resulting in serious physical injury or death, the court must consider a

victim's or the victim's representatives *written* impact statement describing the effects of the crime on the victim. A written victim impact statement provides a victim or a victim's surviving family members an opportunity to tell the court about the emotional, physical, and financial impact of the crime.

A victim also has the right to request restitution. The State's Attorney will help you make this request to the judge.

AFTER SENTENCING

After the trial is over, a victim may have the right to have stolen or other property returned once the case is finished. The State's Attorney will help you retrieve your property.

Finally, a victim has the right to be notified of any further hearings related to the defendant's sentence or release by the Division of Correction, Patuxent Institution, or the Parole Commission. If you so request the State's Attorney will see that your request to be notified is forwarded to the correct criminal justice agency for future contact and/or notification.

HELP THROUGHOUT THE JUSTICE PROCESS

Throughout the criminal justice process, and even after it has been completed, you may experience physical, emotional, or psychological distress as a result of your victimization. This is a normal reaction, and help is available. Please refer to the *Resource Section* of this brochure if you would like to locate supportive services within your local community.

V.I.N.E.

"Victim Information and Notification Everyday," is a free, anonymous, *automated telephone service* that provides victims of crime with two important services: **information** and **notification**. VINE will provide you with vital court case and custody information for an offender currently involved in the criminal justice system in Maryland. If you choose, you may register to receive telephone notification for certain court case and custody status events.

For *offender information*, call the Maryland Statewide VINE program toll-free at 1-866-MD4VINE (1-866-634-8463) and follow the prompts.

If you are the victim of the crime and have completed and returned the *Maryland Crime Victim Notification and Demand For Right's Form*, you may be automatically registered to receive notification from the VINE system for court and case custody status events.

4

CRIMINAL INJURIES COMPENSATION BOARD

OVERVIEW

The Criminal Injuries Compensation Board (CICB) was established to provide financial assistance to Maryland's crime victims when no other resources are available. Victims or surviving family members of deceased victims may be eligible to be reimbursed for their medical, mental health, and/or funeral expenses, and/or lost income resulting from a crime under the following conditions:

WHO MAY APPLY?

- (a) Crime victims, or their parents or guardians on their behalf;
- (b) Dependents of victims who died as a result of a crime;
- (c) Persons who paid the funeral expenses of a victim who died as a direct result of a crime;
- (d) Persons injured while preventing a crime or assisting a police officer; and
- (e) Persons injured or killed as a result of an individual driving while intoxicated.

WHAT IS REQUIRED?

- (a) A crime report to police within 48 hours* of the crime;
- (b) A completed claim form sent to CICB within 180 days* of the crime;
- (c) Physical injury or death directly related to the crime;
- (d) Innocence of the victim: that is, the victim bears no responsibility for the crime or the injury; and
- (e) Serious financial hardship resulting from the crime.

For Further Information and Assistance in Filing —
Call or Write:

Criminal Injuries Compensation Board
Suite 206, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2340
(410) 585-3010 TTY: 1-800-735-2258

Toll Free Number
1-800-735-2258

* may be waived for "good cause"

DOMESTIC VIOLENCE

When a loved one hurts you, it can be embarrassing, confusing, and sometimes life-threatening. No one has the right to hurt you or your children - even a family member. Getting help is the first step toward a safe future. This section gives you information about special rights and resources available to victims of domestic violence and/or stalking.

SPECIAL RIGHTS AVAILABLE TO VICTIMS

In Maryland, the police may make an arrest for an incident of domestic violence without witnessing the assault if they have "probable cause" to believe that assault took place. Officers must make an arrest if an offender is in violation of the "stay away" or "don't abuse" provision of a Civil Protective Order.

If an arrest is not made at the scene, a domestic violence victim may: (1) make application with a District Court Commissioner to file criminal charges or (2) request that the State's Attorney file a criminal charge. Some jurisdictions may charge a nominal fee for the incident report.

A victim of domestic violence may receive, upon request, a copy of the incident report from the law enforcement agency that responded to the call.

A domestic violence victim may also request a "domestic stand-by" from an officer to ensure that she is safe while removing personal items to meet her emergency needs, along with the emerging needs of any children in her care.

OTHER LEGAL REMEDIES

In addition to filing criminal charges, against their abuser, victims of domestic violence can also apply for a Civil Protective Order if they: 1) are or were married to the abuser, 2) live with the abuser, 3) have a child together with the abuser, or 4) are related to the abuser. Also, a person who is a parent or child of the victim can apply as well, if they have lived with the victim or the abuser for 90 days in the past year. The Protective Order is a court order instructing the abuser to stop the abuse, leave the joint residence, stay away from the victim's work, or other remedies ordered by the court. A person may apply for a Protective Order at a District or Circuit Court. This order may be for the victim or on behalf of a family member, such as a child or vulnerable adult.

SAFETY PLAN

Be prepared, come up with a safety plan before violence occurs. Rehearse your plan, tell someone you trust, and teach your children what to do if violence occurs.

- Ask trusted neighbors to call police if they hear any disturbance. Tell trusted friends or family about the abuse and your plans to get away.
- Devise a code word to use with children to signal when to call the police, teach them how to call 911.
- Go to a room with a telephone and an escape route. Plan several places where you might go to be safe.
- Stash away some cash and pack an emergency bag. Include several days of emergency needs for yourself and children. Keep this bag in a safe place or friends house.
- Calm the situation long enough to get out safely.
- Have a regular reason to get out of the house every day. Establish more independence, a post office box, your own bank account, a job, etc.
- Educate yourself about getting an exparte order once you decide to leave.

RISK FACTORS

Answering yes to any of the following questions suggest a greater potential for risk of violence. The following are some factors that lethal abusers seem to share.

- Are you recently separated?
- Has the abuser seriously injured you in the past?
- Has the violence escalated in severity and frequency?
- Does the abuser own or have access to firearms?
- Has the abuser made death threats?
- Do you believe your abuser could kill you?
- Does the abuser suffer from a mental illness or disorders associated with depression or aggression?
- Does the abuser use alcohol or drugs?
- Has the abuser stalked you, or feels that you are a possession?
- Has the abuser attempted or threatened suicide?
- Has the abuser injured or threatened to injure a family pet?

SERVICES AVAILABLE TO VICTIMS

Domestic violence is a complex crime that usually comes more frequent and more severe without outside help. If you have been harmed by an intimate partner, it is important that you contact a local domestic violence program or legal service listed in the *Source Section* of this brochure to help you understand how it has affected your life, and how to get support and advocacy you need to live in safety again.

PROTECTION FROM STALKING

Maryland offers special protection for victims of stalking. Stalking is malicious conduct, and includes persistently approaching or pursuing another person with the intent to place them in fear of injury or death.

If you think that you are a victim of stalking, tell the police when they make an arrest, and/or **immediately** file an application with the Court Commissioner to let them know that you may be a victim of stalking and are in need of your safety. The Court Commissioner *shall* consider a stalking victim's safety when deciding to release a defendant on pretrial release.

PROTECTION BY PEACE ORDER

If you have a legitimate reason to fear bodily harm from an act committed by someone *other than* your spouse; a person that you have had a long-term relationship with, or someone with whom you have a child, you may seek relief by obtaining a "*peace order*."

Please be advised that a domestic incident of this nature may be addressed by obtaining an ex parte/ protection order.

The acts must have occurred in the previous 30 days and include: an act that causes serious bodily harm; places you in fear of imminent serious bodily harm; assault in any degree; rape or sexual offense; false imprisonment; harassment; stalking; trespassing or destruction of property.

The peace order will be granted if the court finds clear and convincing evidence that the accused committed and is likely to commit acts against you in the future. If the court finds reasonable grounds to issue a temporary peace order, the accused may be ordered to refrain from committing the acts; contacting or attempting to contact or harass you, and stay away from your residence, workplace or school.

TO APPLY YOU MUST:

- File an application for petition at the District Court;
- Swear under oath before a Judge to the acts being alleged in support of the peace order, and
- Pay a \$20 (*non refundable*) filing fee.

IF GRANTED:

- Pay \$30 to have the order served;
- The order will be temporary for 7 days until a hearing is scheduled, and
- May be extended up to 6 months after the hearing.

**A VIOLATION OF THE PEACE ORDER
OR TEMPORARY PEACE ORDER IS
PUNISHABLE BY CONTEMPT, CRIMINAL
PROSECUTION OR BOTH.**

SEXUAL ASSAULT

Sexual assault and rape are violent crimes that often leave victims feeling alone and frightened. Crimes of sexual violence are even more painful because victims must discuss very intimate details of the crime. Knowing what may happen ahead of time can reduce your anxiety and help you get through the process more comfortably. The most commonly asked questions are answered below.

WHO WILL PAY FOR MY MEDICAL EXPENSES?

A rape or sexual assault victim shall be examined without charge, if a police report has been filed. The hospital and physician are entitled to be paid by the Department of Health. You and your insurance company will be responsible for any other medical treatment you receive. You may be eligible for compensation for any other medical expenses not covered by insurance. (*See the Criminal Injuries Compensation Board.*)

IS THERE MANDATORY TESTING OF THE OFFENDER FOR THE HIV VIRUS?

Upon written request to the State's Attorney, a victim of a crime involving a sexual offense, or other crimes that might result in exposure to the HIV virus, may ask the court to order the accused to be tested for HIV. If you are afraid that you were exposed to this virus, talk to the State's Attorney and/or your local sexual assault counselor for guidance in your individual situation.

HOW MUCH OF MY PERSONAL HISTORY WILL BE MADE PUBLIC IN A TRIAL?

Evidence relating to a victim's prior sexual conduct can seldom be admitted as evidence, however, this issue varies depending on the circumstances of your case. If you have concerns about what information will be made public, you may wish to consult with a sexual assault advocate or the Victim/Witness Coordinator in our State's Attorney's Office.

CAN I RECOVER FROM THIS VIOLENT ASSAULT?

Sexual assault is a life-threatening experience and may result in extreme and long lasting trauma to the victim. The physical and emotional results of this trauma generally come in three stages; however, the effects of the assault are different for each victim.

- The *Acute Reaction* usually occurs immediately; the most common signs of this stage are shock, disbelief, fear, anger, helplessness, mood swings, and eating or sleeping disturbances.
- The *Outward Adjustment* is often the next stage. This can be a temporary period where the victim reports that everything is back to normal and tries to regain control over personal feelings and life situations.
- The *Integration* stage most often begins with depression, followed by a renewal of Acute Reaction symptoms. The victim may become overwhelmed by the assault, make drastic life changes, and may also experience guilt.

Eventually, with emotional support if necessary, a survivor of sexual violence or other acts of violence, can work through the trauma and move past the experience and fear generated by the assault.

If you have experienced a rape or sexual assault, contact the Sexual Assault Center listed in the *Resource Section* of this brochure and ask for the emotional support and legal advocacy that is available to you as you work to heal and recover from this crime.

The Juvenile Justice System

If you were victimized by someone under the age of 18, the offender is considered a juvenile, and your case may be handled differently than if the offender were an adult. Generally, juveniles are not convicted of a crime, but are found to be delinquent and their records are not made available to the public. Sometimes in cases of serious violent crimes, offenders under the age of 18 are prosecuted as adults.

NOT ALL JUVENILE OFFENDERS ARE SENT TO COURT

The police typically file a "complaint" about the juvenile suspect with the Department of Juvenile Services (DJS). An intake officer at the local DJS office reviews cases. The intake officer will contact any victim involved in the complaint.

The intake officer has 25 days to take action on the case and will decide whether to close the case, place the juvenile on informal supervision, or forward the case to the State's Attorney's Office for a formal hearing in Juvenile Court. In order for the case to be handled informally, the victim or victim's representative must consent to the recommended juvenile court sentencing, called a disposition. You will receive a letter advising you of the decision and your right to appeal if the case is closed. *At his time, you must file an appeal within 30 days.*

JUVENILE DELINQUENCY

A juvenile is considered delinquent if he commits an act which would be a crime if committed by an adult. More serious juvenile complaints go to the State's Attorney's Office to be handled in juvenile court. This depends on the severity of the delinquent act, the youth's age, and prior delinquent record.

For juvenile complaints involving a serious delinquent act, the State's Attorney may request that the juvenile be prosecuted as an adult in the Circuit Court. A Circuit Court judge rules on this request at a "Waiver Hearing" and determines if the case will be heard in Criminal or Juvenile Court.

WHAT HAPPENS IN JUVENILE COURT

The State's Attorney must take action within 30 days of receiving a juvenile complaint. There are several types of hearings that may occur:

Detention hearing: A hearing may be held by a juvenile court judge, called a master, to decide whether or not to detain the juvenile in a secure facility, place the juvenile in community detention or to release the juvenile to the custody of a parent or guardian. The juvenile may be

detained only if such action is necessary to protect the juvenile or others, or if the juvenile is likely to leave the jurisdiction of the court.

Ajudicatory Hearing: This hearing is held in juvenile court to determine if the juvenile who committed the offense is "delinquent". As in an adult case, the juvenile is entitled to an attorney. The attorney may contact you before the hearing to try to gather information to help the juvenile offender, *however*, you are not required to talk to the juvenile's attorney.

Disposition Hearing: If the offender is found to be delinquent, the judge will hold a separate disposition hearing to determine appropriate action against the juvenile. He may be placed on probation, placed in the custody of the DJS or ordered to participate in appropriate services.

Restitution Hearing: If the juvenile is found to be delinquent, a restitution hearing may be held. The State must prove that the victim's personal property was stolen, damaged or destroyed and/or that there were medical or funeral expenses incurred by the victim as a result of delinquent act.

If the court determines that restitution should be paid, the judge will enter a judgment of restitution against the juvenile. The court may also hold the juvenile's parents liable for the expenses. Restitution may not exceed \$10,000. Restitution may be a court ordered condition of the juvenile's probation.

HOW DO I FIND OUT ABOUT MY CASE?

The victim, and in most cases, the general public have a right to attend any of the hearings mentioned above, if the juvenile is alleged to have committed a delinquent act which would have been a felony if committed by an adult. You have the right to file a "Crime Victim Notification Request and Demand for Rights Form". In other cases, the court *may* exclude the general public and admit only those persons having a direct interest in the proceedings. For information about your case, contact DJS listed in the back of this brochure.

CRIME VICTIMS AND WITNESSES, YOUR RIGHTS AND SERVICES
BROCHURE PREPARED BY THE MARYLAND STATE BOARD OF VICTIM SERVICES
UPDATE TO BE RELEASED SPRING 2005

STATEWIDE/NATIONAL CRIME VICTIM RESOURCES

Maryland Automated Victim Notification Service

(VINE) 1-866-634-8463
Web site www.vinelink.com

Victims' Rights Compliance Line

e-mail VictimRights@goccp-state-md.org

GENERAL VICTIM SERVICES/REFERRALS AND NOTIFICATION

Maryland Crime Victims' Resource Center, Inc. (301) 952-0063

Toll Free 1-877-VICTIM1
e-mail mail@mdcrimevictims.org
Web site www.mdcrimevictims.org

National Center for Victims of Crime

Web site www.ncvc.org
1-800-FYI-CALL

Pro Bono Counseling Services

Web site www.probonocounseling.org

First Call for Help

Local 1-800-492-0618

TTY (410) 685-0525

(410) 685-2159

MD Criminal Injuries Compensation Board

Toll Free 1-888-679-9347

TTY/TTD 1-800-735-2258

Dept. of Juvenile Services

www.djs.state.md.us

Office of the Attorney General

(410) 576-6405

www.oag.state.md.us

Maryland Dept. of Human Resources

1-800-332-6347

www.dhr.state.md.us

DOMESTIC VIOLENCE SERVICES

MD Network Against Domestic Violence

Web site www.mnadv.org

House of Ruth Legal Clinic

Toll Free (410) 554-8463

1-888- 880-7884

National Domestic Violence Hotline

TTY 1-800-799-7233

Web site 1-800-787-3224

www.ndvh.org

SEXUAL ASSAULT SERVICES

Maryland Coalition Against Sexual Assault 1-800-983-7273
Sexual Assault Legal Institute (SALI) (301) 565-2277
Toll Free 1-877-496-SALI
Rape, Abuse & Incest National Network
(RAINN) Hotline 1-800-656-HOPE

CHILD ABUSE SERVICES

National Child Abuse Hotline 1-800-4-A-CHILD

DRUNK DRIVING SERVICES

Mothers Against Drunk Driving (MADD) (410) 990-9255
Toll Free 1-800-446-MADD
National Web site www.madd.org

LEGAL ADVOCACY SERVICES

Legal Aid Bureau, Inc. (410) 539-5340
Toll Free 1-800-999-8904
Web site www.mdlab.org
MD Volunteer Lawyers Service (410) 547-6537
Toll Free 1-800-510-0050
Web site www.mvlslaw.org

STATE CORRECTIONS VICTIM NOTIFICATION

Division of Correction (410) 585-3331
Toll Free 1-866-606-7789
Maryland Parole Commission (410) 585-3213
Toll Free 1-877-241-5428

A FORM MUST BE COMPLETED FOR EACH DEFENDANT OR JUVENILE

In the Circuit/Juvenile Court for _____ City/County
State v. _____ Case No. _____ Date of Birth _____
Name of Defendant or Juvenile
Do Not write Above This Line.

CRIME VICTIM NOTIFICATION REQUEST FORM

(Please Print)

Victim's Name: Miss: _____
Mrs. _____
Mr. _____ If a minor, Date of Birth: _____

If requester is other than the Victim: Miss _____
Mrs. _____
Mr. _____ Relationship _____

Please Print. This form will become part of the public record in this case. If you do not want your address and phone number to be on this form, please designate a person or organization to receive the notices for you by indicating their name, address and phone number below. Be sure that person or organization has agreed to receive these notices and forward them to you. IT IS YOUR OBLIGATION TO STAY IN TOUCH WITH THE PERSON OR ORGANIZATION YOU DESIGNATE AS YOUR ALTERNATE CONTACT.

Victim's Address _____
City _____ State _____ Zip _____
Phone (day) _____ Phone (evening) _____

OR:

Alternate Victim Contact: _____
Relationship to Victim: Family Member Friend Support Agency Other

Contact Address: _____
City _____ State _____ Zip _____
Phone (day) _____ Phone (evening) _____

I would like to receive notice about all of the events related to my case and the defendant/juvenile, as required by law, so that I have the opportunity to exercise the rights that I am entitled to as a crime victim.

Victim Signature

Date



OFFICE OF THE STATE'S ATTORNEY

Memorandum

TO: ED CLARKE
FROM: JEFFREY WENNAR
RE: REPORTABLE OFFENSES EDUCATION ARTICLE 7-303
DATE: November 9, 2004

Abduction
Kidnapping
Second degree murder
Manslaughter, except involuntary manslaughter
Second degree rape
Robbery under §3-403 (robbery with dangerous weapon)
Second degree sexual offense under §3-306
Third degree sexual offense under §3-307
A crime in violation of the Public Safety Article, sections
 §5-133 Possession of Regulated Firearms
 §5-134 Sale, Rental or Transfer of Regulated Firearm
 §5-138 Sale, Transfer, or Disposal of Stolen Regulated Firearm
 §5-203 Possession of Short-barreled Rifle or shotgun
Using, wearing, carrying or transporting a firearm during and in relation to a drug trafficking crime under §5-621
Use of a firearm under §5-622
Carjacking or armed carjacking under §3-405
Assault in the First degree under §3-202
Attempted murder in the second degree under §2-206
Attempted rape in the second degree under §3-310
Attempted sexual offense in the second degree under §3-312
Attempted robbery under §3-403 (robbery with a dangerous weapon)

A crime in violation of the Criminal Law Article, sections:
§4-203 Wearing, carrying or transporting handgun
§4-204 Use of handgun in commission of crime
§4-404 Use of Machine Gun in crime of violence
§4-405 Use of Machine Gun for aggressive purpose

- (i) §14-101: Arson first degree, Attempted arson, Assault with intent to murder, rape, rob, commit first degree sexual offense, intent to commit second degree sexual offense
- (iii) §4-101: Dangerous weapons ("weapon" not including a handgun)
§4-102: Deadly weapons on school property
- (iv) §5-602: Manufacturing, distributing, possessing with intent to distribute, or dispensing controlled dangerous substance
§5-603: Equipment to produce controlled dangerous substance
§5-604: Counterfeit substance
§5-605: Keeping common nuisance
§5-606: False prescription
§5-607: Penalties - certain crimes (violating §5-602 through §5-606 of subtitle is guilty of felony)
§5-608: Same – Narcotic drug
§5-609: Penalties – Selected Schedule I and II hallucinogenic substances
§5-612: Volume dealer (unlawful amounts)
§5-613: Drug kingpin
§5-614: Importer of certain controlled dangerous substances
§5-617: Distributing fake controlled dangerous substances
§5-618: Possession or purchase of noncontrolled substance
§5-627: Controlled dangerous substance near school
§5-628: Use of minor
- (v) §4-503: Manufacture or possession of destructive device
§9-504: Same – Concerning destructive device or toxic material (in regard to false statements , prohibited and penalty)
§9-505: Representation of destructive device