

Victim and Witness Assistance

502.1 VERSION

Review Date	Effective Date	Approving Authority
01/24/19	07/09/18	Eric D. English, Chief of Police

502.2 POLICY AND PURPOSE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

The Harrisonburg Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Harrisonburg Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

502.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

502.4 DEFINITIONS

Victim – For the purpose of this general order, “victim” means (i) a person who has suffered physical, psychological or economic harm as a direct result of the commission of a felony or of assault and battery in violation of 18.2-57, 18.2-57.1 or 18.2-57.2, stalking in violation of 18.2-60.3, sexual battery in violation of 18.2-67.4, attempted sexual battery in violation of 18.2-67.5, maiming or driving while intoxicated in violation of 18.2-51.4 or 18.2-266, (ii) a spouse or child of such a person, (iii) a parent or legal guardian of such a person who is a minor, or (iv) a spouse, parent or legal guardian of such a person or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, “victim” does not mean a parent, child, spouse or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in subdivision (i) of this subsection.

502.5 PROCEDURE

The goals of the Harrisonburg Police Department in providing assistance to crime victims and witnesses are:

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- (a) To ensure that victims and witnesses receive protection from harm and threats of harm arising out of their cooperation with the police or Commonwealth's Attorney.
- (b) To provide victims with information pertaining to financial assistance, social services, legal services, compensation programs, and counseling available as a result of being a victim of crime, to include information on how to apply for assistance and services.
- (c) To ensure that stolen property belonging to a victim and being held by the Department for evidentiary purposes is returned promptly.
- (d) To maintain contact with crime victims and witnesses during the investigating and prosecution processes and provide information concerning case status and court proceedings.
- (e) To assist, where appropriate and in accordance with applicable Virginia law, in seeking restitution for losses incurred to victims as a result of a crime.
- (f) To ensure that victims and witnesses are treated professionally and with fairness, compassion and dignity, as appropriate.
- (g) To continue existing programs/activities designed to provide assistance to victims and witnesses, and to develop and implement new or appropriate programs/activities to provide further assistance.
- (h) To ensure the confidentiality of records and files of victims and witnesses and their role in case development to the extent consistent with applicable law.

502.6 CRIME VICTIM LIAISON

The Office of the Commonwealth Attorney's Office may appoint a member of the office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information or regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

502.7 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation.

Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

502.8 VICTIM INFORMATION

The Special Operations Division Commander shall ensure that victim information handouts are available and current. These should include preprinted information prepared by the Virginia Department of Criminal Justice Services (DCJS) and, as appropriate:

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- (a) Shelters and other community resources for victims of sexual assault or domestic and family violence (Va. Code § 9.1-1301; Va. Code § 19.2-81.3).
- (b) Assurance that crime victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Va. Code § 19.2-165.1; Va. Code § 19.2-11.11; Va. Code § 19.2-11.12).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
 - 1. This should include information regarding the online I-CAN!TM Virginia system that provides assistance with the preparation of court forms required to be filed for a protective order.
- (e) Information regarding available compensation for qualifying victims of crime (Va. Code § 19.2-368.1 et seq.).
- (f) VINE[®] information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail (Va. Code § 53.1-133.02).
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) Notice that it is unlawful for an employer to penalize an employee for appearing in court pursuant to a summons or subpoena (Va. Code § 18.2-465.1).
- (j) A place for the officer's name, badge number and any applicable case or incident number.
- (k) Notice that the Department will withhold, upon request, the address, telephone number, email address, and place of employment of the victim or a member of the victim's family (Va. Code § 19.2-11.2).
- (l) An explanation of the rights afforded to victims under the Crime Victim and Witness Rights Act (Va. Code § 19.2-11.01).
- (m) Information found in the Bill of Rights for victims (Va. Const. art. I, § 8-A).
- (n) Legal resources available to victims of sexual assault (Va. Code § 9.1-1301).
- (o) For victims of sexual assault, notice of their right to be kept informed about the submission, testing and storage of biological evidence (Va. Code § 19.2-11.01; Va. Code § 19.2-11.11).

502.9 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

502.10 WITNESS INFORMATION

The Administrative Bureau Commander shall ensure that witness information handouts are available and current. These should include preprinted information prepared by the DCJS and, as appropriate (Va. Code § 19.2-11.01):

- (a) Notice that the Department will withhold, upon request, the address, telephone number and place of employment of the witness or a member of the witness's family (Va. Code § 19.2-11.2).
- (b) An explanation of the rights afforded to witnesses under the Crime Victim and Witness Rights Act (Va. Code § 19.2-11.01).
- (c) Information regarding the Witness Protection Program (Va. Code § 52-35).
- (d) Contact information for local witness programs.