

Victim and Witness Assistance

502.1 VERSION

| Review Date | Effective Date | Approving Authority |
|-------------|----------------|-----------------------------------|
| 02/23/2024 | 07/09/18 | Kelley D. Warner, 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 VICTIM SERVICES LIAISON UNIT (VSLU) COORDINATOR

The Harrisonburg Police Department VSLU Coordinator will be the point of contact for individuals requiring further assistance or information 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.

502.6.1 VICTIM SERVICES LIAISON COORDINATOR

- (a) Planned, organized, and coordinated the daily activities of the Victim Services Liaison Unit. Conduct regular staff meetings, training, supervision, and performance evaluation of volunteers.
- (b) Provide emotional, physical, financial, and practical support to victims of crimes.
- (c) Monitor office procedures to ensure maintenance and confidentiality of individual client records.
- (d) Function as a liaison between victims, police officers, investigators, and community-based agencies.
- (e) Maintain close cooperation and liaison with all court components, including the Office of the Commonwealth's Attorney.
- (f) Maintain contact and communication with victims and witnesses during an investigation and/or judicial proceedings in coordination with the Office of the Commonwealth's Attorney.

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- (g) Assist victims in filing applications for the criminal injuries compensation fund to help with medical expenses, lost wages, counseling expenses, and funeral expenses.
- (h) Provide information regarding the status of criminal and civil cases.
- (i) Assist victims by referring resources (i.e., transportation to court, professional counseling and support groups, emergency shelter, safety planning, etc.).
- (j) Coordinate procedures for police notification of victims and witnesses participating in the judicial process; ensure effective exchange of information, as necessary.
- (k) Provide presentations to various agencies, departments, and civilian groups as requested to enhance the public's awareness of the victims' services within HPD.
- (l) Responsible for timely documentation and maintenance of the VSLU records to include contacts/attempted contacts and action taken/services rendered, which will be annotated in the supplement section of the police report.
- (m) The VSLU Coordinator will maintain detailed case notes and records. These notes and records are to be included in the case file and are the property of HPD. All case notes and records are subject to court subpoena.
- (n) Victim services have a responsibility to immediately inform the investigating officer or detective of any information that is obtained from the victim that is relevant to the case. All victims and witnesses will be advised that any information they provide to the victim specialist may be shared with the investigating officer or detective.

502.6.2 VICTIM SERVICES VOLUNTEERS

Victim services volunteers can help the unit in various ways based on the unit's needs and the volunteers' skillset and desire. Volunteers may assist the unit through administrative tasks (i.e., filing, making calls to the victims and witnesses, copying documents), helping victims with community referrals, or assisting victims in completing applications to receive services, among other assignments. VSLU volunteers may also provide information regarding the status of criminal and civil cases along with assisting victims by referring/providing resources (i.e., transportation to court, emergency shelter, etc.).

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 should 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, along with a telephone number the victim may call to report additional information about the case or to receive information about the status of the case.
- (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).

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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.

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

502.10 WITNESS INFORMATION

The Special Operations Bureau Commander should 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, email address, 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.

502.11 DISTRIBUTION OF INFORMATION

Employees should provide information referenced in this policy to victims and witnesses as appropriate during preliminary and follow-up investigations.