

	Operational General Order	6.06 Victim Witness Assistance	PAGE 1 OF 4
	SUBJECT		EFFECTIVE DATE
	Virginia Beach Police Department Written Directive Chapter 6 - Constitutional Issues		03/28/2007
			ORIGINATOR/REVIEW
DISTRIBUTION		Investigative Division	
ALL		CALEA: 55.1.1, 55.1.2, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5	
BY THE AUTHORITY OF THE CHIEF OF POLICE:			<i>James A. Curran</i>

Purpose

To promulgate responsibilities of all department members in providing assistance to victims and witnesses of crimes and to establish procedures for providing for this assistance.

Policy

The Department is committed to the development, implementation, and continuation of victim/witness assistance programs, which ensure that victims and witnesses are treated with fairness, compassion and dignity. The Department recognizes the right of victims/witnesses to have access to both useful information and immediate police response and support where necessary. Members of the Virginia Beach Police Department will provide useful information or referral to victims/witnesses and provide in-person assistance when referral is not appropriate.

Victim/Witness Rights (CALEA 55.1.1)

The Virginia Crime Victim and Witness Rights Act (Virginia Code [19.2-11.01](#)), contains legislation designed to assist victims and witnesses of crime. All department personnel should be familiar with the contents of this legislation. The Virginia Beach Police Department's Victim Advocate and the Victim Witness Division of the Virginia Beach Commonwealth's Attorney's Office provide services available to victims and witnesses as described through Victim Witness pamphlets and the Virginia Department of Criminal Justice Services Crime Victim and Witness Right Act.

The Virginia Beach Commonwealth's Attorney maintains an active Victim/Witness Assistance Program and provides for the majority of long-term and comprehensive victim/witness assistance. However, since most victims/witnesses first come into contact with the police, department members must function as "first responders" to those victims and witnesses in need of assistance.

The Commanding Officer, Detective Bureau, will be responsible for administering and coordinating the Department's Victim Advocate in victim/witness assistance. The Victim Advocate will serve as a liaison with the Commonwealth's Attorney Victim/Witness Division and other agencies as deemed necessary to:

- Ensure agency referrals are based on current services offered, and
- Review suggestions on improving the effectiveness of those services.

The Commanding Officer of the Detective Bureau, or designee, will meet annually with representatives from the Commonwealth Attorney Victim Witness Division, to discuss current victim/witness services provided by the Police Department. Based upon these discussions, and as needed, the Public Affairs Officer will apprise the media of these services or any changes thereto.

Needs Analysis (CALEA 55.1.2)

The Commanding Officer of the Detective Bureau and the Commonwealth's Attorney Victim/Witness Director will coordinate a meeting at least annually with other agencies involved in the provision of services and support to victims/witnesses in the community for the purposes of discussing the services provided by the various agencies and improving the responses to the needs of the victims and witnesses of crime in the community. As a result of these meetings, at least every three years the Commanding Officer of the Detective Bureau or designee will coordinate with the Commonwealth's Attorney Victim/Witness Director and prepare a documented review of victim/witness assistance needs and available services within the department's service area. The analysis will include the following elements:

- The extent and major types of victimization within the agency's service area;
- An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers;
- Victim assistance and related community services available within the service area;
- Identification of unfulfilled needs;
- Identification of agencies best suited to meet these needs: and,
- The identification of training needs for the Virginia Beach Police Department relating to the delivery of victim/witness services

Training

The effective delivery of services to the victims or witnesses of crimes is a primary responsibility of sworn members of the Virginia Beach Police Department. In order to ensure such training is provided, the commanding officer of Professional Development and Training shall provide training regarding the rights and needs of victims/witnesses and the law enforcement role in meeting them, as follows:

- To all newly-hired sworn and non-sworn Department members.
- During in-service training to sworn and non-sworn members every three years

All victim witness training shall either be provided by or developed in conjunction with the Commonwealth Attorney Victim Witness Division.

Victim/Witness Referral and Services (CALEA 55.2.1, 55.2.3, 55.1.3, 55.2.4, 55.2.5)

When an officer or detective conducts a preliminary investigation of any felony or misdemeanor crime against a person, that officer shall provide a Victim/Witness Service Guide (PD-176) to all victims and witnesses. This guide will include information concerning:

- Applicable services (counseling, medical, etc.),
- What to do if threatened or intimidated by the suspect(s) or the suspect's family,
- The IBR report number,
- Steps to be taken in processing the case, and
- A telephone number where the victim/witness can provide new information and/or obtain information about the status of the case.
 - The Detective Bureau will serve as the primary point of contact for referral information Monday – Friday from 0800-2300.
 - At all other times, the E911 Emergency Communications Division will serve as the primary point of contact for referrals.

Officers conducting follow-up investigations shall serve as the primary point of contact for victims or witnesses until the case is resolved. Officers Detectives, and/or the Victim Advocate shall assist in the delivery of, or provide direct services to the victims and/or witnesses of crime. In providing such services, officers or detectives shall:

- Insure confidentiality of victims and witnesses
- Re-contact the victim/witness periodically to determine whether needs are being met, if in the opinion of the officer or detective, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for victim/witness assistance;
- Explain to the victim/witness the procedures involved in the prosecution of their case and their role in those procedures, if not an endangerment to the successful prosecution of the case;
- Schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness and, providing transportation, if feasible;
- Return promptly victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence if feasible; and
- Refer a victim to the appropriate agency for victim/witness services or advocacy during the follow-up investigation.
- Advise the victim/witness of the services available from the Commonwealth Attorney Victim Witness Division, via pamphlets titled, "Services Available for Victim/Witnesses" if the case is being handled by the Commonwealth Attorney's office.

Post-Arrest (CALEA 55.2.5)

After a suspect has been arrested, the investigating officer shall, whenever possible, notify the victim/witness of the arrest, the specific charges placed, and the custody status of the arrestee immediately following the arrest (jailed, bonded, released on recognizance, etc.). In cases where the victim/witness is involved with or receiving assistance from a victim witness agency at the time of the arrest, the officer or detective should make notification of the arrest of the suspect to the agency representative as well.

If the arrestee poses a physical threat to a victim or witness of a crime, the investigating officer shall make every reasonable attempt to advise the victim and/or witnesses of any change in the arrestee's custody status.

Victims of Identify Theft

In accordance with the Code of Virginia, upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information necessary to correct inaccuracies or errors in his or her credit report or other identifying information; however, no legal representation shall be afforded such person.

Security of Victims/Witnesses (CALEA 55.2.2)

The Department will provide assistance to victims/witnesses who have been threatened or who express credible reasons for fearing intimidation or further victimization, to include:

- Fully investigating any alleged violation of law that relates to the obstruction of justice;
- Providing physical security for victims/witnesses located within Virginia Beach when deemed necessary by the Chief, or designee. If the victim/witness are not located within Virginia Beach,

every effort will be made to contact and alert the victim/witness, and contact the appropriate agency and inform it of the situation and request that reasonable precautions be taken; and

- Contacting the Commonwealth Attorney Victim Witness Division.

The immediate supervisor of the officer or detective receiving security concerns from victims/witnesses will be responsible to facilitate and help coordinate appropriate services to assist victims/witnesses. Facilitating and helping to coordinate appropriate services can include, but not limited to, acquiring regular patrol checks through uniform officers, a personal security operational plan through Special Operations, and/or instituting a written specific patrol plan.