

# VIRGINIA MILITARY INSTITUTE POLICE DEPARTMENT

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| GENERAL ORDER                            | Number: 2-5              |
| VICTIM/WITNESS SERVICES                  | Date: 07/06/09           |
| VLEPSC Number:                           | Manual Number:           |
| Replaces:                                | Effective Date: 07/06/09 |
| Authorization: Chief Michael L. Marshall | Follow-up Date: Annually |

Note: This order is for internal use only and does not enlarge an officer's 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. Violations of this order, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

## I. POLICY

It is the policy of the department that all officers shall be aware of the rights of victims and witnesses under the provisions of the Crime Victim and Witness Rights Act. In the City of Lexington, the Victim/Witness Assistance Program is administered by the Commonwealth's Attorney's Office. Officers shall provide information and assistance to the victims and witnesses of a crime in compliance with this Act and other state laws.

## II. PURPOSE

The purpose of this policy is to inform all members of the department of their obligation to inform, assist and protect the victims and witnesses of crime.

## III. DEFINITION

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.

## **IV. PROCEDURE**

### **A. Goals**

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

1. 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.
2. 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.
3. To ensure that stolen property belonging to a victim and being held by the department for evidentiary purposes is returned promptly.
4. To maintain contact with crime victims and witnesses during the investigating and prosecutory processes and provide information concerning case status and court proceedings.
5. 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.
6. To inform crime victims of alternatives available regarding the use of victim impact statements at sentencing and victim input in the parole process.
7. To ensure that victims and witnesses are treated professionally and with fairness, compassion and dignity, as appropriate.
8. 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.
9. 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.

### **B. Victim/Witnesses Assistance Services**

The following victim/witnesses assistance services shall be rendered to crime victims and witnesses by officers over and above normal preliminary or follow up investigative services.

1. Preliminary Investigation
  - a) Information concerning available services such as counseling, medical attention, compensation programs, emergency financial assistance, and information concerning victim advocacy.
  - b) Advising victims/witnesses to immediately notify the police department if either the suspect(s) or their friends or family members threaten or intimidate them.

- c) Provide victims/witnesses with the police departments' non-emergency telephone number that they may call to receive additional information about their case or to receive information about the status of their case.
- d) Provide victims/witnesses with the case number assigned to their offense report and inform them of the subsequent steps in the processing of their case.
- e) Petition for an emergency protective order, if necessary.
- f) The officer may, upon request, transport or arrange transportation of the victim to a hospital or safe shelter.
- g) Following a crime, officers shall provide the victim with a Victim/Witness Rights Act pamphlet listing the specific rights afforded to crime victims. The pamphlet shall include a telephone number by which the victim can receive further information and assistance. The officer should refer the victim to the Victim/Witness Assistance Program located at the Commonwealth's Attorney's Office.

## 2. Follow-up Investigation

- a) Re-contact the victim/witnesses periodically to determine if there is any additional information concerning the crime, and to determine if there are any additional services the department can provide.
- b) If not damaging to the case, explain to the victim/witnesses the procedures involved in the prosecution of their cases and their role in those procedures.
- c) Schedule interviews, line-ups, or other meetings with victims/witnesses at their convenience, if feasible.
- d) Return property to victims/witnesses as promptly as possible and in accordance with applicable state law, with the exception of contraband, disputed property, etc.