



WRITTEN DIRECTIVE	No. PD18-1504	Page: 1 of 6
Subject: VICTIM / WITNESS ASSISTANCE	Effective Date:	02-14-18
	Supercedes/ Amends:	PD13-1504
	Reference:	55.1.1, 55.1.2, 55.1.3 55.2.1, 55.2.2, 81.2.7



I. Purpose

The purpose of this directive is to define the department's victim/witness assistance role and to enable any departmental employee with direct public contact, to refer victims and witnesses to the appropriate person or services for assistance.

II. Policy

It shall be the policy of the Lynchburg Police Department that all victims/witnesses be treated with dignity, respect, and sensitivity; and that the department remain committed to working with the Commonwealth's Attorney Victim / Witness Office in the development, implementation, and continuation of appropriate victim/witness assistance activities.

III. Procedure

A. DEFINITIONS

1. *Victim* -- A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his person or property.
 - a. Also regarded as victims are a spouse, child, parent, or legal guardian of:
 - 1) a minor victim
 - 2) a homicide victim.
 - b. The definition excludes any person involved in a crime as a perpetrator or accomplice.
2. *Witness* -- A person who (as determined by the investigating officer or his immediate supervisor) has information or evidence relevant to the investigation of a specified crime.
 - a. When the witness is a minor, the term *witness* includes an appropriate family member.
 - b. *Witness* includes neither defense witnesses nor anyone involved in the crime as a perpetrator or accomplice.

3. *Specified Crime* -- Any of the following constitute a *specified crime*:
 - a. all felonies
 - b. all misdemeanor crimes against persons
 - c. other crimes upon the recommendation of the responding officer or supervisor.

B. ADMINISTRATION

55.1.3.A

1. The goal of the department victim/witness assistance activities will be to provide useful information or referral to victims/witnesses and provide in-person assistance when referral is not appropriate.

55.1.3.B

2. The release of victim/witness information will be governed by provisions set forth in the Code of Virginia 19.2-11.2 and the *Virginia Freedom of Information Act*.
3. The Deputy Chief over the Investigation Bureau will be responsible for the administration of the department victim/witness assistance activities, to include:

55.1.3 D

- a. maintaining a liaison with the Office of the Commonwealth's Attorney Victim/Witness Coordinator, and other agencies and organizations concerned with victim/witness needs and rights
- b. training all sworn employees in victim/witness rights and needs and in the role of law enforcement in meeting those rights and needs in the course of recruit training and field training
- c. ensuring that all employees directly involved in department victim/witness assistance efforts receive an appropriate level of training and retraining

55.1.3 B

- d. ensuring the confidentiality of department records and files of victims and witnesses including their role in case development to the extent consistent with applicable law

55.1.3 C

- e. informing the public and media about department victim / witness assistance services

4. Officers should inform the public and the media of services available to victims and witnesses when appropriate.

55.1.3 A

C. VICTIM/WITNESS ASSISTANCE

1. Preliminary Investigations

- a. Victim / Witness assistance during preliminary investigations will include, but not be limited to, the following:
 - 1) Securing the incident scene to ensure the safety of involved parties and to safeguard evidence
 - 2) Determining if medical attention is needed and summoning appropriate medical assistance
 - 3) Determining if a crime has occurred and obtain necessary information for the completion of required reports
 - 4) Refer the victim / witness to the appropriate assistance organization and provide a *Victim / Witness Information Form*
 - 5) Notifying representatives of the appropriate victim / witness assistance organization to respond to the scene when their immediate presence would be beneficial for the victim or witness
 - 6) Officers are to initiate the Lethality Assessment when an intimate relationship is involved and the officer believes the situation could lead to serious injury or death to one of the parties involved. See *PD-2019 Domestic Violence* section III, G for procedures regarding the Lethality Assessment program.

2. General Referral

55.2.1 A&B

55.2.3 A,C,D

- a. Any officer assigned to conduct a preliminary investigation of any specified crime (as defined in section III, A-3), **shall** make available a *Victim/Witness Information Form* to all victims or witnesses present that includes the following:
 - 1) the case number
 - 2) steps in processing the case
 - 3) telephone numbers to report or receive additional information about the status of the case
 - 4) information about applicable services, e.g. counseling, medical attention, emergency housing/financial aid and victim advocacy.

b. Information Desk personnel will serve as the primary point of contact for persons seeking victim/witness information at any time of day or night.

81.2.6 / 81.2.7

c. If the Department of Emergency Services (LynComm) receives a call concerning available victim/witness information or services, the telecommunicator will determine if the situation requires that an officer be dispatched to the scene.

1) In instances where the victim/witness is located within the City limits and believed to be in immediate danger, the telecommunicator will dispatch an appropriate number of officers to the scene for purposes of restoring order.

55.1.3 D

2) In instances where the victim/witness is located outside the City limits and believed to be in immediate danger, the telecommunicator will either transfer the call to the appropriate law enforcement agency or notify the appropriate agency of the situation.

3) In instances where the victim/witness is not believed to be in immediate danger but is attempting to obtain information or services, the telecommunicator will transfer the call to an on-duty Information Desk officer.

4) In any case, the telecommunicator will inform the victim/witness of whether an officer will be dispatched or the call will be transferred.

2. Follow-Up Investigations

a. Officers conducting follow-up investigations will provide the following victim/witness services, at a minimum:

55.2.4 A

1) if, in the opinion of the officer's immediate supervisor, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance, recontacting the victim/witness periodically to determine whether needs are being met

55.2.4 B

2) if not an endangerment to the successful prosecution of the case, explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures

55.2.4 C

3) if feasible, scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the officer's immediate supervisor, providing transportation

55.2.4 D

4) if feasible, returning 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

55.2.4 E

- 5) if necessary, requesting the assistance of the Office of the Commonwealth's Attorney's Victim/Witness Coordinator as a victim advocate.

55.2.5

- a) Upon request, the Commonwealth's Attorney's Victim/Witness Coordinator may provide necessary assistance and conduct interviews to ensure a successful prosecution.
- b) If requested, the Commonwealth's Attorney's Victim/Witness Coordinator will advise the victim/witness when a suspect has been released from incarceration.

55.2.2 / 55.2.3 B

- b. The department will provide appropriate assistance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization, to include:
 - 1) fully investigating any alleged violation of law that relates to the obstruction of justice
 - 2) providing physical security for victims/witnesses located within the City of Lynchburg only when deemed necessary, in writing, by the Chief of Police.
 - 3) posting related details on the Complaint Book for officer information
- c. Employees will **not** tell any citizen that the department will protect them, other than as described in section III, C, 2, b.

D. VICTIM / WITNESS NEEDS REVIEW**55.1.2**

1. The Deputy Chief over the Field Operations Bureau will be responsible for the completion of a documented review of victim/witness assistance needs activities and available services, to include:
 - a. completing or obtaining a review of victim/witness assistance needs and available services within the service area at least every two years, which includes:
 - 1) the extent and major types of victimization within the service area
 - 2) 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

- 3) victim assistance and related community services available within the service area
- 4) identification of all unfulfilled needs and the selection of those that are appropriate for the department to meet.

Original Signed

Raul M. Diaz
Chief of Police

February 14, 2018

Date