



Newport News Police Department - Administrative Manual

ADM-135 - VICTIM/WITNESS ASSISTANCE PROGRAM

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I. GENERAL

The Newport News Police Department (herein Department) will provide information to those victims and witnesses, who may be eligible for compensation or reimbursement from the Commonwealth of Virginia. In addition, any victim or witness who requires specific services or further assistance will be directed to the responsible agencies or person. Information is available in the "What Happens Next" Pamphlet (NNPD Form #204). [55.1.1]

II. DEFINITION OF TERMS

- A. *Victim Advocate*: A person authorized by the agency to assist victims in specified ways. Such advocates may be agency members (sworn or non-sworn), to include volunteers.
- B. *Single Point of Contact*: A specified person, position, organizational component, or telephone number.
- C. *Formal Handling*: Used to denote the direction of a victim and/or witness through the official channels. This will include the Department, Commonwealth's Attorney's Office, and/or any referral organization.
- D. *Informal Handling*: Used to denote any instances where an officer decides not to direct a victim and/or witness through official channels, but advises the person of existing alternatives.

III. PROCEDURE

[55.1.1(a)]

A. Organizational Structure

[55.1.1(d)]

For an effective victim/witness program, the Department and the Commonwealth's Attorney's Office must share equal responsibility in assuring procedures are followed:

1. The Assistant Chief of Investigations has the responsibility and authority to administer the operation of the Victim/Witness Assistance Program as it applies to the Department.
2. At the discretion of the Assistant Chief of Investigations, the appropriate Division Commander, or designee, shall be responsible for monitoring and coordinating the Department's role in the program.
3. The Police Department assigns an employee to the Commonwealth's Attorney's Office as the Commonwealth's Attorney Liaison. The employee will function as a liaison between both agencies as well as be responsible for daily activities and duties set by the Commonwealth's Attorney.

4. The Communications Division will be designated as a single point of contact. Communications personnel will aid persons having questions or requesting assistance during non-working hours, ensuring they receive assistance. [55.2.1(a,b); 81.2.6(b)]

B. Notification/Response

1. Communications Division personnel receiving a call from a crime victim or witness shall ascertain if an emergency or non-emergency response is required by Department personnel. Officers will be dispatched if the situation is an emergency. If determined to be a non-emergency situation, and depending upon the circumstances involved, an officer will be dispatched or the victim/witness will be referred to the Victim/Witness Director of the Commonwealth's Attorney's Office during normal business hours (Monday through Friday from 8:30 am to 5:00 pm). [81.2.6(a,b,c)]
2. The primary officer dispatched to the scene of a reported crime is responsible for conducting the preliminary investigation unless otherwise directed by a supervisor. [42.1.4]
3. The primary officer will determine if the victim is in need of emergency medical treatment and if so, contact the Communications Division and request ambulance response.
4. If necessary, the officer will contact his immediate supervisor to determine the necessity of having a detective respond.
5. In the event of an inquiry by a victim or witness, either by officer-initiated calls, by telephone, or a walk-in at any of the Department's stations, the same guidelines as outlined above will be followed.

C. Preliminary Investigation

1. The first contact with the victim and/or witness in many cases will be the most impressionable. The officer will conduct himself in a professional manner and make all attempts to reduce their anxieties and/or fears. [26.1.1]
2. The officer shall remove the victim to a less threatening/more secure environment whenever possible. [55.1.1(a)]
3. The investigating officer will make every effort to obtain as much information as possible and complete an Incident Based Report (IBR).
4. At the conclusion of the preliminary investigation, or when the officer no longer has a necessity to question the victim and/or witness further, the investigating officer will advise the victim: [55.1.1(b)]
 - a. That the incident report will be submitted to the department, reviewed, and assigned to either the Criminal Investigations Division or the appropriate Patrol Precinct. [55.2.3(c)]
 - b. That they may call the Communications Division, explain the circumstances of the crime and request the telephone number of the appropriate investigative team or unit responsible for the investigation. [55.2.3(d)]

- c. That if he wishes to leave additional information, to call either the appropriate investigative team or unit. [55.2.1(a); 55.2.3(d)]
- d. That he will be contacted by either a detective or patrol officer assigned the investigation within the next 72 hours or that he will receive correspondence from the Department explaining the case status. [55.2.3(c)]
- e. That if he experiences any emotional problems as a direct result of the crime and should require immediate assistance in dealing with the problem, to contact the Hampton/Newport News Community Services Board. [55.2.3(a,b)]
- f. About normal investigative procedures and what to expect during the investigation. [55.2.3(c), 55.2.4(b)]
- g. The officer will advise the victim of the complaint number and case status. [55.2.3(c)]

D. Preliminary Analysis of Victim/Witness Needs

- 1. The investigating officer will make all attempts to assess the victim's needs, to include the victim's physical and psychological condition. The investigating officer will assess the personality and specific needs of the victim, combined with the type of crime, to appropriately advise the victim of Departmental procedures and referral agencies within the City. [55.2.3(a,b)]
- 2. The investigating officer will advise the victim that should he experience any further problems, to contact the Communications Division. [55.2.3(b)]
- 3. The investigating officer will determine if the victim and/or witness requires a relative or friend to be notified of the situation and/or respond. If the victim requests a family member or friend to provide him with emotional support, all attempts will be made to accommodate the victim.

E. Formal Handling [55.2.3(a)]

- 1. In compliance with §19.2-368.17 of the Code of Virginia, potential applicants may obtain a brochure on the Virginia Crime Victims and Witness Rights Act at the Information Desk at the Police Headquarters Building. They will be given a copy of the "What Happens Next" brochure. [55.1.1]
- 2. Any inquiries concerning the actual application for claims, eligibility, and/or qualifications will be directed to the Victim/Witness Program located in the Commonwealth's Attorney's Office.
- 3. The officer should instruct the victim that benefits are available relating to medical expenses, wage loss and funeral expenses. The Victim/Witness Director can review benefits available with the victim. Benefits that are not available include property loss, attorney expenses, pain and suffering, and wage loss for which insurance, annual or sick leave is available. [55.2.3(a)]

F. Persons Eligible to File a Claim

- 1. An innocent victim who suffers physical injury or lost wages as a result of a crime, attempting to prevent a crime or apprehending a criminal.

2. Any person legally dependent for principal support from a victim who died as a result of a crime.
3. Any person responsible for medical and/or funeral expenses of an injured/deceased victim.

G. During emergency assistance

1. Obtain any available information concerning the victim, to include the next-of-kin if necessary.
2. Determine if the victim and/or family is a member of any local church or religious organization, and make the appropriate notification if requested, or at the officer's discretion if the situation requires immediate action.
3. Notify the Police Chaplain (available 24 hours a day) to provide counseling assistance when the investigating officer determines the necessity (to contact a chaplain, notify the Communications Division.). [55.2.1(a), 55.2.6]
4. Notify the Employee Assistance Program (available 24 hours a day) or members of the CISM (Crisis Intervention Stress Management) Team to provide assistance to Department members or family if they become victimized or become involved in a highly emotional situation, when necessary (to activate the team, contact the Communications Division). [22.1.4; 22.1.5; 22.1.7(b); 55.2.1(a)]
5. If the situation requires immediate counseling or treatment, notify the Communications Division to contact the Hampton/Newport News Community Services Board, which is available 24 hours a day. [55.2.1(b); 55.1.1(d)]

H. Threats and Intimidation to Victims and/or Witnesses [55.2.2; 55.2.3(b)]

Should any officer learn that a crime victim and/or witness in a criminal proceeding has been approached and threatened, assaulted, or intimidated, the officer shall:

1. Complete an incident report.
2. Notify his immediate supervisor.
3. Determine if the victim or witness is currently working with an investigative team, unit or specific detective. If so, notify that unit or detective.
4. Be responsible for pursuing the complaint if the officer determines the Investigations Bureau is not handling the original investigation that generated the threats and harassment to the victim.
5. Notify the Commonwealth's Attorney's Office and advise them of the circumstances and determine if criminal charges can be placed.

6. Place the appropriate charges against the suspect if probable cause exists.
 7. Contact the Major Crimes Investigations Section to assess placing the victim/witness in the State Police Witness Protection Program. [55.2.1(b)]
- I. Transportation [55.2.4(c)]
1. If, during the course of investigating a criminal offense, the officer is requested by a victim and/or witness to provide transportation, the officer will first determine if the person has friends or relatives locally that can be contacted to provide transportation, or if the person has funds to utilize public transportation.
 2. If all alternatives fail, the officer shall be permitted to transport the subject, if authorized by his immediate supervisor.
- J. Responsibilities
1. These responsibilities are directed to the investigating officer who is assigned the follow-up investigation and deals directly with the victim and/or witness.
 - a. The officer will maintain communications with the victim and advise him or her of the complaint number and case status. The officer will also periodically contact the victim and/or witness in those cases where the impact of the crime has been unusually severe, or has caused an above-average need for victim/witness assistance. [55.2.3(c); 55.2.4(a)]
 - b. Upon arrest of the suspect, notification to the victim will occur. Notification is typically made through the Commonwealth Attorney's Office (via the Victim/Witness Program staff, a Commonwealth attorney, a Commonwealth Attorney investigator, or through subpoena service). However, nothing shall preclude the investigating officer/detective assigned to the case from contacting the victim as well. [55.2.5]
 - c. In serious violent crimes or in cases where the suspect has threatened bodily harm to the victim and/or witnesses, the investigating officer/detective, in conjunction with the Newport News Victim/Witness Program will ensure the victim and witnesses are notified if he learns the suspect has been or is about to be released from jail. [55.2.2; 55.2.5]
 - d. The officer will maintain communication with the Commonwealth's Attorney's Office and exchange information as the investigation progresses. [55.1.1(d)]
 - e. When property belonging to a victim has been recovered or seized as evidence, the officer will review the evidence with the Commonwealth's Attorney's Office and determine the necessity for maintaining custody of the property until such time as an arrest is made or the case is disposed of in court. [55.1.1(d)]
 - f. If the Commonwealth's Attorney's Office or the Department determines the property is necessary for court, it will remain in the custody of the Department's Property and Evidence Unit. However, if the property is not required for court, it will be photographed and promptly returned to the victim. [55.1.1(d); 55.2.4(d)]
 - g. The officer will maintain all property photographs with the investigative case folder. [83.2.2]

- h. Prior to a scheduled court proceeding, the officer will make all attempts to contact the victim and necessary witnesses and determine if they are prepared for court. [55.1.1(d); 55.2.4(b)]
 - i. The officer will advise the victim to contact the Victim/Witness Program to determine the procedures involved in the prosecution. [55.1.1(d); 55.2.4(b)]
 - j. If the investigating officer becomes aware that either a victim or a witness is unable to speak or understand the English language, he will notify the Victim/Witness Program and make arrangements for an interpreter. [55.1.1(d)]
 - k. Any scheduling of line-ups, interviews, or other required appearances should be arranged at the convenience of the victim and/or witness when feasible. [55.1.1(d); 55.2.4(c)]
 - l. In accordance with ADM-160 (Privacy/Dissemination of Information), all documents and statements pertaining to a victim and/or witness are classified as "Official Records." These records are considered confidential and will be retained and disseminated according to the Code of Virginia. [55.1.1(b)]
2. The Victim/Witness Program has specific responsibilities concerning communication with the victim and or witness that include: [55.1.1(d)]
- a. Maintain contact with the victim/witness to notify them of the suspect's status if arrested, or released from jail. [55.2.5]
 - b. Contact the victim's or witness' employer and explain the necessity for cooperation if the victim or witness is experiencing problems with their employer in reference to time missed from work because of required court appearances.
 - c. Maintain communications with the local community organizations that provide assistance services to the victims. [55.1.1(d)]
 - d. Periodically coordinate with the Community & Youth Outreach Division and ensure that the public is informed concerning the victim/witness assistance programs in community interactions and social media. [55.1.1(c)]
3. Supervisory Responsibilities
- a. The Victim/Witness Program will be notified within 24 hours of the preliminary investigation of certain cases handled by the Major Crimes Investigations Section. The lead detective in charge of the investigation will make notification. Notification will be made in cases involving homicides, rapes, sexual assaults against juveniles or a case of abuse, or neglect involving a juvenile.
 - b. In order to protect the integrity and uniformity of released information in homicide investigations, the Major Crimes Investigations Section Supervisor overseeing the investigation will contact the Commonwealth's Attorney's Office and coordinate the release of case information to the victim's spouse or immediate family (this release of information pertains to follow-up investigation and does not include the customary notification during the initial response).

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