

	Winchester City Sheriff's Office Manual of General Orders Administration 122	Effective Date: May 1, 2014 Accreditation Standards: ADM .23.01 ADM .23.02 ADM .23.03 ADM .23.04
		Original Policy: May 1, 2014 Last Review Date: October 31, 2023 Next Review Date: October 31, 2024
Subject: Victim Witness Services		By Authority of: <hr/> William E Sales, Sheriff

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
04-09-16	III A 4 i 1&2	Added " i. Victims' rights 1) To be free from threats, harassment and intimidation. 2) To seek restitution.	EAS	LRT
02/08/2024	III H a.	Added: In accordance with Virginia Code § 9.1-407, initial LODA training will be required for all new sworn employees within 30 days of their hire. Refresher training will be held every two years.	MRA	WES

I. PURPOSE

This policy establishes procedures for members of the Winchester City Sheriff's Office to follow whenever they are providing assistance to the victims and witnesses of crime.

II. POLICY

Sworn personnel will provide assistance, specific information, and referrals to the victims and witnesses of crime in compliance with Virginia Code § 19.2-11.01. The Victim/Witness Program is located within the City or Winchester Commonwealth's Attorney Office.

III. PROCEDURE

A. GENERAL

1. Virginia Code § 19.2-368.2 defines a "Victim" as a person who suffers personal physical injury or death as a direct result of a crime including a person who is injured or killed as a result of foreign terrorism or who suffers personal emotional injury as a direct result of being the subject of a violent felony offense as defined in subsection of Virginia Code § 17.1-805(C), or attempted robbery or attempted abduction.
2. Deputies are required to render assistance to victims, unless the victims refuse the deputy's assistance. A deputy, who has a duty to act to assist a victim and does not, may be liable for negligence for improperly performing, or failing to perform, a duty. (Federal and state courts have decided recently that victims of crime have a right to equal protection of the law under the 14th Amendment of the Constitution and that victims, under certain circumstances, may have a special relationship with law enforcement agencies. Failure to provide either an

appropriate response to victims or to respond upon the pleading of a victim for help may be judged as malfeasance or nonfeasance of official law enforcement duties and obligations.)

3. Personnel will be issued a supply of information cards/pamphlets to be dispersed to victims/witnesses. Domestic violence information will be provided to victims of domestic abuse.
 4. Cards/Pamphlets may contain pertinent information/phone numbers relating to:
 - a. Sheriff's Office/Investigating Deputy and procedures;
 - b. Magistrate's Office;
 - c. Commonwealth's Attorney;
 - d. Juvenile and Domestic Court Procedures;
 - e. Obtaining protective orders;
 - f. Victim/Witness Program;
 - g. The Laurel Center; and
 - h. Other referral numbers.
 - i. Victims' rights
 - 1) To be free from threats, harassment and intimidation.
 - 2) To seek restitution.
3. Other helpful pamphlets will be stocked in the literature rack located in the lobby of the Office.
- B. PRELIMINARY RESPONSIBILITY**
1. Sworn and non-sworn employees will strive to render professional service and compassionate aid to the victims and witnesses of crime.
 2. Sworn and non-sworn employees will maintain a positive and supportive attitude towards victims and witnesses of crime in compliance with Code of Ethics statements.
 3. Initially, the reporting deputy will be accountable for providing information to victims and witnesses concerning:
 - a. The deputy's role in the case;
 - b. Case processing and follow-up investigative procedures;
 - c. Case number;
 - d. Where medical assistance can be obtained, if needed
 - e. Agencies to contact for assistance as applicable (i.e. Social Services, The Laurel Center, and other assistance programs)
 - f. How evidentiary or recovered property may be reclaimed, if applicable;
 - g. Actions to take if the suspect, suspect's family, or suspect's companions threaten or intimidates him/her in the future.
 4. Under no circumstances will an employee (other than a supervisor) provide a specific date/time when investigative or follow-up personnel, other than themselves, will make contact with victims and witnesses. Deputies shall give the victim the Sheriff's Office telephone number and the deputy's name for any follow-up information or questions. Generally, contact should be established with victims and witnesses on the day of the case assignment, if the case has been reassigned to another Deputy/Investigator.

5. Deputies shall obtain the necessary warrants and/or protective orders, as needed. These processes shall be explained to the victim, regarding court appearances, time expirations, and extension of protective orders.

C. CRIME SCENE & EVIDENCE PRESERVATION

1. The investigating deputy is responsible for preserving the crime scene, collecting evidence, and fully explaining to the victim what the investigation will entail.
2. Victims must be informed of the necessity of taking photographs of the person and removing personal belongings for evidence. Deputies shall use tact in explaining evidence collection procedures because the victim may be upset or distraught.

D. MEDICAL/PSYCHOLOGICAL NEEDS OF THE VICTIM

1. Arrange for appropriate treatment as soon as possible. The victim may want or need to be examined and reassured of his/her physical condition. Similarly, the victim may want or need to speak to someone for psychological support. This person may be a relative, a friend, a counselor, or their clergy.
2. The victim may be confused or unable to express his/her needs so if appropriate, refer the victim to the appropriate medical/mental health facility.

E. TRANSPORTATION OF THE VICTIM

1. Victims may be transported in Sheriff's Office vehicles when necessary to:
 - a. A medical/mental health facility;
 - b. The Sheriff's Office (interviews, line-ups, etc.);
 - c. Another criminal justice agency;
 - d. A safe shelter;
 - e. To their residence or a relatives or friend's residence.
2. Once the victim is taken to the necessary destination, a deputy may escort the victim inside, ensuring that proper notification is made, unless the destination is a private residence.

F. FOLLOW-UP PROCEDURES

1. If not detrimental to the case, the Deputy will explain their respective roles in the prosecution of a case to victims and witnesses.
2. If line-ups, interviews or other appearances are required (excluding court appearances), the scheduling of such events shall be made at the convenience of the victim/witness, if feasible.
3. The Deputy is encouraged to provide referral information that is appropriate (given the particular circumstances of the case).
4. If property is taken as evidence, explain the importance of the property.
 - a. Advise the victim where the property is stored.

- b. Provide an approximate return date (Except for contraband, disputed property, and weapons used in the crime).
- c. Expedite the return of property. Photograph the evidence as much as possible in order to return the property to its owner sooner.

G. VICTIM COMPENSATION

1. Virginia Code § 19.2-368.3:1 states that the Compensation for Victims of Crime Commission is authorized to hire an Ombudsman.
2. Virginia Code § 19.2-368.5:1 states that following the initial filing of a claim, a claimant fails to take such further steps to support or perfect the claim as may be required by the Commission within 180 days after written notice of such requirement is sent by the Commission to the claimant, the claimant shall be deemed in default.
3. Virginia Code § 19.2-368.6(D) states that there shall be a rebuttable presumption that the claimant did not contribute to and was not responsible for the infliction of his/her injury.
4. Virginia Code § 19.2-11.01(A) states, following a crime, the law-enforcement agency shall provide the victim with a standardized form listing the specific rights afforded to crime victims. The form shall include a telephone number by which the victim can receive further information and assistance in securing the rights afforded crime victims, the name, address and telephone number of the office of the attorney for the Commonwealth, and the name, address and telephone number of the investigating law enforcement agency.
5. Virginia Code § 19.2-265.01 & 19.2-11.01(A), as amended, states victims have the right to remain silent in the courtroom during a criminal trial or proceeding even if they were material witnesses, unless the judge decides the presence of the victim would impair the conduct of a fair trial.

H. LINE-OF-DUTY DEATH OR SERIOUS INJURY

- a. In any line-of-duty death or serious injury of a member of the Winchester City Sheriff's Office, the Sheriff's Office shall act in a timely manner notifying the family. All personnel having contact with the family will act in a personal manner, assisting and supporting the family. Immediate notification of all administrative staff is mandatory. All sworn personnel will receive training in line-of-duty death benefits. In accordance with Virginia Code § 9.1-407, initial LODA training will be required for all new sworn employees within 30 days of their hire. Refresher training will be held every two years.

1. NOTIFICATION

- a. Line-of-Duty Death-- The Sheriff or his designee will proceed to the family residence as soon as possible to notify the deceased member's family.
- b. The Sheriff or his designee will proceed to the family residence as soon as possible to notify the family members to offer assistance, including transportation to the hospital.

Serious Injuries

2. SUPPORT

- a. The Sheriff or his designee will appoint a deputy, or notify the deputy that has been previously selected by the Sheriff's Office, to assist and remain in contact with the family. The deputy will:

- i) Support the family at the funeral and burial;
- ii) Help the family with legal and benefit matters;
- iii) Support/Inform the family during any criminal proceedings;
- iv) Maintain long-term contact with the family.

3. VICTIM/WITNESS SERVICES

- a. Both agency personnel and family members are entitled to the provisions of victim/witness services that are offered.

