




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 Procedures	Effective Date: October 6, 2017	Amends/Supersedes: March 1, 2005	By Authority of the Chief of Police  Charles A. Penn
Accreditation Standard(s): ADM.23.01, ADM.23.02, ADM.23.03			

530.05 Victim Witness Program

I. Policy

Officers will refer victims and witnesses to the Victim Witness Program administered by the Office of the Commonwealth's Attorney to ensure that their rights under the Crime Victim and Witness Rights Act are preserved and they receive fair and compassionate treatment throughout the judicial process.

II. Definition

- A. Victim - For purposes of this directive, "victim" is defined as a person who has suffered physical, psychological or economic harm as a direct result of the commission of a felony, or from an assault and battery, stalking, sexual battery, attempted sexual battery, maiming or injury resulting from an accident caused by a person driving while intoxicated; a spouse or child of such person; the parent or legal guardian of such a person who is a minor; a spouse, parent or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide. However, "victim" does not include a parent, child, spouse or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined above.

III. Code Requirements

- A. [Constitution of Virginia - Article I. Bill of Rights. Section 8-A. Rights of victims of crime](#)
- B. [Code of Virginia - Title 19.2. Criminal Procedure, Chapter 1.1. Crime Victim and Witness Rights Act, §§ 19.2-11.01. through 19.2-11.4.](#)

IV. Procedure

- A. The Commonwealth's Attorney's Office Victim Witness Program in coordination with the police department ensures that the rights of victims, as established in the Virginia Crime Victim and Witness Rights Act, are protected in order to encourage active victim participation in the criminal justice process. The Arlington Victim Witness Program provides the following services:
1. The Victim Witness Program will attempt to contact all crime victims as defined in [Virginia Code § 19.2-11.01](#) to inform them of their rights and the range of services available to them.
 2. The Victim Witness Program staff will provide the police department staff with any and all information necessary to assist in criminal investigation.

3. The Victim Witness Program will inform victims of the right to confidentiality as granted in [Virginia Code § 19.2-11.2](#). If requested, program staff will assist the victim in filing form [DC-301, Request for Confidentiality](#), with the appropriate Clerk's Office.
4. The Victim Witness Program will provide information to the victim regarding the arrest and custody status of the defendant, upon request.
5. The Victim/Witness Program will provide information to the victim regarding the status of the court case.
6. Victim Witness Program staff may accompany the victim to court. Victims will be advised of the right to be present in court during all proceedings in accordance with [Virginia Code § 19.2-265.01](#).
7. The Victim Witness Program will advise victims of certain sexual offenses of the right to a closed preliminary hearing pursuant to [Virginia Code § 18.2-67.8](#).
8. The Victim Witness Program will advise juvenile sexual assault victims of the possibility that a two-way closed circuit television may be used in taking testimony in accordance with [Virginia Code § 18.2-67.9](#).
9. The Victim Witness Program will provide information to victims about protective orders as appropriate.
10. The Victim Witness Program will assist victims in requesting notification of a defendant's release from incarceration from the Arlington County Detention Facility and/or the Virginia Department of Corrections.
11. The Victim Witness Program staff will provide victims' rights and victim assistance training to new police recruits as requested.

B. Assistance to Crime Victims and Witnesses

1. During the preliminary investigation officers should provide their business card to all victims and witnesses of a crime. The card should include the case report number and a telephone number where they can report additional information or inquire about the case status. When appropriate, officers should inform a victim or witness of victim advocacy programs such as the Office of the Commonwealth's Attorney's Victim Witness Program; the Department of Human Services, Doorways for Women and Families and advise on actions they may take if a suspect were to threaten or intimidate them.

Additionally, Virginia Code [§ 19.2-11.01](#) requires law-enforcement personnel to provide certain crime victims, as defined in section II. of this procedure, with a standardized form listing the specific rights afforded to crime victims along with a telephone number by which the victim can receive further information in securing their rights. The department provides officers with Crime Victim and Witness Rights sheets for this purpose. When such reports are received through the Telephone Reporting Office, by e-mail or by any means other than direct officer contact a victim/witness will be offered a Crime Victim and Witness Rights sheet that will be sent to them by the officer receiving the initial report.

2. The follow-up officer or detective will make a good faith effort to comply with the procedures listed below while also recognizing that the underlying dynamics of an incident can and do vary substantially from case to case:
 - a. Re-contact the victim/witness periodically to determine whether needs are being met where the impact of a crime has been unusually severe and has already triggered a referral to an assistance agency.
 - b. Explain the procedures and practices involved in prosecuting the case, including the role of the officer and victim/witness; so long as such information does not endanger successful prosecution.
 - c. Schedule line-ups, interviews and other required visits at the convenience of the victim/witness.
 - d. Provide advance notification, as early as possible, of judicial proceedings relating to the cases, such as rescheduling, status, and disposition.
 - e. Assist in providing transportation to court, interviews, lineups, etc., when necessary.
 - f. Protect the confidentiality of victims/witnesses in accordance with department policy when dealing with the media.
 - g. Provide assistance to victim/witness who has been threatened or intimidated.
 - h. Expedite the return of property taken as evidence, unless the property is needed for trial (contraband, disputed property, weapons used in a crime, etc., are not included). The disposition of all property should be recorded in the final supplemental report.
 - i. Refer victims and witnesses to the Office of the Commonwealth's Attorney Victim Witness Program.
 - j. When possible the arresting officer or case detective should notify the victim/witness of the arrest, charges and custody status of an offender when such information would be important and the victim/witness would not likely find out through an independent source.