



# Herndon Police Department GENERAL ORDERS

## Operations Section

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## VICTIM/WITNESS ASSISTANCE

### I. POLICY

The department is committed to supporting victims and witnesses of crime and ensuring that they are treated with dignity, respect, and sensitivity. The department will assist victims and witnesses in understanding certain rights pursuant to Code of Virginia § 19.2-11.01 and coordinating eligible services provided through Fairfax County Victim Services Division.

### II. TERMINOLOGY

- Victim – a person, pursuant to Code of Virginia §19.2-11.01, who has suffered physical, psychological, or economic harm as a direct result of the commission of:
  - (a) a felony,
  - (b) assault and battery in violation of § 18.2-57 or 18.2-57.2,  
stalking in violation of § 18.2-60.3,  
a violation of a protective order in violation of § 16.1-253.2 or 18.2-60.4,  
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, or
  - (c) a delinquent act that would be a felony or a misdemeanor violation of any offense enumerated in clause (b) if committed by an adult; a spouse or child of such a person; or a parent or legal guardian of such a person who is a minor.
- Witness – a person with personal knowledge of an event that can attest to the facts and/or provide evidence.

### III. RIGHTS AND SERVICES

- A. The department recognizes and supports the rights of victims and witnesses of crime and is committed to fair and compassionate treatment and facilitating the provision of appropriate programs and services. The department coordinates assistance through the Fairfax County Victim Services Division which provides comprehensive services to crime victims and witnesses at each stage of the criminal justice process. Victims and witnesses of crime have certain mandated rights pursuant to the Code of Virginia §19.2-11.01, which include:



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- The right to be informed (victim/witness rights, lawful requirements)
- The right to confidentiality (protection of personal information, property returned)
- The right to notice of court dates and other court-related assistance (case disposition, judicial proceedings, court preparation, assistance with employers to facilitate court appearances)
- The right to notice of defendant or prisoner status (offender release, escape)
- The right to provide input in the process (impact statements, other victim input)
- The right to safety (protection from harm and threats due to cooperating with law enforcement or prosecution efforts)
- The right to financial assistance (compensation claims from the Crime Victims' Compensation Fund, restitution)
- The right to post trial assistance and other notices (services and referrals)

B. Crime victims and witnesses have access to the following services through the Fairfax County Victim Services Division:

- Crisis intervention and emotional support to victims and families Court advocacy, preparation, and accompaniment
- Information, resources, referrals
- Assistance with Virginia Victims' Fund claims and restitution
- Assistance with the protective order process
- Assistance with confidentiality and notification requests
- Assistance with victim impact statements

### IV. ASSISTANCE AND COORDINATION OF SERVICES

The department will work together with the Victim Services Division during all phases of the investigation and criminal process to ensure that needs of the crime victim and witness are met.



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### A. Preliminary Investigations

Officers shall provide victims and witnesses of crime, and others when appropriate, with the *Victim Rights & Services* card which describes applicable rights, available services, contact information for the department and Victim Services Division, and other pertinent information.

### B. Follow-up Investigations

During follow-up investigations, periodic contact with the crime victim or witness is made by the Victim Services Division to ensure access to programs or services are being met. Other assistance during this stage may include:

1. Communication with the victim/witness to explain the procedures involved in the prosecution of their case and their role in the process.
2. Communication with the victim/witness to ensure that the scheduling of line-ups, interviews, or other required appearances is convenient, and assisting with or providing transportation.
3. Facilitating the prompt return of any property taken as evidence, as permitted by law or not restricted by evidentiary purposes.

### C. Suspect Arrest and Post-Arrest

When a suspect in a case is arrested, the investigating officer or the Victim Services Division will, whenever possible, notify the crime victim or witness of the arrest, the specific charges placed, and the custody status of the arrestee immediately after the arrest. In instances where an arrestee poses a physical threat to a victim or witness of a crime, every reasonable effort will be made to ensure that the victim or witness is notified of the arrestee's release from custody.

D. The department will provide advice or assistance as applicable by law to victims and witnesses of crime who have been threatened or express credible reasons for fearing intimidation or further victimization and will work with such victims through the Victim Services Division to facilitate resources or services which may be available to them.



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E. The Criminal Investigations Section is responsible for administering and coordinating the department's role in victim and witness assistance and for maintaining liaison with the Fairfax County Victim Services Division.

1. The Criminal Investigations Section supervisor will monitor all applicable investigations and ensure coordination with Victim Services and that referrals are based on accurate and current knowledge of the services available.
2. Investigators will coordinate with Victims Services to assist communication with the victim or witness on prosecution procedures, their role in the process, any scheduling of interviews or other required appearances, and transportation.
3. When a suspect is arrested, the investigating officer will notify the crime victim or witness of the arrest, the specific charges placed, and the custody status of the arrestee immediately after the arrest. In instances where an arrestee poses a physical threat to a victim or witness of a crime, every reasonable effort will be made to ensure that the victim or witness is notified of the arrestee's release from custody.

F. Confidentiality of victim or witness information shall be maintained consistent with applicable law.

#### V. NEXT-OF-KIN NOTIFICATIONS

A. The department must make next-of-kin notifications regarding a death, serious injury, or serious illness that is necessitated by events occurring within the town, or at the request of another law enforcement agency. To ensure such notifications are conducted promptly and in a considerate manner, the following procedures will apply.

1. All next-of-kin notifications should be made in person when the next-of-kin is residing in the town. The notification must be communicated to an adult.



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2. Officers providing notifications are responsible for ensuring a timely notification to next-of-kin.
3. If possible, assistance in notifications should be obtained from the police chaplain or another officer.
4. In cases warranting a public release, the name of the deceased, or injured person shall not be released until reasonable efforts have been made to notify the next-of-kin as approved by the Chief of Police or designee.