



# GENERAL ORDER

Loudoun County Sheriff's Office

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<b>Chapter:</b> Operations	<b>Section:</b> 401.4
<b>Subject:</b> Operational Functions	<b>Topic:</b> Victim/Witness Assistance
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## I. PURPOSE

The purpose of this General Order is to ensure that victims and witnesses receive professional assistance consistent with their important investigative and prosecutory role. As often the first to arrive on the scene of a crime, the deputy is the initial source of protection for the victim. The manner in which the deputy treats a victim at the time of initial reporting and afterwards affects not only the victim's immediate and long-term ability to cope with the crime, it can determine their willingness to assist in prosecution.

## II. POLICY

It shall be the policy of the Loudoun County Sheriff's Office to treat victims and witnesses with fairness, compassion and dignity. It is recognized that many victims and witnesses will be under emotional stress and may not relate well to law enforcement personnel. Victim/Witness assistance shall be the responsibility of every member of this agency, and all personnel are required to maintain an accurate knowledge of available services, support agencies and resources. This agency shall maintain a commitment to the development, implementation and continuation of appropriate victim/witness assistance programs and activities. This commitment includes ensuring deputies receive on-going training concerning response to victims and witnesses to include, but not be limited to, active listening, information delivery and other communication skills. Deputies will also be given training and the necessary resource materials to provide needed services to victims and witnesses.

## III. DEFINITIONS

- A. A victim is defined by the Virginia Department of Criminal Justice Services as anyone who suffers physical, emotional or financial harm as a direct result of a felony or certain misdemeanors. This excludes any person involved in a crime as a perpetrator or accomplice. The definition of victim includes the spouse and children of all victims; parents and guardians of minor victims; mentally or physically incapacitated victims; or victims of homicide.
- B. A witness is any person who has information or evidence relevant to the investigation of a specific crime.

IV. GENERAL PROVISIONS

- A. Overall responsibility for the administration and coordination of this agency's victim/witness assistance programs and activities shall rest with the Operations Bureau Commander.
- B. The Operations Bureau Commander shall ensure that an analysis of victim/witness needs and available services is completed, at a minimum, once every two years. This analysis shall include:
  - 1. The extent and major types of victimization within Loudoun County
  - 2. An inventory of information and those services needed by victims/witnesses in general (including attempted homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, property 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 Sheriff's Office to meet
- C. The Sheriff's Office shall maintain liaison with the Victim/Witness Coordinator within the Office of the Commonwealth's Attorney through the Operations Bureau Commander. Contact shall also be maintained with other criminal justice agencies, governmental and non-governmental agencies concerned or involved with victim/witness needs and rights. The Loudoun County Sheriff's Office's efforts shall compliment and assist the efforts of any other involved entities in the delivery of appropriate assistance to victims and witnesses.
- D. The Operations Bureau Commander, in concert with the Commonwealth's Attorney's Office Victim/Witness Coordinator, shall periodically, but not less than annually, issue a press release informing the public about current services that are available and new services that have been, or are about to be, instituted.
- E. The Administrative and Technical Services Division Commander shall ensure that a sufficient supply of printed material (handouts) is in stock so that they may be passed out by deputies at incidents where victim/witness services could be used. This material should contain current information regarding actions to obtain services available for specific types of incidents.

V. PROCEDURES

A. Emergency Communications Center personnel shall maintain current knowledge of victim/witness services that are available to the public. The Administrative and Technical Services Division Commander shall ensure that updated training is provided to ECC personnel, and that periodic re-training is given when required by a service change. In addition, the following shall also be accomplished:

1. Each Division Commander shall meet with the supervisors under his/her command at least annually to determine if first-line supervisors are monitoring deputy performance concerning the response to victims to ensure that the Loudoun County Sheriff's Office is delivering the appropriate service.

When a supervisor reviews reports, he/she will look for documentation that details an appropriate victim response and that necessary follow-up contacts are being conducted. The supervisor will review with his/her subordinates special or challenging cases involving law enforcement assistance to victims.

2. The Administrative and Technical Services Division ECC Commander shall draft, issue and maintain a Standard Operating Procedure that specifically addresses the Emergency Communications Center's responsibilities in the victim/witness area. This shall include, but is not limited to the following:
  - a. Instructions to determine whether an emergency or non-emergency victim/witness response is needed based on the characteristics of a call
  - b. Instructions on informing the victim/witness of the agency's response, including a direct law enforcement service and/or referral to other agencies
  - c. Providing an updated list of available victim/witness service providers to the Emergency Communications Center personnel so that they may best refer victims to appropriate agencies
3. All Emergency Communications Center personnel shall assist all victims/witnesses prior to a deputy's arrival to the greatest extent possible.

B. Unless already provided by the Victim/Witness Coordinator, agency personnel will ensure that victims are provided prompt notification concerning the arrest of the offender, the nature of the charges placed against the offender and the custody status of the offender. Any future changes to the status within these areas should be provided to the victim in a timely manner.

- C. During the preliminary investigation and in addition to the normal investigative routines, the following assistance services should be rendered to victims/witnesses, to include at a minimum.
1. Providing information to the victim/witness about applicable services, i.e. counseling, medical attention, compensation programs, or emergency financial assistance, and victim advocacy. This also includes the deputy providing *Victim Support* literature to those affected by a crime.
    - a. Victim/witness referrals may include, but are not limited to, the following:
      - i. Support internal to Loudoun County Sheriff's Office
      - ii. Social service agencies
      - iii. Victim/Witness services through the Commonwealth's Attorney Office
      - iv. LAWS (Loudoun Abused Women's Shelter)
      - v. Support groups
      - vi. Confidential counseling
      - vii. Emergency financial assistance
      - viii. Health screening
      - ix. Homebound services
  2. Providing advice to the victim/witness about what to do if the suspect, or the suspect's companions or family threatens or intimidates him/her
  3. Providing the victim/witness with the case number and information concerning the subsequent steps in the processing of the case
  4. Providing the victim/witness with a telephone number so that the victim/witness may call to report additional information about the case or to receive information about the status of the case
  5. Petitioning for an emergency protective order by the deputy, if necessary

6. Providing for transportation for victims to safe places or medical facilities, as appropriate
- D. Investigative deputies shall ensure that follow-up contact is established with the victims/witnesses as soon as is practical (usually within 48 hours), in accordance with General Order 411.9, Criminal Investigation Case Management. During this contact, deputies should attempt to ensure that any needs of the victims/witnesses are being satisfied. Victims/witnesses should be provided with the assigned case number, a summary of the future anticipated action concerning the investigation and processing of the case, a contact telephone number should future information or questions arise, and the investigating deputy's name.
- E. Whenever possible, the scheduling of interviews, line-ups and other required appearances should be at the convenience of the victim/witness.
- F. When feasible, deputies shall attempt to return a victim/witness's property (excluding contraband, disputed property and weapons) as soon as possible when permitted by law and/or with the concurrence of the Commonwealth's Attorney Office.
- G. Should a victim/witness report to any deputy any instance of threats or intimidation concerning his/her involvement in the investigation of a criminal matter, appropriate action shall be taken without delay. This action may include contacting the victim/witness coordinator to secure safe shelter for the individual, full investigation of the reported incident and placing charges against the offender. In all instances, the investigating deputy shall be notified of the threats/intimidation as soon as possible.

#### VI. VICTIM/WITNESS COORDINATOR SERVICES

- A. The following services are provided to the victim/witness by the Victim/Witness Coordinator:
  1. Protection from harm, and threats of harm, arising from his/her cooperation with the prosecution or defense efforts
  2. Crisis intervention and emotional support. It should be noted that on-scene support shall only be afforded in cases concerning rape or murder
  3. Assistance in obtaining compensation for crime-related losses and payment of forensic/medical examinations relating to SANE tests

4. Intercession services to minimize loss of pay and other problems relating to or resulting from court appearances. This service may include Victim/Witness staff contacts with employers, school officials, bill collectors, and other individuals as required.
5. Information regarding the use of Victim Impact Statements, the parole process, and assistance in completing parole input forms
6. Criminal Justice Process support to include escorting the victim/witness to the proper court, providing emotional support during the criminal justice process
7. Referral to other agencies as required, to include placement within the Woman's Shelter, referrals to Mental Health, Social Services, Rape Crisis Centers, legal resources, and various counseling facilities.

VII. CONFIDENTIALITY

All personnel shall ensure the complete confidentiality of all victims and witnesses to the extent consistent with Virginia Code.

VIII. VIRGINIA VICTIM COMPENSATION ACT

The rights of victims/witnesses are set forth in Virginia Code Sections 19.2-368.1 through 19.2-368.18.

Among other provisions, it permits the recovery of a monetary award for the victims/families of victims of crime. All personnel should be aware of these statutes and, in situations where conditions would warrant, the victim/victim's family should be advised that they may be entitled to certain monetary awards under the law. These individuals should be directed to the Office of Victim/Witness for further information or to file a claim.