



# Newport News Police Department - Administrative Manual

## ADM-135 - VICTIM/WITNESS ASSISTANCE

Amends/Supersedes: ADM-135 (10/23/2019)

Date of Issue: 04/04/2022

### I. GENERAL

- A. The Newport News Police Department (NNPD) recognizes that professional and compassionate conduct, when interactive with victims and witnesses, can reduce trauma and re-victimization during the reporting, investigation, and prosecution of criminal conduct. All employees working directly with victims and witnesses will adhere to the Virginia Crime Victim and Witness Rights act by treating victims and witnesses with dignity, respect, sensitivity, making every effort to protect their privacy. [55.1.1(a)]
- B. The NNPD provides information to 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, including crime victims' rights, is available in the [What Happens Next Pamphlet \(NNPD Form #204a\)](#). All employees who work directly with victims and witnesses should understand the pamphlet's contents. [55.1.1 (e)]

### II. DEFINITION OF TERMS

- A. *Case agent*: The officer or detective responsible for overall case management and investigation. Sometimes referred to as the lead investigator.
- B. *Victims*: any person who suffers personal, physical, mental, emotional, or monetary loss as a direct result of a crime. (see [§19.2-368.19](#))
- C. *Victim Advocate*: A person authorized by the agency to assist victims and witnesses. They may be agency members (sworn or non-sworn), including volunteers or interns.
- D. *Witness*: any person not identified as an offender who observed criminal conduct and may be called upon to provide information regarding their observations.

### III. PROCEDURE

- A. Organizational Structure [55.1.1(d)]
  - 1. NNPD collaborates with the Commonwealth Attorney Office's [Victim Services Unit](#) to provide victims with access to services and assistance navigating the court process. The Victim Services Unit serves as NNPD's primary victim services provider. [55.2.1b, 55.2.4(f)]
  - 2. NNPD employs specially trained personnel to assist victims and witnesses with obtaining support and follow-up services in cooperation with the primary service provider. While these positions may be assigned to a specific criminal investigations unit, they may provide referral services to any victim or witness, regardless of the type of crime.
  - 3. NNPD maintains partnerships with various government and community-based services providers:
    - a. [Transitions Family Violence Center](#) specializes in assisting domestic violence victims, including emergency shelter services and a 24-hour crisis line. (757) 723-7774
    - b. [The Center for Sexual Assault Survivors](#) specializes in sexual and intimate partner violence, including a 24-hour crisis line. (757) 236-5260

- c. [Virginia Victims Fund](#) specializes in helping victims of violent crime with out-of-pocket expenses. (800) 552-4007
- d. [Hampton-Newport News Community Services Board](#) provides youth, adults, and families with clinical and social support services for those experiencing mental health crisis, trauma, and substance abuse, including a 24-hour crisis line. (757) 788-0011

## B. Notification/Response

1. Communications Division personnel receiving a call from a crime victim or witness shall determine if a response is required by Department personnel and dispatch officers if the situation is an emergency. Depending upon the circumstances involved, an officer may be dispatched to non-emergency situations, or the victim/witness will be referred to the Victim/Witness Director of the Commonwealth's Attorney's Office during regular business hours. If personnel determine the call meets the criteria for a person in crisis, see [OPS-648 Community Assistance Response Program \(CARE\)](#). If the caller specifies that they are looking for domestic or sexual violence support, they may be referred to the above crisis lines.
2. The primary officer dispatched to the scene of a reported crime is responsible for conducting the preliminary investigation (see [OPS-492 Criminal Investigations & Case Management](#)) unless otherwise directed by a supervisor.
3. The same guidelines outlined above will be followed when a victim or witness is contacted during officer-initiated calls, telephone, or walk-in at headquarters or any precinct.

## C. Preliminary Investigation

1. In many cases, the first contact with the victim and/or witness will be the most impressionable. Officers will conduct themselves in a professional manner and make all attempts to reduce their anxieties or fears. The officer should relocate the victim to a less threatening/more secure environment whenever possible.
2. The officer will make every effort to obtain as much information as possible and complete an Incident-Based Report (IBR), (see [OPS-490 Incident-Based Reporting](#)).

**NOTE:** The IBR will include contact information for victims and witnesses. Whenever possible, officers should obtain at least two contact methods (i.e., cellphone, work phone, email, etc.) and indicate in the report which the victim prefers for follow-up activities.

3. The investigating officer will attempt to assess the victim's needs. After the preliminary investigative information has been gathered, or when the officer no longer needs to question the victim and/or witness further, the investigating officer will provide the victim/witness with:
  - a. The opportunity to contact relatives or a friend for support. If the victim requests a family member or friend to provide emotional support, they should be accommodated so long as it does not interfere with the investigation.
  - b. A copy of the [What Happens Next Pamphlet \(NNPD Form #204a\)](#), and, if available to the officer, any other referral number appropriate for the circumstances, as provided by the Domestic Violence Unit (DVU), Special Victims Unit (SVU), or community service provider (i.e., palm cards, brochures, etc.). [55.2.3(a)]
  - c. The case number and current status. [55.2.3(c)]
  - d. A general explanation of how the case will be processed by NNPD personnel, based on the case status and procedures found in [OPS-492 Criminal Investigations & Case Management](#). [55.2.3(c)]
    - 1) Patrol officers providing this information should keep the information general, explaining

that the report will be reviewed and evaluated for assignment if further follow-up is needed.

- 2) If detectives respond to a call-out, the victim should be given more detailed information regarding the following steps at the discretion of the detective.
- e. A phone number they can contact to provide additional information about the case or inquire about the case's status. If a detective has not been notified or called out for the preliminary investigation, the patrol officer should, at a minimum, give the phone number for the applicable precinct. Depending on the case, officers may provide the victim/witness with their work email or department cellphone number. Victims/witnesses of domestic violence should be told to contact the NNPD Domestic Violence Team, 928-4646. [55.2.3]
- f. If there is a known suspect, instructions on what they should do if the suspect, their acquaintances, or family threatens or otherwise attempts to intimidate them. If the threats are documented, either via text or social media, the victim/witness should be advised to screen capture the threats and immediately contact law enforcement to report the threats. They should also be advised to contact 911 if they feel their safety is at risk. [55.2.3(d)]
- g. Information that benefits are available relating to medical expenses, wage loss, and funeral expenses. 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 to review benefits available to the victim. [55.2.1(b)]
  - 1) 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)]
  - 2) Persons Eligible to File a Claim:
    - a) An innocent victim who suffers physical injury or lost wages due to a crime attempts to prevent a crime or apprehend a criminal.
    - b) Any person legally dependent on a victim for principal support, where the victim died due to a crime.
    - c) Any person responsible for medical and/or funeral expenses of an injured/deceased victim.
4. A member of the NNPD Police Chaplain Program is available to assist community members interested in receiving spiritual guidance. These services should be offered if the victim/witness cannot locate their spiritual advisor. It can also be offered when calls involve life-threatening or life-ending circumstances and during death notifications. A Chaplain Program response is requested through the Communications Division.

#### D. Threats and Intimidation to Victims and/or Witnesses

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 their 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 that a detective is not handling the original investigation that generated the threats and harassment to the victim;
5. Notify the Commonwealth's Attorney's Office, 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; and
7. Contact the Major Crimes Division commander to assess utilization of the State Police Witness Protection Program. [55.2.2]

E. Transportation [55.2.4(c)]

1. If, while 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 their immediate supervisor.

F. Follow-up Investigation

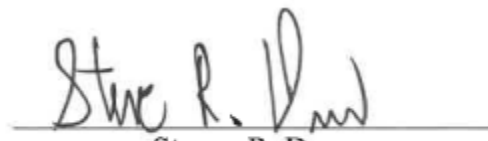
1. All employees will maintain professional conduct and make reasonable attempts to keep victims and witnesses engaged in the investigation so, ultimately, they cooperate with prosecutorial efforts.
2. The case agent conducting a follow-up investigation will attempt to make initial contact with victims/witnesses within three (3) working days of case assignment and to return communications in a reasonable amount of time.
3. As part of a follow-up investigation, if it is determined that the impact of a crime on a victim/witness is traumatic or severe enough that additional services may be necessary, the assigned case agent or a victim advocate should re-contact them to ensure that they can access appropriate victim services. [55.2.4(a)]
4. When feasible, any scheduling of line-ups, interviews, or other required appearances should be arranged at the victim/witness's convenience. [55.2.4(c)]
5. During a follow-up investigation, the case agent will communicate with the Commonwealth's Attorney's Office and exchange information as the investigation progresses. [55.1.1(d)]
6. Upon the 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, an investigator, or a subpoena service). Any additional services deemed appropriate, such as the Department of Correction's Victim Notification Program and VINE, are offered during this notification. The assigned case agent should work collaboratively with the Victim/Witness Program staff and follow up with victims/witnesses as needed. [55.2.5]

NOTE: In serious violent crimes or in cases where the suspect has threatened bodily harm to the victim and/or witnesses, the case agent, in conjunction with the Newport News Victim/Witness Program, will ensure the victim and witnesses are notified if they learn the suspect has been or is about to be released from jail. [55.2.2; 55.2.5]

7. When property belonging to a victim has been recovered or seized as evidence, the case agent will review the evidence with the Commonwealth's Attorney's Office and determine the necessity for maintaining custody of the property until an arrest is made or the case is disposed of in court.
  - a. If the Commonwealth's Attorney's Office or the Department determines the property is necessary for the 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. [55.2.4(d)]
  - b. The officer will maintain all property photographs with the investigative case folder.
8. Before a scheduled court proceeding, the Commonwealth Attorney's office should attempt to

contact the victim and necessary witnesses and determine if they are prepared for court. Officers/investigators directly contacted by victims or witnesses regarding court proceedings will advise the victim to contact the Victim/Witness Program to determine the procedures involved in the prosecution. If either a victim or a witness cannot speak or understand English, the officer/investigator will notify the Victim/Witness Program and arrange for an interpreter. [55.2.4(b)]

9. Per [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)]
10. The Newport News Police Department will review petitions for U Nonimmigrant Status. The Chief of Police or designee will provide certification when cases involve qualifying criminal activities where eligibility requirements are met.
11. The Victim/Witness Program will be notified within 24 hours of the preliminary investigation of some instances handled by the Major Crimes Division. The case agent in charge of the investigation will make a notification. Notification will be made in cases involving homicides, rapes, sexual assaults against juveniles, or a case of abuse or neglect involving a juvenile.
12. To protect the integrity and uniformity of released information in homicide investigations, the Major Crimes Division 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 investigations and does not include the customary notification during the initial response).



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