



## **VSP-DIR-305**

### **Victim's Assistance**

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#### **1.0 Purpose**

- 1.1 This agency recognizes that law enforcement is dependent upon the aid of crime victims and witnesses in order to hold criminals accountable for their actions. It is desirable to gain the cooperation of victims and witnesses, thereby enhancing the agency's ability to make arrests that will result in criminal prosecution.

#### **2.0 Policy**

- 2.1 To provide sensitive, fair, and high quality services to crime victims and witnesses.

#### **3.0 Procedure**

##### **3.1 Victim and Witness Contact**

- A. All victims and witnesses shall be treated with courtesy, sensitivity, and respect.
- B. Members shall make reasonable efforts to inform victims of crime of available services. Victims and witnesses will be offered a safe and friendly location for providing statements or other investigatory processes. Members shall ensure continued safety by reviewing safety planning with victims/witnesses when appropriate.

##### **3.2 Analysis of Needs and Available Services**

- A. All Vermont State Police members are charged with providing high quality assistance to victims and witnesses consistent with section 3.1 of this policy.
- B. The Vermont Victim Assistance Program provides each county with a Victim Advocate Service that is available to all crime victims and witnesses. The Victim Advocate is engaged in an ongoing evaluation of the needs of crime victims and available services.

- C. The Vermont State Police shall maintain a close working relationship with all victim service agencies and their respective advocates.

### 3.3 Procedures for Victim/Witness Assistance

- A. The Vermont State Police will ensure the confidentiality of victims and witnesses, and their role in case development, to the extent allowed by law.
- B. Victim/Witness assistance information shall be available to the public 24 hours a day through the department's Public Safety Answering Points (PSAPs). Dispatchers shall provide callers with appropriate referrals from a list of resources available by county, such as those suggested in the list below:
  - 1. Medical Attention – an ambulance or referral to one of the local hospitals.
  - 2. Counseling/Advocacy Services – The community based victim services agency in the area.
  - 3. Emergency Financial Assistance – Referral to the Department of Social Welfare or the Victim/Witness Advocate of the State's Attorney Office, or the Vermont Center for Crime Victim Services (Victim Compensation).
  - 4. Legal – Referrals will be made when appropriate to individuals needing assistance in civil restraining orders to appropriate community based agencies. Immigration related referrals shall be made to the appropriate assistance program.
  - 5. For other requests, the dispatcher shall attempt to provide an appropriate referral from the resource lists maintained within each PSAP, including a referral to the 211 service.

### 3.4 Assisting Immigrant Victims/Witnesses

- A. To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, members will not ask about, or investigate immigration status of crime victims/witnesses, unless information regarding immigration status is an essential element of a crime or immigration status is necessary to the criminal investigation or

arrest. If a victim/witness is also a suspect, members should follow the provisions in VSP-DIR-301 4.4(B), Inquiries Concerning Citizen Status. Federal law does not require law enforcement officers to ask about or investigate the immigration status of crime victims/witness. Although communication with federal immigration authorities regarding victim/witness immigration status is permitted, it is not required under 8 U.S.C. §§ 1373 and 1644.

- B. Members will ensure that individual immigrants and immigrant communities understand that victim services referrals are available to documented and undocumented victims/witnesses.
- C. Members may, in appropriate situations, advise an individual that if they are undocumented they may be eligible for a temporary visa. For example, an individual may qualify for a U, S, or T visa if they are a victim or material witness to certain serious crimes.
- D. Members should communicate that they are here to provide assistance and to ensure safety, not to deport or facilitate the deportation of victims/witnesses, and that members do not ask victims/witnesses about their immigration status unless obtaining information regarding immigration status is necessary to the criminal investigation or arrest (for example, in human trafficking investigations). In instances where the victim/witness is also a suspect, please refer to VSP-DIR-301 4.4(B), Inquiries Concerning Citizenship Status.
- E. Nothing in this policy is intended to violate 8 U.S.C. § § 1373 and 1644.

### 3.5 Assistance During Preliminary Investigation

- A. In addition to investigating alleged criminal incidents, members should seek to provide assistance to the victims of crime and the persons who witness criminal behavior. During the preliminary investigation of any incident, the investigating member shall seek to:
  - 1. Ensure victim/witness safety and to create a safety plan when appropriate.
  - 2. Provide the victim with a method for determining when or whether a suspect is released from jail on bail, or other release status.
  - 3. Provide the victim/witness information regarding available services. Depending on the nature of the incident, the following referrals may

be appropriate: counseling, medical attention, emergency shelter, victim advocacy, or compensation programs.

4. Provide the victim/witness with the case number and information regarding subsequent steps, if any, in the processing of the case.
  5. Provide the victim/witness with the appropriate number to call to report additional information or to receive information about the status of the case.
  6. Remind the victim/witness to immediately report any further threats or intimidation from the suspect or the suspect's friends or family.
  7. Victims/Witnesses who express specific reasons for fearing future intimidation or victimization should be referred to either Family Court for a Relief from Abuse Order or the State's Attorney Office for Conditions of Release.
- B. When appropriate, any reports received of further victimization or intimidation of victims/witnesses should be investigated as a separate incident.

### 3.6 Assistance During Follow-Up Investigation

- A. After an arrest of a suspect(s), primary victim assistance will be the responsibility of the State's Attorney Office Victim Advocate. This should be made clear to the crime victim. The Victim Advocate maintains contact with victims until final case disposition to inform them of all court hearings and, if necessary, to provide transportation for the victim to attend. Other services available include, but are not limited to, arranging for daycare so the victim can attend court hearings, arranging for counseling, and assisting with shelter.
- B. The Victim Advocate is mandated by state law to explain to all victims and witnesses the procedures involved in the prosecution of their case and their role in this procedure.
- C. The investigating member shall schedule necessary lineups and additional interviews with the victim or witness. If needed, transportation can be arranged through the Victim Advocate.
- D. Property taken as evidence from a victim or witness shall be returned as promptly as possible. The Victim Advocate frequently fields requests for

return of property and is available to explain to victims and witnesses the evidentiary value of their property if it is necessary to hold the item for trial.

### 3.7 Notification of Victim Upon Arrest or Change in Custody

- A. When a suspect is arrested for any crime, the arresting member should complete the form provided by the Victim Advocate with the victim's name, address, and phone number.
- B. Ensure that the victim's information is provided to Corrections so that the victim can be notified should the suspect make bail before arraignment.

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