



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: SERVICES FOR WITNESSES AND VICTIMS OF VIOLENT CRIMES	Chapter 7	Number 23	# Pages 7
References: CALEA: 55.1.1a-e, 55.2.1 , 55.2.2, 55.2.3, 55.2.4, 55.2.5, 81.2.7 VA Code: §16.1-253.2, 18.2-51.4, 18.2-57, 18.2-57.2, 18.2-60.3, 18.2-67.4, 18.2-67.5, 18.2-266, 19.2-11.01	Related Orders: 7-22	Effective Date: 08/30/2023 Revised By: Review Prv. Rev. Date: 04/07/2020	
Chief of Police: <div style="text-align: center; margin-top: 10px;"></div>			

I. PURPOSE

The purpose of this directive is to provide the proper information to Richmond Police Department members when advising citizens of services for witnesses and victims of violent crimes.

II. SUMMARY OF CHANGE

This document is due for triannual review. The Victim and Witness Assistance brochure can now be found on the [REDACTED] under RPD forms. The contact information for the Department of Rehabilitative Services has been updated. All new changes will be bold and italicized throughout the document.

III. POLICY

It is the policy of the Richmond Police Department to provide clear guidelines to its members regarding the availability of services to witnesses and victims of violent crime. In recognition of the Richmond Police Department’s concern for the victims and witnesses of crime, it is the purpose of this general order to ensure that the full impact of crime is brought to the attention of the Department and its employees. Crime victims and witnesses shall be treated with dignity, respect and sensitivity; and their privacy shall be protected to the greatest extent permissible under law. It is the further purpose of this general order to ensure that victims and witnesses are informed of the rights provided to them under the laws of the Commonwealth; that they receive authorized services as appropriate; and that they have the opportunity to be heard by members of the Department, the Commonwealth’s Attorneys, corrections agencies and the judiciary at all critical stages of the criminal justice process to the extent permissible under law. The Department relies on witnesses and victims to help solve violent crimes and places the utmost importance on their well-being, ongoing communication with them, and their receipt of services.

[CALEA 55.1.1a, 55.1.1b, 55.1.1d]

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting

V. DEFINITIONS

A. VICTIM: "Any person who has suffered physical, psychological, or economic harm as a direct result of the commission of a felony, 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, or maiming or driving while intoxicated in violation of §§ 18.2-51.4 or 18.2-266, or a delinquent act that would be a felony or a misdemeanor violation of any offense enumerated in clause if committed by an adult; a spouse or child of such a person; a parent or legal guardian of such a person who is a minor; for the purposes of ***providing a victim the opportunity to prepare a written victim impact statement prior to sentencing***, a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life; or a spouse, parent, sibling, or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, sibling, or legal guardian who commits a felony or other enumerated criminal offense against a victim." (VA Code § 19.2-11.01; ***see also*** Virginia's Crime Victim and Witness Rights Act)

VI. PROCEDURE

A. Victim/Witness Request for Assistance:

When a request for assistance services is received from a victim or witness by the Department of Emergency Communications (DEC), the Communications Officer will determine whether the request is an initial or follow-up request and whether an emergency or non-emergency response is required.

1. Emergency – The Communications Officer will handle the request in accordance with established Department procedures for emergency calls for service.

2. Non-Emergency/Follow-up Request – The Communications Officer shall forward the call to the appropriate investigating officer or Division for assistance. [CALEA 55.1.1a, 55.2.1a, 55.2.1b, 81.2.7]

B. Investigations: [CALEA 55.1.1a, 55.2.2, 55.2.3]

1. During a “preliminary investigation,” members of the Richmond Police Department shall provide the following to the victim or witness:
 - a) Information about applicable services, such as medical services, compensation programs, counseling, legal services, etc.;
 - b) Advice about what to do if the suspect or suspect’s companions or family threatens or otherwise intimidates him or her;
 - c) Information about the case number and subsequent steps in the processing of the case;
 - d) The telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case;
 - e) Information about petitioning for an emergency protective order; and,
 - f) Transportation for victims to safe places or medical facilities, if necessary.

NOTE: Members of the Richmond Police Department shall, as soon as practicable after identifying a victim of a crime, provide the victim or witness with a “Crime Victim and Witness Rights” brochure.

Additional brochures may be obtained from the Commonwealth’s Attorney’s Office’s Victim Witness Program *or from* [REDACTED]

2. During a “follow-up investigation,” members of the Richmond Police Department shall: [CALEA 55.2.4b, 55.2.4c, 55.2.4d, 55.2.4e]
 - a) If not detrimental to the successful prosecution of the case, provide victims/witnesses with an explanation of the procedures involved in the case and their role in those procedures;
 - b) If feasible, schedule line-ups, interviews and other required appearances at the convenience of the victim/witness and provide transportation, if appropriate;
 - c) If feasible, promptly return victim/witness property taken as evidence where permitted by law, rules of evidence and Property & Evidence Unit procedures;

- d) Contact the victims/witnesses periodically to determine whether their needs are being met in instances where the impact of a crime is unusually severe; and,
 - e) Advise the victim/witness that a full-time Victim/Witness Specialist is available through the Commonwealth's Attorney's Office's Victim/Witness Program.
3. Post-Arrest Information: [CALEA 55.2.2, 55.2.5]
- a) When possible, the investigating officer shall notify the victim/witness when a suspect is arrested, the specific charges placed and the custody status of the arrestee immediately after the arrest (jailed, bonded, released on recognizance, etc.); and,
 - b) Appropriate assistance shall be provided to victims and witnesses who are threatened or express specific, credible reasons for fearing intimidation or further victimization. "Appropriate assistance" shall be determined by the nature of the case and resources available to the Department.
- C. VA Code §19.2-11.2, provides **a** crime victim's right to non-disclosure of certain information; exceptions; testimonial privilege: [CALEA 55.1.1b]
- 1. Upon request of any witness in a criminal prosecution under VA Code §§18.2-46.2, 18.2-46.3, or 18.2-248, or **of any violent felony as defined by VA Code § 17.1-805(C), or** any crime victim, neither a law enforcement agency, the Commonwealth's Attorney, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, telephone number, **email address**, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is: of the site of the crime, required by law or Rules of the Supreme Court, necessary for law enforcement purposes or preparation for court proceedings, or permitted by the court for good cause.
 - 2. Except with the written consent of the victim **of any crime involving any sexual assault, sexual abuse, or family abuse or the victim's next of kin if the victim is a minor and the victim's death results from any crime**, a law enforcement agency may not disclose to the public information which directly or indirectly identifies the victim of **such** crime, except to the extent that disclosure is: of the site of the crime, required by law, necessary for law enforcement purposes, or permitted by the court for good cause. In addition, at the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia hearing, on or after July 1, 2007, the case of a crime involving any sexual assault or sexual abuse, no appellate decision shall contain the first or last name of the victim.

3. Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct of any criminal proceedings.
- D. Virginia Crime Victim and Witness Rights Act (VA Code §19.2-11.01):
[CALEA 55.1.1a, 55.2.3a]
1. The purpose of this law is to ensure that victims and witnesses of crime are provided with the following:
 - a) Opportunities to make the courts aware of the full impact of the crime;
 - b) Dignity, respect, sensitivity and the protection of their privacy where the law applies;
 - c) Receive authorized services as appropriate;
 - d) Information as to their rights; and,
 - e) The opportunity to be heard at critical stages of the criminal justice process.
 2. Areas of Assistance Available:
 - a) Victim and witness protection and law-enforcement contacts;
 - b) Financial Assistance;
 - c) Notices;
 - d) Victim Input;
 - e) Courtroom Assistance; and
 - f) Post-trial Assistance.
- E. Department of Rehabilitative Services:
1. Police personnel should advise citizens who are disabled as a result of a violent crime that they may be eligible for services from the Virginia Department of Rehabilitative Services. Services include physical examinations, guidance and counseling, vocational evaluation and training, medical care, artificial appliances, transportation, job placement and follow-up.
 2. Public Safety personnel, who are disabled by a violent crime, can also receive the above listed benefits.

3. Contact Information:

Department of Rehabilitative Services
The Greater Richmond Office
2001 Maywill Street, Suite 202
Richmond, Virginia 23230
(804) 588-3333
www.dars.virginia.gov

F. Richmond Victim/Witness Services Program: [CALEA 55.2.3a, 55.2.3d]

1. The Richmond Commonwealth's Attorney's Office currently has a Victim and Witness Services Program operating from Circuit Court, General District Court and the Juvenile and Domestic Relations Court. The purpose of this program is to make the criminal justice system more responsive to the citizens of Richmond. Services and assistance are available to victims and witnesses of crimes, including:

- a) Immediate Needs – Referrals and support to appropriate local agencies for emergency assistance;
- b) Compensation Assistance – Assistance in completing claim forms for the Criminal Injuries Compensation Fund;
- c) Funeral Assistance; and,
- d) Directing/referring victims/witnesses to appropriate law enforcement if protection and relocation are needed.

2. Other Services include: [CALEA 55.2.4b, 55.2.4e]

- a) Keeping witnesses informed about the status of their case(s); Circuit Court, General District Court, ***and cases brought against adults in the Juvenile and Domestic Relations Court*** – 24 hour Docket Information Website (www.courts.state.va.us);
- b) Victim Notification and Information regarding offender custody; Victim Information and Notification Everyday (V.I.N.E.)
1-800-467-4943
- c) Problem Solving – Assisting victims/witnesses with such things as court escorts for judicial proceedings, travel assistance for subpoenaed witnesses, and victims' rights.

3. Contact Information:

[CALEA 55.2.3a, 55.2.3d]

Victim/Witness Services Program
John Marshall Courts Building
400 N. 9th Street
Richmond, VA 23219
(804) 646-7665 (Main Number)

Commonwealth's Attorney's Office
John Marshall Courts Building
400 N. 9th Street, 1st Floor
Richmond, VA 23219 (800) 646-3500

Commonwealth's Attorney's Office
Manchester Courts Building
920 Hull Street
Richmond, VA 23224
(804) 646-8704

Juvenile and Domestic Relations Court
Commonwealth's Attorney's Office
1600 Oliver Hill Way
Richmond, VA 23219
(804) 646-2950

4. Witness Protection Fund:

- a) The Witness Protection Fund shall be maintained by the Commander of the Major Crimes Division or designee;
- b) Funds shall only be available for use for witness protection related issues and expenses; and,
- c) The Witness Protection Fund shall be audited quarterly by the OIC of the Internal Affairs Division or designee pursuant to guidelines set forth in General Order 7-22, Inspections.

G. Other Contact Information:

Department of Criminal Justice Services
Division of Programs and Services/Victim Services Unit
1100 Bank Street, 12th Floor
Richmond, Virginia 23219
(804) 786-4000

Crime Victim's Assistance Information Line
(888) 887-3418
www.dcjs.virginia.org