




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy 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 case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-45		Effective Date January 13, 2022	Review Date December 15, 2021	Reviewing Division Administration
Subject VICTIM SERVICES		<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Replaces		This policy shall apply to personnel assigned to the following divisions:
References VLEPSC: ADM.23.01 - .04 CALEA				<input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division
 <hr/> Chief of Police or Designee		March 23, 2023 <hr/> Date		

I. PURPOSE

The purpose of this policy is to establish guidelines, responsibilities, and procedures for assisting crime victims and witnesses.

II. POLICY

The rights of suspects and defendants involved in the criminal process are unquestionably important, yet it is equally important to protect the rights of the victims and witnesses of crime. Victims have a need and an expectation to receive fair and humane treatment from law enforcement personnel. Crime victims often suffer physical, psychological, and financial injuries. The first source of protection for most victims is the law enforcement officer. The manner in which victims are treated not only affects their ability to cope with the crime, but also their willingness to prosecute. A victim treated well during crisis, provides the officer with a better witness who will give a more accurate account of what occurred. The Department recognizes the importance of adequate victim and witness services. Responsiveness to the needs of crime victims and witnesses is a Department priority.

III. DEFINITIONS

A. Victim

A victim is a person who suffers physical, emotional, or financial harm as a direct result of a crime.

B. Witness

A witness is a person who sees, hears, or experiences a crime firsthand and/or is subpoenaed to testify in a criminal proceeding.

IV. PROCEDURES - GENERAL

A. General Responsibilities

1. All Department personnel have responsibilities for and shall support crime victim and witness assistance procedures. Department personnel shall consider victims and witnesses as clients of the criminal justice system and treat them with respect and fairness.
2. Department personnel shall view victim and witness assistance as a partnership. Victims and witnesses who receive fair treatment will enhance the criminal investigation and the prosecutorial stage.
3. Cultural or language differences may exist. Personnel are encouraged to use interpreters and translator services, if needed. If personnel need an interpreter or translator, they shall notify their supervisor who will refer them to an appropriate resource.
4. Sworn personnel shall receive periodic in-service training on the nature and impact of victimization and training at least annually concerning victim and witness assistance. Training can include recognition of symptoms of crisis (shock, disbelief, denial, anger, fear, guilt, and frustration), suggested approaches to interviewing victims, and resources available to officers.
5. Officers are required to render assistance to victims unless assistance is refused. An officer has a duty to assist a victim and may be liable for negligence for improperly performing or failing to perform a duty.

B. ECC Responsibilities

1. The ECC is often the first to speak with crime victims and witnesses, so they must make judgments about the appropriate response needed to the victim's situation. When appropriate, the ECC shall reassure the victim or witness that help is on the way and maintain contact, when feasible, until an officer arrives.
2. ECC personnel should be aware that crime victims and witnesses may respond in several different ways which could include being hysterical or uncooperative.

C. Officer Responsibilities

1. Upon arrival at scene of an incident, officers will determine the location and condition of any victims and summon medical assistance if needed.

2. Officers must know and practice crisis intervention skills and must explain their role to crime victims and why the officer needs to ask questions.
3. The primary officer is responsible for explaining fully to the victim what the investigation will entail.
4. The victim will be informed of the necessity of taking photographs and removing personal belongings for evidence, if needed. Officers will use tact in explaining evidence collection procedures and do their utmost to protect the privacy of the victim when taking photographs of the victim's body.
5. Officers will demonstrate concern for the victim after the crime has occurred. To this end, officers shall freely provide information about available social services, the criminal justice process, or accommodate any other reasonable need.
6. When completing an incident report, the officer should avoid personal opinions regarding any comments made by victims or witnesses. Officers will also be specific and use the victim's and witness' own terminology in the report.
7. At completion of the initial investigation, officers will provide the victim with the case number, officer's name and badge number, and a Department contact number to receive or relay additional information. The officer shall instruct the victim on how to obtain a copy of the incident report.
8. Officers will determine where the victim and witness will be over the next several months. Addresses for any temporary or permanent residence, place of business, or other place to contact should be documented. Officers shall obtain all known contact numbers of the victim and witness.
9. Officers will inform the victim and witnesses of his or her options concerning protection through emergency protective orders and instruct the victim and witnesses to call the Department if intimidation or threats occur.
10. Officers will document the fact that a brochure was given out, and to whom, in the police incident report. Supervisors are responsible for ensuring that this information is being documented by officers when reviewing and approving reports.
11. A "Victims/Witnesses of Crimes Have Rights" business style card, which contains the phone number for the Winchester Victim Witness Program, will be printed on the back of all officers' business cards.
12. Officers shall give brochures to the victim or victim's representative that explain the next steps to be taken in the investigation. Information to be given to victims includes victim compensation information card (for violent offenses) and victim and witness information brochures including information in Virginia's Crime Victim and Witness Rights Act.

D. Victim Interviews

1. Interviews with victims require patience, firm but not overbearing control, tact, and a demonstrated concern for the victim's discomfort.
2. Officers shall use appropriate interview techniques and establish rapport with the victim. The necessity of asking specific personal questions should be explained.
3. Victims should be interviewed in private and separately from witnesses.

E. Medical and Psychological Needs

1. Officers shall arrange for appropriate medical and/or psychological treatment as soon as possible. The victim may want or need to be examined and reassured of his or her physical condition.
2. If requested, the officer will , make arrangements for the victim to speak to someone for psychological support such as a relative, friend, or counselor.
3. The victim may be confused or unable to express his or her needs. Officers shall use good judgment and, if appropriate, refer the victim to another agency that may assist with the victim's needs.

F. Transportation of Crime Victims

Victims may be transported in Department vehicles when necessary to accomplish a law enforcement purpose.

G. Detectives Responsibilities

1. The detective's purpose is to follow up the preliminary investigation, to provide additional investigation to affect an arrest, and to prepare the case for prosecution. Immediate assignment of a detective may occur following personal violent crimes.
2. Upon arrival at the scene of a crime, the detective shall receive a report from the officer who completed the preliminary investigation.
3. Detectives shall explain their role to crime victims and why the detective needs to ask additional questions. Detectives shall explain the need for procedures concerning crime lab tests. Detectives shall apply crisis intervention skills.
4. Detectives shall expedite the return of any property collected from the victim for evidence or any other purpose. The victim should be notified where the

property is stored, when it can be reclaimed, and how to reclaim the property. The victim shall not be charged any fees for the collection, storage, and preservation of property.

5. Follow up interviews of the victim and witnesses should be conducted after some time has passed following the incident. A time and place convenient for the victim should be selected.
6. During follow up interviews, the detective may clarify any inconsistencies in the original report and collect additional information which the victim was reluctant, unable, or forgot to provide during the preliminary investigation. The detective may also check for bruises or injuries which were not initially visible or not photographed and ensure photographs are taken of newly visible or not previously photographed injuries.
7. The detective shall notify the victim when the Department closes the case by victim non-cooperation, cases of non-prosecution (explain to the victim that a lack of prosecution or legal insufficiency does not reflect on his or her credibility), and exceptional clearance.

H. Suspect Identification

1. When possible or practical, an attempt shall be made to determine the identity of the suspect, if unknown. Identification procedures may be traumatic for the victim as he or she will be confronting the accused for, perhaps, the first time since the incident. Allow the victim's attorney or advocate to accompany the victim during any possible contact with the suspect.
2. Identification of the suspect may be made through the use of one or more of the following procedures:
 - a. Arrange for the victim to be shown a photo line-up; or
 - b. Arrange for the victim to review a physical line-up of potential suspects.
3. The victim shall be notified as soon as possible regarding the arrest, custody status, and charges filed on any identified suspect.

I. Case Presentation

1. The detective will assist the victim, when needed, through all court proceedings.
2. As the case prosecution progresses, the detective has the following responsibilities:
 - a. Maintain the victim's case confidentiality;

- b. Provide support for the victim;
- c. Protect the victim and take action regarding intimidation or threats by the defendant and his or her family or friends;
- d. Keep the victim informed of the results of any forensic test results;
- e. If possible, notify the victim if the defendant is granted bond or has a bond hearing scheduled;
- f. Explain the criminal justice procedures pending. Remind the victim that he or she will see the accused in court and reassure the victim's safety;
- g. Work closely with prosecuting attorneys in pretrial and trial preparations; and
- h. Provide the victim with information on social service agencies.