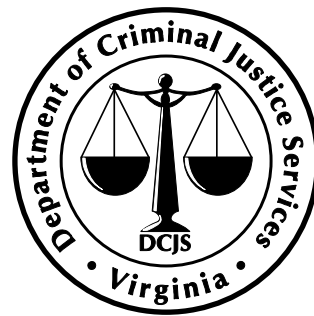


# VICTIM/WITNESS PROGRAM CODEBOOK



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# VICTIM/WITNESS GRANT PROGRAM CODEBOOK

## INTRODUCTION

This Victim/Witness Grant Program Codebook has been designed by the Victims Services Section of the Department of Criminal Justice Services for local grant-funded victim/witness programs. We hope that victim/witness staff will find it useful when completing the Quarterly Progress Report. This may also be a useful resource for newly created programs, or localities wishing to start a victim/witness program.

New employees and volunteers will find that this Codebook provides a comprehensive explanation of the function of victim/witness programs.

There are two parts to the Victim/Witness Grant Program Codebook. The Codebook is organized as follows:

- The first section gives **instructions** for completing the Quarterly Progress Report. The numbering in this section corresponds to the numbering in the Quarterly Progress Report. A staff person can complete the fields while referring to the instructions.

In July 1997, a computer software program was made available to programs to enable them to automate their case records. "CIMS", the Client Information Management System, has been programmed to produce the Quarterly Progress Report at the conclusion of each quarter. To request a copy of this software, contact Darwin Webb of the Victims Services Section at (804) 786-4576. **All programs are required to compile their client information using the CIMS program.** This Codebook will prove useful to victim/witness staff when compiling this information.

**Program staff who are experiencing difficulty with CIMS, or who are unable to generate an accurate progress report, should contact their grant monitor as soon as possible.**

- The second section includes important **definitions** of terms used in the Quarterly Progress Report.

We hope these materials are helpful and informative. If you have suggestions for corrections, additions, or deletions, please contact the Victims Services Section with comments for the next revision.

## INSTRUCTIONS FOR COMPLETING THE PROGRESS REPORT

### Grant Number

This is the number that identifies your grant-funded program. It is assigned annually by DCJS. The number can be found on the Statement of Grant Award. **All correspondence to DCJS must include this number.**

### Program Name

Indicate the name of the program. Please be sure to include the **locality name** and Victim/Witness in the title. For example, "**Monroe County** Victim/Witness Program".

### Monitor Name

Indicate the name of your program monitor. The most recent monitor list can be found on DCJS's website at <http://www.dcjs.virginia.gov/victims/>

### Reporting Period

This is the period of time that the Progress Report covers.

The "fiscal year" for victim/witness grants runs from July 1 through June 30. The fiscal year is labeled by the year in which the grant ends. For example, for the grant year July 1, 2006 through June 30, 2007, the fiscal year is 2007.

The "quarter" refers to the three-month period of time that the Report covers. The quarters begin with the fiscal year on July 1. Consequently,

- "First Quarter" covers July 1 through September 30.
- "Second Quarter" covers October 1 through December 31.
- "Third Quarter" covers January 1 through March 31.
- "Fourth Quarter" covers April 1 through June 30.

## **FINANCIAL & PROGRESS REPORT DUE DATES**

**Reports are due on the 12th working day** following the close of the quarter covered in the report. Financial reports are required, even if no expenditures have occurred. DCJS requires:

- financial reports to be submitted using DCJS' Online Grants Management Information System (GMIS Online)
- progress reports to be submitted using DCJS' Online Grants management Information System (GMIS Online).
- CIMS statistical information to be e-mailed to [vwcims@dcjs.virginia.gov](mailto:vwcims@dcjs.virginia.gov)

As indicated above, reports should be submitted using DCJS' GMIS Online system, which requires a username and password. This information can be requested by sending an email to: [GrantsWeb@dcjs.virginia.gov](mailto:GrantsWeb@dcjs.virginia.gov).

The GMIS Online system allows users to submit financial reports, progress reports, request funds, make amendments to current approved budgets, and view the status of all grant reports and special conditions. More information about GMIS Online can also be obtained from the DCJS website at: <http://www.dcjs.virginia.gov/GrantsAdministration/>

If victim/witness program staff are unable to submit the quarterly reports to DCJS by the required deadline, program staff must:

- Notify the Victims Services Section grant monitor in writing to request an extension on the quarterly progress report
- Notify Grants Administration in writing to request an extension on the quarterly financial report.

*There must be a reasonable cause for this delay (e.g. computer problems, a staff vacancy, etc).*

**Even if an extension is approved by the grant monitor or by Grants Administration staff, the locality cannot request funds until both the financial report and progress report have been received. Additionally, all grant special conditions and a signed statement of grant award acceptance must be received before funds can be requested.**

The Criminal Justice Services Board (CJSB) has adopted the following policy:

A key factor in determining eligibility for continuation funding will be compliance with grant financial and progress reporting requirements. **No current recipient of funding through the victim/witness grant program will be considered for continuation funding if, as of the continuation application due date, any of the required Financial and Progress reports for the current grant are more than 30 days overdue.** For good cause, submitted in writing, DCJS may waive this provision.

**All client and financial records should be retained by the program for at least three years after the last local audit.** Any records older than the required retention period may be stored or purged, at the discretion of the program director and sponsoring agency.

The information you provide about your program provides DCJS with the information necessary to complete the reports that are required by the federal Office for Victims of Crime. This information is also provided to state officials, the Secretary of Public Safety and the General Assembly, upon request, and may prove useful to you as you work to keep local officials informed of the valuable services provided by your program. For these reasons, the accuracy and completeness of the information you provide is of the utmost importance.

### **I. NUMBER OF NEW VICTIMS SERVED THIS QUARTER**

This section includes all **new** direct and generic service victims with whom **initial** contact was made during the quarter being reported.

**Each victim should be counted only once for each crime, regardless of the number of charges or defendants.** A person may be counted more than once only as a result of separate and unrelated crimes. A general rule to use is the following: if there is a separate trial for a subsequent crime, a new case can be opened for an existing victim (also referred to as a “client” in the CIMS Program).

**Due to the nature of domestic violence, a victim of a series of misdemeanor domestic violence assaults within a 12-month period should be counted only once, if it is the same defendant for all assaults.** The only situations where you should open a new case for a domestic violence victim are: 1) if the subsequent act of violence with the same partner occurs more than 12 months after the initial date of when the case was opened, or 2) if the subsequent act of violence with the same partner is to be charged as a more serious crime than previously documented charges. For example, if a couple has a previous history of assault and battery, but a rape occurs and the perpetrator is charged with sexual assault, you would open a new case for that existing client and select “Adult Sexual Assault” as the victimization type for the case.

If a client has a new case as a result of a subsequent, separate crime, this information should be entered into CIMS by selecting the client's name from the client listing and then selecting the option for a "New Case for this Client." Victims should only appear once in the client listing, regardless of the number of times they have been a victim in separate crimes.

The number recorded for I. (A) Direct Service Victims must be the same as the TOTAL in II. Program Source of Knowledge, the TOTALS for each column in III. (Sex, Race, Age in Years, Disability), and the TOTAL in IV. Direct Service Victims Served by Type of Victimization.

## **VICTIM**

According to Virginia's Crime Victim and Witness Rights Act, "Victim" means a person who suffered physical, psychological or economic harm as a direct result of: the commission of any felony, or certain misdemeanors (*Assault and battery; assault and battery against a family or household member; stalking; sexual battery; attempted sexual battery; or driving while intoxicated*).

The definition of "victim" includes: **spouses** and **children** of all victims, and **parents** and **guardians** of minor victims, and **parents, siblings or guardians** of mentally or physically incapacitated victims and/or victims of homicide, and foster parents or other caregivers, under certain circumstances.

**Note: The actual deceased victim of a homicide is never counted as a direct service victim.**

**Programs may continue to offer services to crime victims not included in the Act's definition. For example, extended family and close friends of a victim can be counted as victims in CIMS if they receive the program's services.** Providing services to victims not specifically outlined in the Act is at the discretion of the staff, and largely depends on the available resources of the locality. **Any person served by the program should be counted in the Quarterly Progress Report.**

## **(A) DIRECT SERVICE VICTIM**

A direct service victim receives the services described under the "Direct Services" category.

## **DIRECT SERVICES**

Direct services are program services provided to victims which go beyond the provision of routine, or generic services (see definition of generic services below). Such services seek to alleviate problems or inconveniences arising from

the commission of a particular crime. Examples of direct services include: crisis intervention, assistance with crime victims' compensation claims, court accompaniment, etc. For example, with restitution, if a staff person helps a victim to determine the amount of restitution and then monitors payments, count that victim under "Direct Service".

## **(B) GENERIC SERVICE VICTIM**

A generic service victim receives only the services listed under the "Generic Services" category.

## **GENERIC SERVICES**

Generic services include, **and are limited to**, the provision of pre-printed information, routine contact related to the advanced notice of judicial proceedings, restitution, and case dispositions.

Routine contacts are brief, limited encounters with a victim. For example, with restitution, if a staff person mails a restitution check to a victim, and that is the only contact with that victim, count that victim under "Generic Service".

## **II. PROGRAM SOURCE OF KNOWLEDGE ABOUT NEW DIRECT SERVICE VICTIMS/CASES**

This section notes the source from which program staff first found out about the new direct service victim.

The number recorded for TOTAL in II. Program Source of Knowledge is the same as the TOTAL in I. (A) Direct Service Victims, the TOTALS for each column in III. (Sex, Race, Age in Years, Disability), and the TOTAL in IV. Direct Service Victims Served by Type of Victimization.

When entering the Program Source of Knowledge for a victim, please be sure to designate whether a victim's information was obtained from the Commonwealth's Attorney, Commonwealth's Attorney report or case file, court docket, court services unit, magistrate, medical/hospital, mental health, police, police report, sheriff, sheriff's report, social services or other.

"Victim-Initiated" contact occurs when the victim, without any outreach efforts by the staff (e.g. contact letters), calls or visits the program. If a victim calls or visits the program after receiving a contact letter, do not count this as "victim-initiated". The origin of the program's information (i.e. how the program learned of the victim and the victim's address) is marked as the program source of knowledge. If a criminal justice agency refers the victim to the program, and the victim contacts the program, it is still a victim-initiated contact because the victim chose to make contact. However, if that same agency refers the victim to the program, but also contacts the program to alert staff and to give them information about the victim, then mark the referring agency as the program source of knowledge.

## **III. CHARACTERISTICS OF NEW DIRECT SERVICE VICTIMS**

This section provides the characteristics of new direct service victims served, by the categories identified.

In situations that prohibit making an accurate determination about the victim's characteristics (e.g. during telephone contacts), this requirement may be waived; mark the "Unknown" category. Whenever possible, please make an educated guess in order to keep the number of "Unknown" characteristics to a minimum.

The numbers recorded for the TOTALS for each column in III. (Sex, Race, Age in Years, Disability) should be the same as the TOTAL in I. (A) Direct Service Victims, the TOTAL in II. Program Source of Knowledge, and the TOTAL in IV. Direct Service Victims Served by Type of Victimization.

Note: When working with an adult who was molested as a child, the age recorded should be his or her current age, not the age at which (s)he was molested.

The “Handicapped” category includes any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

#### **IV. NEW DIRECT SERVICE VICTIMS SERVED BY TYPE OF VICTIMIZATION**

In this section, new direct service victims are counted only once by their most serious victimization.

Crime categories are based on federal program requirements, and are listed in order of a “crime hierarchy”. If a victim was the subject of more than one type of crime during a single incident, mark once in the “highest” crime category on the list. For example, a victim who was both raped and robbed is counted one time in the category “Adult Sexual Assault”.

The number recorded for the TOTAL in IV. Direct Service Victims Served by Type of Victimization is the same as the TOTAL in I. (A) Direct Service Victims, the TOTAL in II. Program Source of Knowledge, and the TOTALS for each column in III. (Sex, Race, Age in Years, Disability).

The following list shows a breakdown of each category and the types of charges typically recorded in each one. This list is not exhaustive.

- |                                     |                                                                                                                                                                                  |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>HOMICIDE:</b>                    | Murder, (in)voluntary manslaughter, vehicular homicide.                                                                                                                          |
| <b>ADULT SEXUAL ASSAULT:</b>        | Adult aggravated sexual assault, adult incest, adult object penetration, adult rape, adult sexual battery, adult sodomy, marital sexual assault.                                 |
| <b>ADULTS MOLESTED AS CHILDREN:</b> | Survivors of child sexual abuse.                                                                                                                                                 |
| <b>CHILD SEXUAL ABUSE:</b>          | Carnal knowledge, child aggravated sexual assault, child pornography, rape (including statutory), sexual battery, object penetration, sodomy, incest, taking indecent liberties. |

<b>CHILD PHYSICAL ABUSE:</b>	Assault (misdemeanor or felony), neglect.
<b>ELDER ABUSE:</b>	Assault and battery, neglect, or financial exploitation of an elder (a person aged 60 or older - see definition for further information) <u>by a guardian or caretaker</u> . Assault and battery of an elder family or household member by someone other than a guardian or caretaker is counted under Domestic Violence and <b>not</b> under Elder Abuse.
<b>ROBBERY:</b>	Theft from the person (includes employees of a business; e.g. 7-11, purse snatching).
<b>ASSAULT:</b>	Assault and battery (does not include victims who are family or household members of the offender), malicious wounding, attempted murder, felonious assault, maiming, stabbing. Assault and battery of an elder (a person aged 60 or older - see definition for further information) by a guardian or caretaker is counted under Elder Abuse and <b>not</b> under Assault.
<b>DOMESTIC VIOLENCE:</b>	Felony or misdemeanor assault against a family or household member (see definition), violation of protective order. Assault of an adult aged 60 or older by a live-in guardian or caretaker is counted under Elder Abuse, and <b>not</b> under Domestic Violence.
<b>OTHER CRIMES AGAINST PERSONS:</b>	Abduction, kidnapping, stalking, curse and abuse, hit and run with personal injury, harassing/ threatening/ obscene phone calls, shoot into/throw missile at occupied dwelling or vehicle, carjacking, brandishing, use of a firearm, extortion, threaten to assault, other threats, indecent exposure,

contributing to the delinquency of a minor, home invasion, violation of stalking protective order, exposure to child pornography, identity theft, internet harassment/theft, peeping into an occupied dwelling, reckless handling of a firearm, soliciting minors through electronic means.

**DUI/DWI CRASHES:**

Crime resulting in personal injury or property damage involving a driver who was intoxicated or under the influence of drugs or alcohol.

**PROPERTY CRIMES:**

Arson, breaking and entering, burglary, construction fraud, credit card fraud, destruction of private property, destruction of property, grand/petit larceny, forgery and uttering, hit and run with property damage, obtain money by false pretenses, shoplifting, trespassing, unauthorized use of an automobile, worthless check, embezzlement, fraud, property damage.

**ATTEMPTED CRIMES**

Attempted crimes, with the exception of homicide, are categorized as if they were completed. For example, attempted robbery is counted as "Robbery"; attempted burglary is counted as "Property Crime".

**CHILD**

A person **under the age of eighteen.**

**ELDER**

A person **aged sixty and older.** "Elder Abuse" is defined as the abuse of vulnerable adults the age of sixty and older: those individuals who do not have the mental and/or physical capacity to manage their daily needs, and who are subjected to abuse by a guardian or caretaker.

## **FAMILY OR HOUSEHOLD MEMBER**

Family or household member means the person's: spouse, former spouse, parents, stepparents, children, stepchildren, siblings (includes half siblings), grandparents and grandchildren, **regardless of whether such persons reside in the same home with the person.** Family or household member also means the person's: In-laws **who reside in the same home with the person**, any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or any individual who cohabits or who, within the previous twelve months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Cohabit" in this section means a couple who resides together in an intimate relationship (includes same-sex couples).

Victims of felony or misdemeanor assaults, who are in a family or household member relationship to the offender, should be counted as "Domestic Violence", not "Assault."

## **V. VICTIMS' COMPENSATION**

This section records the number of new crime victims' compensation claims filed, and the number of claims denied or appealed during the quarter being reported. Also records the number and amounts of initial, emergency, and supplemental awards made during the quarter.

This section may include new and carry-over victims.

## **VI. DISTRIBUTION OF PRE-PRINTED INFORMATION**

**Pre-printed information** is any type of pre-printed material designed to provide general information to victims and witnesses of crime. Record the number of times that brochures, pamphlets, or other materials were distributed to victims and witnesses (new and carry-over) in the quarter being reported.

If the program does not use the brochure designed by DCJS entitled "A Summary of Virginia's Crime Victim and Witness Rights Act," a local brochure may be substituted, if that brochure reflects all the information contained in the *Act*.

**"Local Brochures"** are defined as any materials from local victim services agencies, including victim/witness programs, domestic violence programs, and sexual assault crisis centers.

“Other” brochures may include initial contact letters, informational packets, Channing-Bete pamphlets, etc.

Example: A victim is sent a contact letter, a local domestic violence program brochure, and a brochure outlining the rights of crime victims. Mark one in the box “A Summary of Virginia’s Crime Victim and Witness Rights Act”, one in the box “Other”, and one in the box “Local Brochures”.

## **VII. PROGRAM DEVELOPMENT**

**SEPARATE WAITING AREAS AVAILABLE:** Indicate if there are designated places for victims to wait during court proceedings to afford them privacy and protection from intimidation (this includes a witness room, the victim/witness program office, etc.). This is a requirement for all grant-funded victim/witness programs.

**DIRECTORY OF SERVICES DEVELOPED:** Indicate whether the victim/witness program has a compilation of social services and community resources available to crime victims. The directory must be current (updated within the last two years). This is a requirement for all grant-funded victim/witness programs.

**CONTINUANCE NOTIFICATION PROCESS ESTABLISHED:** Indicate whether the program maintains a system that is used to assist victims in minimizing unnecessary trips to court (e.g. a 24-hour docket line, procedures that encourage victims to call the day before trial, or criminal justice professionals who notify victims personally). This is a requirement of all grant-funded victim/witness programs.

**PERCENTAGE OF GRANT-FUNDED STAFF HOURS DEVOTED TO THE PROVISION OF SERVICES TO WITNESSES:** State the percentage. Grant-funded programs must keep this figure under five percent.

**Note:** If “No” is marked for any of the first three categories, describe in the narrative, under “Plans For Next Quarter,” the steps the program will take to meet the requirement.

## **VIII. VOLUNTEER HOURS**

Record the number of hours contributed by volunteers during the quarter to the provision of services to victims. Volunteers include students and unpaid interns. All grant-funded victim/witness programs are required to have volunteer hours during the fiscal year.

## **IX. NUMBER OF NEW AND CARRY OVER VICTIMS (DIRECT AND GENERIC) WHO RECEIVED THE FOLLOWING SERVICES**

This section records the number of **victims** (new and carry-over) that received each of the listed services in the current quarter. Services will be provided at the request of a victim, or when a staff person makes a determination that services would be beneficial to the victim.

(In this section, count the **number of victims** who received a specific service; therefore, count the victim the first time a particular service is provided. A service may be provided more than once to the victim, but once the victim is counted, **do not** count the victim for that particular service again.)

**An ® before or after the service objective indicates that the service is required by Virginia's Crime Victim and Witness Rights' Act.**

For a description of victim service objectives, please refer to page 17.

### **ANNUAL VICTIM TARGET**

Every quarterly report should indicate the number of victims receiving services for that particular quarter, for the year to date, as well as the annual target.

The annual target refers to the number of direct service victims the program anticipates serving during the current grant year by each service objective. These targets are submitted with the grant application. Transfer these numbers from the program's approved grant application.

## **X. TRAINING ACTIVITIES**

The goal of all training is to enhance services to crime victims.

This section records the number of hours of skills training **received** by paid staff and volunteers. Compute the number of training hours by each staff person (i.e. if two staff persons attended an eight-hour workshop, the total number of training hours is sixteen).

This section records training **provided to others** by victim/witness staff. Community education activities that are designed to identify crime victims, or to inform the public about available program services and how to obtain this assistance, are allowable. General public awareness efforts designed to raise the public's consciousness of victims' issues do not qualify as direct services to crime victims and are not to be included as training activities.

## **XI. NUMBER OF NEW WITNESSES SERVED THIS QUARTER**

This section states the number of **new** direct and generic witnesses with whom **initial** contact was made during the quarter being reported.

### **(A) DIRECT SERVICE WITNESS**

A direct service witness receives any or all of the required and optional services listed in section XII, or a service that goes beyond the provision of routine, or generic services (see definition of generic services below).

### **(B) GENERIC SERVICE WITNESS**

A generic service witness receives only pre-printed information or routine contact related to case dispositions.

## **XII. NUMBER OF NEW AND CARRY OVER WITNESSES (DIRECT AND GENERIC) WHO RECEIVED THE FOLLOWING SERVICES**

This section records the number of **witnesses** (new and carry-over) who received each of the listed services in the current quarter. Grant funded staff hours devoted to the provision of services to witnesses must be limited to 5% or fewer.

(In this section, count the **number of witnesses** who received a specific service; therefore, count the witness the first time a particular service is provided. A service may be provided more than once to the witness, but once the witness is counted, **do not** count the witness for that particular service again.)

For a description of witness service objectives, please refer to page **28**.

### **XIII. NARRATIVE**

The narrative section should cover the following areas:

**1. PROGRAM ACCOMPLISHMENTS**

Report any projects, tasks, or initiatives which show the program's success: e.g. new court procedures enacted, the adoption of new policies, increased media attention (attach copies of newspaper articles), etc.

**2. CASE STUDIES**

Describe two to four noteworthy cases, or cases requiring a large amount of staff time; letters from crime victims may be included. *Case studies should focus on the services provided to victim(s).*

**Note: Victims real names should not be used.**

**3. COORDINATED EFFORTS**

Discuss any attempts to promote coordinated public and private activities within the community to aid victims: for example, task forces, or multi-disciplinary teams.

**4. ASSISTANCE TO FEDERAL CRIME VICTIMS**

Describe any efforts to serve federal crime victims. A federal crime victim is a person who is the victim of a federal criminal offense: i.e. an act that the U.S. Congress has classified as a crime. In some instances, a crime is automatically a violation of federal law if it occurs on federal property (e.g. a military installation), or involves federally protected populations (e.g. Native Americans). Any federal crime, if reported, will be prosecuted in the federal criminal justice system.

**5. VICTIMS' COMPENSATION**

Relate any successes or problems encountered in assisting clients in obtaining awards from the Criminal Injuries Compensation Fund.

**6. PROGRAM CHANGES**

Explain anything that may benefit or impede service delivery to victims in your locality: for example, new resources, personnel, procedures, or equipment.

**7. TRENDS**

Identify any emerging issues or trends affecting crime victims services in your locality: for example, a new mandatory arrest policy increases the number of domestic violence victims the program must serve.

**8. MATERIALS DEVELOPED**

Describe any materials that were created for the program: e.g. brochures, forms, cooperative agreements, etc.

**9. TRAINING RECEIVED**

Report the training staff have received, including content and evaluative remarks.

**10. PLANS FOR NEXT QUARTER**

Describe anything the program hopes to accomplish: e.g. first meeting of a multi-disciplinary team, Victims' Rights week activities, etc.

**11. DCJS ASSISTANCE NEEDED**

Request training, consultations, technical assistance, or other resources needed; if there is an immediate need, please contact your grant monitor or another member Victims Services Section at (804)-371-6507.

Attachments to the narrative should be e-mailed or mailed to your grant monitor (e.g. a new brochure, a newspaper article). All attachments should be standard size (8 1/2" X 11"), except brochures. Please include your program name and grant monitor on any attachments you send.

## SERVICE OBJECTIVES

### REQUIRED SERVICE OBJECTIVES - VICTIMS

#### 1. VICTIMS' RIGHTS INFORMATION (PRE-PRINTED) ®

Any written materials- such as brochures, forms, pamphlets, flyers, and applications- that provide information regarding the following: victims' compensation, restitution, financial assistance and social services, victim impact statements, confidentiality of address and telephone numbers, interpreter services, employer services, protection, advanced notification of judicial proceedings, notification of a prisoner's custody status, victims' responsibilities in being notified, parole process and parole input forms, support person for minor victims, right to remain in the courtroom, closed preliminary hearings for certain sex offenses, use of closed circuit television in certain offenses, and an explanation of the steps in the criminal justice process.

In addition to the required information, other pre-printed materials may include initial contact letters, referral lists, maps, directions to court, or local food and lodging establishments.

Pre-printed materials may be distributed in person or by mail. They also may be made available through literature displays where victims may congregate (e.g. outside courtrooms).

#### 2. VICTIMS' RIGHTS EXPLANATION ®

As appropriate to a victim's individual needs, program staff should provide explanations of the services listed above. These explanations can be made in person or by telephone, but the report must indicate how many victims receiving explanations were made each way (e.g. 15 victims received a victims' compensation explanation in person, 5 victims received explanations by telephone). If a right is explained to a victim both in person and on the phone, both contacts are counted. However, this only applies to the services of "Victims' Rights Explanation" and #15 "Crisis Referrals". All other services may be counted only once.

- A. **Protection:** provide information on levels of protection available to victims of crime when harm or threats of harm are present. This may include an explanation of the availability of orders of protection, "no contact" restrictions on bonds, police patrol ride-bys, etc.
- B. **Financial Assistance and Social Services:** inform victims of financial assistance (beyond crime victims' compensation) and social services

available to them on both a state and local level as a result of their victimization and provide appropriate referral information. Additionally, advise victims of their right to restitution.

- C. **Notices:** provide information to victims on their right to receive employer intercession services. Provide information to victims on their right to receive advance notification of judicial proceedings relating to their cases and any changes in court dates from the local Commonwealth's Attorney. Provide information to victims on their right to be notified by the Department of Corrections or the local sheriff or jail superintendent in whose custody an escape, change of name, transfer, release, discharge, or parole of a prisoner occurs. Provide information to victims on their right to be notified by the Attorney General's Office of filing and disposition of any appeal or habeas corpus proceedings involving their cases. Advise victims that in order to receive notices and offer input, all agencies and persons having such duties must have current victim addresses and telephone numbers given by the victims.
  
- D. **Victim Input:** advise victims that they may submit to the court a written impact statement or may be given an opportunity to testify about the impact of the crime on the victim and his or her family. Provide explanations to victims about the parole process and victim input for crimes occurring before January 1, 1995. Advise victims that they may remain in the courtroom, during all court proceedings, unless the court finds that their presence would impair the conduct of a fair trial. Advise victims of felonies, that given their written requests, Commonwealth's Attorneys must consult with them, either verbally or in writing, regarding the contents of proposed plea agreements and their views concerning plea negotiations. Additionally, advise victims of felonies, that given their written requests, Commonwealth's Attorneys are to provide victims advance notice of any proceedings in which plea agreements will be offered to the courts. Finally, advise victims that Commonwealth's Attorneys direct the prosecution and can enter into a plea agreements, whether or not victims agree with such agreements and that the courts can accept plea agreements, about which victims were not consulted, given good cause.
  
- E. **Courtroom Assistance:** inform victims that they may request that their addresses and telephone numbers not be disclosed. Explain to victims that they have the right to use the services of an interpreter, if needed. Inform minor victims that an adult of their choosing may be present during court proceedings. Advise victims that there may be a closed preliminary hearing for certain sexual offenses, and that closed circuit television may be used in cases involving certain criminal offenses with victims who are fourteen years of age or younger at time of offense or 16 years of age or younger at time of trial.

### 3. PROTECTION ®

Assist victims in obtaining available protection from the appropriate authorities when harm or threats of harm arise from the victims' cooperation with law enforcement or prosecution efforts. Appropriate authorities may include law enforcement, state police, court service units, magistrates, and Commonwealth's attorneys.

Victims receiving protection services are recorded as follows:

- A. **Protective Orders-** Inform victims of family violence or stalking about the availability of protective orders, and the action needed to obtain them. This would include victims of domestic violence, child abuse, elder abuse and stalking.
- B. **Law Enforcement Protection-** Refer victims to law enforcement if they are in need of an escort after court, or if they want increased monitoring of their residence. Referrals to the Virginia State Police witness protection program also fall in this category.
- C. **Other-** Other protection services include advising victims where they may file a warrant for criminal offenses, sitting in a courtroom so as to obstruct the defendant's view of the victim, etc.

### 4. VICTIMS' COMPENSATION

Assist victims in applying for crime victims' compensation.

- A. **Explanation-** Explain to victims how the compensation process works and the steps that need to be taken in order to process a claim.
- B. **Services-** Program staff help victims complete the forms, if requested, answer questions, help victims find notaries, and copy or mail the application, if requested.
- C. **Follow-up-** These services may include: acting as a liaison between victims CICF once the application has been filed, obtaining information on the status of the claim, contacting medical providers and employers who have failed to respond to requests for information, providing CICF with the status and disposition of the criminal case, and providing information on appeal procedures.

## 5. PROPERTY ®

Assist victims in retrieving any property being held for evidentiary purposes, unless there is a compelling law enforcement reason for retaining it. Staff can accomplish this through coordination between the Commonwealth's Attorney's Office and law enforcement. If the property is released, advise the victim where and how it may be picked up.

## 6. RESTITUTION ®

Assist victims in seeking and securing restitution. As appropriate, victim/witness program staff are required to assist victims in seeking and securing restitution by providing information about local procedures and referrals to appropriate personnel. These responsibilities are in accordance with §19.2-11.01 A2c which requires that victims "...be advised that restitution is available for damages or loss resulting from an offense and shall be assisted in seeking restitution in accordance with §§ 19.2-305, 19.2-305.1 ..."

Nothing in these statutes places a responsibility on victim/witness program staff to **collect** restitution. To the extent possible, program staff are encouraged to limit regular restitution services to the provision of information about local procedures and referrals to appropriate personnel. Compliance with the Crime Victim and Witness Rights Act requires that programs address a broad range of service objectives. Consequently, the allocation of staff time and resources cannot be unreasonably focused on a few services, such as restitution, to the detriment of other services

### A. **Services**

- i. **Explanation-** Help victims determine the specific amounts of restitution owed in their particular cases.
- ii. **Monitoring-** Monitor the payments of court-ordered restitution. "Monitoring" restitution is the service of checking with third parties or the victims themselves to ensure that restitution payments are being made in a timely fashion.
- iii. **Collection-** Collect and forward restitution payments.
- iv. **Enforcement-** Request, or assist the victim in requesting, a show cause summons when defendants are delinquent in their payments.
- v. **Other**

**B. Total Amounts**

- i. Record the amount of restitution **monitored** during that quarter.
- ii. Record the amount of restitution **collected** during that quarter.

**7. INTERCESSION**

Act on the behalf of victims to minimize their losses and to ensure their full cooperation.

- A. **Employer-** Intercede to ensure that employers of victims cooperate with the criminal justice process in order to minimize the employee's loss of pay and other benefits due to court appearances. This may include written confirmations or phone contacts. ®
- B. **Other-** Program staff also work with school officials, bill collectors, medical providers, landlords, and any other third parties to ensure that victims are able to fully cooperate with the criminal justice process. For example, a staff person may call a hospital's billing office to inform them that the defendant has been court-ordered to pay restitution, and to request that the victim's bills not be forwarded to a collection agency.

**8. NOTIFICATION ASSISTANCE ®**

Assist victims in completing and forwarding notification request forms to Commonwealth's Attorneys' offices, to court clerks, and other appropriate agencies. This will ensure that the agencies properly notify victims of all court proceedings in which the victims are involved. This includes assisting victims in completing and forwarding notification request forms for plea agreements.

**9. LIAISON RE: PRISONER STATUS**

Assist in the completion and forwarding of notification request forms to local jails and state correctional facilities to ensure that victims are notified of the escape, change of name, transfer, release, or discharge of a prisoner.

**10. VICTIM IMPACT STATEMENTS ®**

Assist victims in the preparation of victim impact statements or coordinate this service with the probation and parole office. Staff may offer dictation service to illiterate victims, or translation service to non-English speaking victims. This also includes preparing victims to give oral statements.

## 11. CONFIDENTIALITY FORMS ®

Assist victims in completing confidentiality request forms (DC-301 form, available through the Supreme Court) and filing them with the appropriate court or agency. These forms help protect from disclosure victims' addresses, telephone numbers and places of employment. Staff act as a liaison between the victim and the involved criminal justice agencies to ensure confidentiality of victims and family members. This also includes indicating in the Virginia Commonwealth's Attorneys Information System (VCAIS) that the victim requests that their address be blocked.

## 12. INTERPRETER SERVICES ®

Act as a liaison between the victim and criminal justice agencies to obtain the services of a qualified interpreter and to avoid any conflict of interest that may arise through the use of that interpreter.

## 13. CRISIS INTERVENTION

Provide counseling, emotional support, and guidance when a victim is in crisis. This could occur at the scene of a crime, immediately following a crime, preceding/during/following a court hearing, or on an ongoing basis. Crisis is defined as a state of emotional distress (often characterized by crying or being irate).

## 14. SUPPORT SERVICES

Provide either or both of these services:

- A. **Follow-up Counseling-** Offer follow-up counseling (any short-term supportive peer counseling that is not crisis driven). Note: follow-up counseling could be provided in your first contact with a victim if such counseling is not crisis driven.
- B. **Victim Support Groups-** Provide or organize support groups for victims (e.g. homicide survivors group). This is more than a referral to a support group (see crisis referrals below), and is **only counted in this category if your program sponsors the group.**

## 15. CRISIS REFERRALS

Provide victims the names, addresses, and telephone numbers of appropriate agencies that offer crisis intervention (including hotlines), follow-up counseling (private and public mental health providers), and support groups. These referrals can be made in person or by telephone, but the report must indicate how many

victims were given referrals in each way. If a crisis referral is provided both in person and on the phone, both contacts are counted. However, this only applies to the services of “Crisis Referrals” and #2 “Victims’ Rights Explanation”. All other victims receiving services may only be counted once.

## **16. CASE STATUS**

Provide to victims information on any significant developments in the investigation and adjudication of the cases in which they are involved. Significant developments include the arrest of a suspect, a defendant choosing to enter a guilty plea, etc. This information may be relayed through a personal letter specifically about that case or by telephone contact. If the contact is only for the purpose of telling the victim about an upcoming court date, or that the case has been continued, do not mark that as “Case Status”. That service is counted as “Advanced Notice of Judicial Proceedings” (see #24).

## **17. DISPOSITIONS**

Provide victims with the final dispositions of their cases within thirty working days of disposition. This includes dispositions of habeas corpus appeals.

## **18. CRIMINAL JUSTICE PROCESS- OPTIONS EXPLANATION**

Explain to victims their options with respect to the criminal justice process. This information may include their rights in proceeding with criminal charges, civil avenues for redress, college judicial system, etc.

## **19. COURTROOM TOURS**

Provide descriptive or guided tours of the courtroom in which the victim’s case will be heard. Examples of descriptive tours are Kids Court, working through the Going To Court coloring book with a child victim, or providing a detailed description of the layout of the courtroom.

## **20. CRIMINAL JUSTICE PROCESS SUPPORT**

### **A. Support**

Accompany victims to court, to meetings with law enforcement or prosecutors, and/or to other appropriate criminal justice agencies. This service is different from an escort in that staff provide information and counseling before, during and after the hearing or meeting.

## B. Explanation of Steps

Provide explanations of the overall criminal justice process, as well as detailed explanations of each hearing or step in the process (e.g. bond hearings, motions, preliminary hearing, continuances, grand jury, trial, sentencing, etc.).

### 21. PAROLE INPUT

Assist with the completion and filing of parole input forms for crimes that occurred prior to January 1, 1995. Offenders who have committed crimes after January 1, 1995 are not eligible for parole.

### 22. TRANSPORT

Provide victims with transportation by automobile to appointments related to the investigation or adjudication of a criminal case. If you only help to arrange transportation, do not mark that as "Transport". That service is "Transportation Services" (see #31). **Programs staff are discouraged from providing transportation in their personal vehicles, due to liability concerns.**

### 23. ESCORT

Provide victims with escort (i.e. to physically go with the victim) services related to the investigation or adjudication of a criminal case. These services may include escort to and from court, or going with victims to their appointments at various criminal justice agencies.

"Escort" does not encompass "Transport" or "Criminal Justice Process Support", but all three services could be provided to the same victim. For example, if a staff person drives a victim to court, walks the victim to the courtroom, and stays with the victim during the judicial proceeding, count the victim one time under each service.

## **OPTIONAL SERVICE OBJECTIVES - VICTIMS**

### **24. ADVANCED NOTICE OF JUDICIAL PROCEEDINGS**

Provide victims with advance notification of judicial proceedings relating to their cases and inform them of any changes in court dates. This information may be relayed through a personal letter or telephone contact.

### **25. FORENSIC**

Process vouchers for payment by the Virginia Supreme Court of all certified costs relating to the gathering of evidence in forensic medical examinations of a crime victim.

### **26. CLOSED PRELIMINARY HEARINGS**

Coordinate with the appropriate court personnel to arrange closed preliminary hearings, or make arrangements to have the case held until the end of the court docket.

### **27. CLOSED CIRCUIT TELEVISION**

Coordinate with appropriate court personnel to arrange closed circuit television testimony.

### **28. CRIME PREVENTION**

Direct victims to law enforcement agencies for the purpose of obtaining crime prevention services. (Includes emergency cell phone coordination, and safety planning).

### **29. EMERGENCY ASSISTANCE**

Provide the following services:

- A. **Direct-** Furnish emergency assistance, such as directly providing a victim with food, clothing, etc. If you refer a victim to shelter (whether or not they end up staying at the shelter), this is counted as Emergency Assistance-Referral and should **not** be counted under Emergency Assistance-Direct.
- B. **Referral-** Refer victims to emergency assistance agencies, such as those that provide shelter, food, clothing, etc. You can count this service for a victim even if the victim does not follow through with the referral. For example, if you refer a victim of domestic violence to a shelter and the victim does not go to the shelter, you can still count this service as Emergency Assistance-Referral.

### 30. BUSINESS RESTITUTION

Assist businesses in seeking and securing restitution. As appropriate, victim/witness program staff are required to assist victims in seeking and securing restitution by providing information about local procedures and referrals to appropriate personnel. These responsibilities are in accordance with §19.2-11.01 A2c which requires that victims "...be advised that restitution is available for damages or loss resulting from an offense and shall be assisted in seeking restitution in accordance with §§ 19.2-305, 19.2-305.1 ..."

Nothing in these statutes places a responsibility on victim/witness program staff to **collect** restitution. To the extent possible, program staff are encouraged to limit regular restitution services to the provision of information about local procedures and referrals to appropriate personnel. Compliance with the Crime Victim and Witness Rights Act requires that programs address a broad range of service objectives. Consequently, the allocation of staff time and resources cannot be unreasonably focused on a few services, such as restitution, to the detriment of other services.

#### A. **Services**

- i. **Explanation-** Help businesses determine the specific amounts of restitution owed in their particular cases.
- ii. **Monitoring-** Monitor the payments of court-ordered restitution. "Monitoring" restitution is the service of checking with third parties or the businesses themselves to ensure that restitution payments are being made in a timely fashion.
- iii. **Collection-** Collect and forward restitution payments.
- iv. **Enforcement-** Request, or assist the victim in requesting, a show cause summons when defendants are delinquent in their payments.

#### B. **Total Amounts**

- i. Record the amount of restitution **monitored** during that quarter.
- ii. Record the amount of restitution **collected** during that quarter.

### 31. TRANSPORTATION SERVICES

As they are related to the investigation or adjudication of a criminal case, assist victims with the following:

- #### A. **Reservations** (e.g. hotel, airline or bus reservations).

- B. **Travel reimbursements** (for mileage, hotel, meals, etc.).
- C. **Other** (arranging transportation by commercial carrier or law enforcement).

If a staff person personally transports the victim, do not mark that as "Transportation Services". That service is "Transport" (see #22). **Program staff are discouraged from providing transportation with their personal vehicles, due to liability concerns.**

### **32. APPEALS/ HABEAS CORPUS SERVICES**

Provide information to victims of their right to receive notification from the Office of the Attorney General of the filing and disposition of any appeals or habeas corpus proceedings involving the defendant(s) in their case.

### **33. OTHER**

List any other services provided to victims by your grant program. State the number of victims who received the service during the quarter and the year to date, and indicate the annual target. Examples of "Other" include child care, photographing injuries, etc. **Please keep the number of "Other" to a minimum.**

## **REQUIRED SERVICE OBJECTIVES - WITNESSES**

### **1. WITNESS' RIGHTS INFORMATION (PRE-PRINTED) ®**

Written materials- such as brochures, forms, pamphlets, flyers, and applications- provide information regarding the following: protection, employer services, confidentiality of address and telephone numbers, and interpreter services.

Transfer the number for the Current Quarter box from section VI. "An Informational Guide to Virginia's Crime Victim and Witness Rights' Act"- Witnesses.

In addition to the required information, other pre-printed materials may include initial contact letters, referral lists, maps, directions to court, or local food and lodging establishments.

Pre-printed materials may be distributed in person or by mail as well as in literature displays where witnesses may congregate (e.g. outside of court rooms).

### **2. WITNESS' RIGHTS EXPLANATION ®**

As appropriate to a witness' individual needs, provide explanations of each of the services listed below. These explanations can be made in person or by telephone.

- A. **Protection:** provide information on levels of protection available to witnesses of crime when harm or threats of harm are present. This may include requests for "no contact" restrictions on bonds, requests for a police patrol ride-by, etc.
- B. **Employer Services:** Advise witnesses that it is unlawful for an employer to penalize an employee for appearing in court pursuant to a summons or subpoena.
- C. **Confidentiality re: Address and Telephone Number:** inform witnesses that they may request that their addresses and telephone numbers not be disclosed in court, except when required by a judge for the conduct of a criminal proceeding.
- D. **Interpreter Services:** advise witnesses requiring the services of an interpreter that they have the right to such services.

### **3. PROTECTION ®**

Assist witnesses in obtaining available protection from the appropriate authorities when harm or threats of harm arises from the witnesses' cooperation with law enforcement or prosecution efforts.

Witnesses should be referred to law enforcement if they are in need of a deputy escort after court, or if they want increased monitoring of their residence. Other protection services may include: advising witnesses where they may file a warrant for criminal offenses, escorting witnesses to waiting rooms, etc.

### **4. INTERCESSION- EMPLOYERS ®**

Intercede to ensure that employers of witnesses cooperate with the criminal justice process in order to minimize the employee's loss of pay and other benefits due to court appearances. This may include written confirmations or phone contacts. For example, a staff person may provide witnesses with written confirmations of their appearance in court that they can present to their employers to show their compliance with subpoenas.

### **5. ASSISTANCE WITH INTERPRETER SERVICES ®**

Act as a liaison between the witness and the criminal justice agencies involved to obtain the services of a qualified interpreter and to avoid any conflict of interest that may arise through the use of that interpreter.

## **OPTIONAL SERVICE OBJECTIVES - WITNESSES**

### **6. DISPOSITIONS**

Provide witnesses with the final dispositions of their cases within thirty working days.

### **7. COURTROOM EXPLANATIONS**

Provide explanations of the overall criminal justice process, as well as detailed explanations of each hearing or step in the process (e.g. bond hearings, motions, preliminary hearing, continuances, grand jury, trial, sentencing, etc.).

### **8. COURTROOM TOURS**

Provide **descriptive or guided tours** of the courtroom in which the witness' case will be heard.

## **GLOSSARY OF TERMS**

### ***ANNUAL VICTIM TARGET***

The annual target refers to the number of direct service victims the program anticipates serving during the current grant year by each service objective. These targets are submitted with the grant application each year.

### ***CHILD***

A child is a person **under the age of eighteen**.

### ***CONTINUANCE NOTIFICATION***

Any system used to assist victims in minimizing unnecessary trips to court (e.g. a 24-hour docket line, procedures that encourage victims to call the day before trial, or criminal justice professionals who notify victims personally).

### ***CRIME***

An act committed in violation of a law.

### ***CRISIS***

Crisis is defined as a state of emotional distress (often characterized by crying or being irate).

### ***DIRECT SERVICES***

Direct services are program services provided to victims which go beyond the provision of generic services. Such services seek to alleviate problems or inconveniences arising from the commission of a particular crime. Examples of direct services include: crisis intervention, assistance with compensation claims, court accompaniment, etc. For example, with restitution, if a staff person helps a victim to determine the amount of restitution and then monitors payments, count that victim under "Direct Service".

### ***DIRECT SERVICE VICTIM***

A direct service victim receives the services described in the "Direct Services" category.

### ***DIRECT SERVICE WITNESS***

A direct service witness receives any or all of the required and optional services listed in section XII.

## ***DIRECTORY OF SERVICES***

A compilation of social services and community resources available to crime victims.

### ***ELDER***

An elder is a person **aged sixty and over**.

### ***ELDER ABUSE***

The abuse of vulnerable adults the age of sixty and over. "Vulnerable adults" are those individuals who do not have the mental and/or physical capacity to manage their daily needs, and who are subjected to abuse **by a guardian or caretaker**.

### ***FAMILY OR HOUSEHOLD MEMBER***

Family or household member means the persons: spouse, former spouse, parents, stepparents, children, stepchildren, siblings (includes half-siblings), grandparents and grandchildren, **regardless of whether such persons reside in the same home with the person**. Family or household member also means the persons: In-laws **who reside in the same home with the person**, any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or any individual who cohabits or who, within the previous twelve months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Cohabit" in this section means a couple who resides together in an intimate relationship (includes same-sex couples).

### ***GENERIC SERVICES***

Generic services include, and are limited to, the provision of pre-printed information, routine contact related to the advanced notice of judicial proceedings, restitution, and case dispositions. Routine contacts are brief, limited encounters with a victim. For example, with restitution, if a staff person mails a restitution check to a victim, and that is the only contact with that victim, count that victim under "Generic Service".

### ***GENERIC SERVICE VICTIM***

A generic service victim receives only the services described in the "Generic Services" category.

## **GENERIC SERVICE WITNESS**

A generic service witness receives only pre-printed information or routine contact related to case dispositions.

## **SEPARATE WAITING AREAS**

Designated places for victims to wait during court proceedings to afford them privacy and protection from intimidation (this could include a jury room, the victim/witness program office, etc.)

## **VICTIM**

According to Virginia's Crime Victim and Witness Rights Act, "Victim" means a person who suffered physical, psychological or economic harm as a direct result of: the commission of any felony, or certain misdemeanors (*Assault and battery; assault and battery against a family or household member; stalking; sexual battery; attempted sexual battery; or driving while intoxicated*).

The definition of "victim" includes: **spouses** and **children** of all victims, and **parents** and **guardians** of minor victims, and **parents, siblings or guardians** of mentally or physically incapacitated victims and/or victims of homicide, and foster parents or other caregivers, under certain circumstances.

**Note: The actual deceased victim of a homicide is never counted as a direct service victim.**

Programs may continue to offer services to crime victims not included in the Act's definition. This is at the discretion of the staff, and largely depends on the available resources of the locality. Any victim served by the program should be counted in the Quarterly Progress Report.