

SAMPLE VICTIM/WITNESS PROGRAM IMPLEMENTATION PLAN

Program Title: _____ Victim/Witness Program

Goals and Objectives: Please see Attachments 4 and 5 for the quantified goals and objectives. In addition, please note the program's affirmative responses for "Other Required Certifications" on Attachment 5, and the program's agreement to provide a separate waiting area, a directory of services and continuance notification under "Program Development" on Attachment 4.

Evaluation and Reporting: Please note #3 of "Other Required Certifications" on Attachment 5 which indicates the program's agreement to collect required data and submit it electronically to DCJS by the 12th working day following the close of each quarter.

Instructions:

Simply "check-off" those implementation strategies contained in the sample which apply to the applicants proposed program and accurately describe the applicants intended implementation strategy. If implementation strategies are amended, please provide an attachment to the check-off implementation plan which describes the applicants intended implementation strategy.

OR

Develop an original implementation plan modeled after the sample.

NOTE: Victim/Witness program applicants must be careful to provide an implementation strategy for each required service objective.

Implementation

The following information is provided to explain how crime victims and witnesses will receive services as required by the Department of Criminal Justice Services and the Crime Victim and Witness Rights Act. The following services will be provided to victims and witnesses as required by the Crime Victim and Witness Rights Act and the Program Guide.

Victim Services - Required Objectives:

1. Victims' Rights Information

The program will provide written materials to victims which will contain information regarding the following: Criminal Injuries Compensation Fund, restitution services, financial assistance/social services, victim impact statements, confidentiality of address and telephone number, interpreter services, employer services, protection, advance notification of judicial proceedings, notification services re: prisoner status and victim's responsibility regarding notification services, parole process and parole input forms, support person for minor victims, right to remain in the courtroom, closed preliminary hearings and the use of closed circuit television in certain offenses, and explanation of the steps in the criminal justice system.

When a valid address is available, victims of domestic violence misdemeanor offenses will receive a letter and referral list prior to their court date. All victims of felony offenses, will receive an informational letter, program brochure and a Criminal Injuries Compensation Fund brochure when appropriate, prior to the preliminary hearing date.

The program brochure will include the basic information listed above that is required to be provided to crime victims. These brochures will be included in all informational letters to victims of domestic violence and victims of felony offenses.

In addition, the program will send an informational letter and brochure to victims of the misdemeanor offenses of assault and battery, sexual battery, attempted sexual battery, stalking and DUI whose cases appear in the Juvenile and Domestic Relations and the General District Courts. Case information such as defendant's name, charge, scheduled court date, and victim's name and address will be obtained from the court system computer and the Clerk's Office of each court.

2. Victims' Rights Explanation

As appropriate, the program will provide an explanation to crime victims of the following services:

- A. **Protection** - provide information on level of protection available to victims and witnesses of crime when harm or threats of harm are present.
- B. **Financial Assistance** - inform victims of financial assistance and social services available to them as a result of their victimization and provide appropriate referral information. Additionally, advise victims of their entitlements under the restitution provision of the Code of Virginia.
- C. **Notices** –advise victims and witnesses that it is unlawful for an employer to penalize an employee for appearing in court pursuant to a summons or

subpoena. Provide information to victims of 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. This information shall include the address and telephone number of the Commonwealth's Attorney's Office. Provide information to victims of their right to be notified by the Department of Corrections or local sheriff or jail superintendent in whose custody an escape, change of name, transfer, release or discharge of a prisoner occurs. Provide information to victims of their right to be notified by the Attorney General's Office of filing and disposition of any appeal or order to receive notices and offer input. Inform victims that they must provide their current names, addresses, and telephone numbers, and any subsequent changes, in writing to the appropriate notifying agency in order to receive notification services.

- D. **Victim Input** - advise victims that they may submit to the court a written victim impact statement or may be given an opportunity to testify about the crime on the victim and his or her family. For crimes occurring prior to January 1, 1995, provide information about the parole process. 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 agreement, 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, except when necessary for the conduct of a criminal proceeding. Advise victims requiring the services of an interpreter that they have the right to such services. Inform minor victims, whenever possible, that the court may allow an adult, who is not a material witness and who is chosen by the minor, to be present in the courtroom during any trial proceeding. When appropriate, advise victims that there may be a closed preliminary hearing for certain sexual offenses. When appropriate, advise victims, 14 years of age or younger at the time of the offense or 16 years or age or younger at time of trial and their non-offending parent(s)/legal guardian(s) that closed-circuit TV may be used in taking testimony, in cases involving certain criminal offenses, under certain conditions.

3. Protection

The program will assist victims in obtaining available protection from appropriate authorities when harm or threats of harm are present.

3A - Protective Orders: On request, the program will provide information to domestic violence victims in obtaining protective orders and violation of protective orders, and information on the local battered women's shelter. After speaking with a victim before the trial, the Victim/Witness advocate may be present in the courtroom to inform either the court or the prosecutor that the victim wishes to have the protective order entered at that time.

Staff will escort a victim from the program's office to the intake office to obtain paperwork, at a victim's request.

3B - Law Enforcement Protection: Also upon request, the program will assist in obtaining available protection from local law enforcement. Examples of available protection include requesting a sheriff's deputy escort a victim from courtroom to car after a trial or hearing, requesting drivebys of a victim's residence by the patrol division of the police department and transportation from court when a serious threat an of harm exists.

The program will provide assistance by contacting appropriate officials in local law enforcement to obtain available protection services.

3C - Other Protection: The program will provide additional protection services such as advising victims where they may file a warrant for a criminal offense, escorting victims to waiting rooms, walking into a courtroom between a child and a defendant, sitting in a courtroom to obstruct a defendant's view of a victim. These services are provided so that victims may be free of intimidation while participating in the criminal justice system.

4. Compensation

4A - Compensation, Explanation: As appropriate, the program will provide to crime victims an explanation of the crime victims' compensation program.

4B - Compensation, Application Assistance: Where appropriate, the program will provide information and assistance to victims in applying for Criminal Injuries Compensation Fund. This information and assistance will include: providing victims of violent offenses with the CICF brochure and an application upon request, providing help in filling out the application in person or by telephone, answering questions regarding the necessary paperwork and documentation, coordinating with office personnel to have application notarized at no charge, and assembling, copying, and mailing the application to the Richmond office.

4C - Compensation, Follow Up: As appropriate, assist crime victims after the application has been forwarded to Richmond. This assistance will include: as appropriate, contacting CICF for information on the claim, contacting medical providers or employers who have failed to respond to CICF's request for information, mailing subsequent information to CICF, providing information on the review or reconsideration process, accompanying a victim to an evidentiary or appeals hearing as scheduling permits, and providing CICF with information on the status of a victim's criminal case.

5. Property

The program will provide assistance to victims in having property returned which is being held for evidentiary purposes. At the victim's request, this assistance will include: contacting the detective handling the investigation to determine what property is being retained and why, speaking with the prosecutor to determine if the property itself is necessary for trial, and escorting the victim to the police department to sign for and retrieve the property if its release is permitted.

6. Restitution

As appropriate, the program will assist victims in seeking and securing restitution by providing information on local procedures. Restitution may be determined by the Victim/Witness Program, Commonwealth's Attorney's Office, or Probation and Parole Officer. Restitution payment procedures will vary by Court.

7. Intercession

7A - Employer Intercession: At the victim's request, the program will provide employer intercession services in order to ensure an employer's cooperation with the criminal justice system and to minimize a victim's loss of pay or benefits due to court appearances. These services will include: written confirmation, which includes a copy of §18.2-465.1, of the date and time that a victim must appear in court, a letter issued either by the Victim/Witness Program or the Clerk's Office stating that the victim did appear in court, if necessary, phone contact with the employer, and as appropriate or allowable, coordination with the prosecutor regarding when a victim's case is to be heard.

7B - Other Intercession Services: The program will offer intercession services with school officials, bill collectors and medical providers at a victim's request. In the past, these services were counted under the general Intercession heading. At a victim's request, the program will provide these services by: contacting school officials by phone or letter regarding the victim's required court appearance, contacting medical providers and bill collectors in writing or by telephone to request an account not be forwarded to collection because restitution has been ordered, or

the victim has applied for Criminal Injuries Compensation Fund, or expenses incurred will be paid out of the Commonwealth's criminal appropriations fund.

8. Notification Assistance

When appropriate, the program will assist victims in completing the Department of Corrections Victim Notification or the Parole Input and Notification Forms, and will mail the forms when requested. [This includes assisting victims in completing and forwarding notification request forms for plea agreements.](#)

As appropriate, services will include:

1. placing the victim's current address and telephone number in the file of the Commonwealth's Attorney's Office so a victim will be provided with advance notification of judicial proceedings when practicable.
2. forwarding a Victim Notification Form (VNF) to a victim so they may be contacted by the Sheriff's Office of a prisoner's release, discharge, escape, name change, transfer to a prison, a different jail facility or correctional facility, or participation in the educational/work release programs..

Before forwarding a VNF to the victim, the program will complete the offender portion of the form as this information is generally not known to a victim. This portion which includes the offender's date of birth, social security number, sentencing date and sentence received will be obtained from the court system computer, court records or the Commonwealth's Attorney's Office file. In addition, if a victim requests information on notification from different jail facility, the program will contact appropriate personnel to determine what forms should be completed and mailed.

9. Liaison re: Prisoner Status

Upon a victim's request, the program will provide a VNF (local or Department of Corrections) to any victim who wishes to be notified of a prisoner's status or act as a liaison between a victim and the Sheriff's Office or another jail facility.

Victims of misdemeanor offenses will be contacted prior to the court date by letter which will include information or a brochure on their right to be notified of a prisoner's status. Victims of misdemeanor offenses may also be given this information by program staff on the trial date. Victims of felony offenses which are disposed of in the Circuit Court will receive a disposition letter advising them to contact the Victim/Witness Program to receive a Victim Notification Form if they wish to be notified of a prisoner's status.

10. Victim Impact Statements

The Victim/Witness Program will coordinate with Probation and Parole Officers in the preparation of the statements. This coordination will include assistance in locating victims which the Probation Officer has been unable to find, notifying victims that a Victim Impact Statement will be included as part of a presentence report, and that they have the right to submit a Victim Impact Statement in their own words.

11. Confidentiality Forms

As appropriate, the program will provide assistance to victims in completing the Request for Confidentiality forms, and will act as a liaison between the victim and the involved agencies to ensure the victim's confidentiality. This assistance will include having the appropriate Request for Confidentiality forms available in the office in order to more quickly complete the form, and when necessary, program staff will forward the request form to the appropriate criminal justice system personnel.

12. Interpreter Services

As appropriate, the program will assist in obtaining interpreter services, and will act as a liaison between a victim and the involved criminal justice agencies to avoid conflicts of interest that may arise.

Upon notification by the prosecutor or the detective, the program will advise the clerk of the appropriate court that an interpreter is necessary for the hearing or trial. Upon notification, the Clerk's office then contacts the appropriate officials to secure an impartial, court certified interpreter for any necessary hearings.

In the event that program staff become aware of the necessity of interpreter services on a misdemeanor case, the program staff will **advise the prosecutor of the need and** notify the Clerk's Office of that court that interpreter services are required.

13. Crisis Intervention

As necessary, the program will provide crisis intervention, emotional support or crisis counseling to crime victims. This contact will be made in person or by telephone, and will include discussing the victim's fears and concerns about the crime and court appearance. More specific support will be on a case by case basis. This support will be provided throughout the prosecution of a victim's criminal case as necessary.

14. Support Services:

14A - Follow-Up Counseling: As appropriate, program staff will provide Follow-Up counseling services to crime victims beyond the initial crisis counseling, emotional support

or crisis intervention stage. The extent of follow-up counseling services will be based on a victim's need for services. This contact will be made in person or by telephone.

14B - Victim Support Groups: This program will provide this service by holding support groups on a routine basis. Or this program will not provide this service, as program staff do not facilitate support groups.

15. Crisis Referrals

The program staff will continue to provide referrals for crisis intervention, follow-up counseling and victim support groups. These referrals are made in writing, by telephone and in person.

In addition, the Victim/Witness Program may provide additional counseling referrals in person or in writing to victims of violent offenses such as robbery, malicious wounding, abduction, car-jacking, adult and child sexual assaults, and domestic violence, and to any victim who requests a referral.

16. Case Status

The program will provide information to victims on significant developments in the investigation and adjudication of their case. This information may be provided in the following manner:

1. Letter:

Victims will receive a letter after the defendant has been arrested or arraigned advising them of the preliminary hearing or trial date. After the Grand Jury, the victim will receive a letter advising them of the charges and Circuit Court trial date. After sentencing in Circuit Court, the victim will receive a letter detailing the case disposition.

2. Phone:

The program may contact the victim by telephone throughout the prosecution of their case to inform victims of continuance dates, bond hearings, motions hearings, guilty pleas, sentencing dates and the outcome of such hearings.

3. In Person:

Program staff will often be present in the courtroom, and available after the proceeding to answer any questions and explain the outcome of any court hearings.

17. Dispositions

The program will provide victims with information on the disposition of their case within thirty working days after sentencing in the Circuit Court. This information will be provided in writing, by telephone or in person at the sentencing hearing.

In addition, upon request by the victim, the program will provide disposition information to victims of misdemeanor offenses disposed of in General District and the Juvenile and Domestic Relations Court.

18. Criminal Justice Process - Options Explanations

As appropriate, the program will provide information to crime victims about their options with respect to the criminal justice process. This information will usually be provided by telephone or in person and will include: how and where to obtain a warrant or protective order, requirements regarding court appearances once a subpoena has been served, and at the victim's request, general information on where to obtain details to proceed civilly.

19. Courtroom Tours

As appropriate, the program will offer and provide [descriptive or guided](#) courtroom tours prior to the court date.

20. Criminal Justice Process

20A. Support - Upon request by a victim, the program will provide a support person to be with a victim throughout the criminal justice process. A support person may be provided for a victim's court appearances, meetings with prosecutors, or accompaniment to the police department to retrieve property or to pick up restitution being retained in the police department which a Judge has ordered to be released to the victim.

20B. Explanation - As appropriate, the program will provide an explanation of steps in criminal justice process.

21. Parole Input

The program will provide assistance to requesting victims in completing the Parole and Victim Input Forms for crimes occurring prior to January 1, 1995.

22. Transport

As appropriate and necessary, the program will coordinate with the Police Department to provide transportation to court proceedings if the victim's

appearance is essential for prosecution and the victim has no other transportation. This coordination will include requesting transportation services from the detective or the arresting officer and determining a pick-up time.

23. Escort

As appropriate, program staff will provide a victim with escort services relating to the investigation or adjudication of their case. These services will include walking with the victim from the Commonwealth's Attorney's Office to the courtroom, escorting the victim from the courtroom to their car, or accompanying a victim to the police department to retrieve property.

Victim Services - Optional Objectives

24. Advance Notification of Judicial Proceeding

The program will provide victims with advance notification of judicial proceeding relating to their case and any changes in court dates. This notification is provided by: form letters to victims of felony offenses before the preliminary hearing and after Grand Jury which advise victims of their upcoming court date. These letters also include the answering machine phone number, and advise victims to call the service after 5:30 p.m. the evening before the court date to be sure they are still needed. Victims of misdemeanor offenses receive a letter informing them of their upcoming court date.

As necessary, program staff may contact victims by phone to notify them of guilty pleas, continuances, or bond or motions hearings.

25. Forensic

Upon request, the program will assist in having the costs of a victim's forensic medical examination certified for payment by the State's criminal fund, if the costs are not paid or reimbursed by a third party. This assistance will include collecting the victim's medical bills and preparing the court order for the prosecuting attorney.

26. Closed Preliminary Hearing

As appropriate, the program will coordinate with the Commonwealth's Attorney's Office and appropriate court personnel to facilitate closed preliminary hearings.

This coordination will include advising the court's clerk to hold the victim's case until near the end of docket. This leaves a nearly empty courtroom, as most, if not all uninvolved people have departed, and does not require the clearing of an entire courtroom for one hearing. Program staff will advise the prosecutor of the victim's wish to hold the case and close the hearing, and the prosecutor will normally notify the defense attorney that they need not appear early in the morning for the victim's case.

27. Closed Circuit Television

As appropriate, the program will coordinate with the Commonwealth's Attorney's Office and appropriate court personnel to facilitate the use of closed-circuit television.

This coordination will include advising the prosecutor of a victim's wish to use closed-circuit television, and if necessary to arrange a meeting between the victim and family and the prosecutor to discuss the legal issues and requirements surrounding its use. When necessary, program staff would also provide advance notice to the Sheriff's Office and other court personnel.

28. Crime Prevention

At a victim's request, the program will direct victims to the Police Department to obtain crime prevention services. This service may include providing victims with the name and telephone number of appropriate personnel or escorting them to the police department.

29 Emergency Assistance

As necessary and available, the program will provide emergency assistance such as food and shelter either directly or by referral.

29A - Direct: The program or the prosecutor, at the request of program staff, may contact the Sheriff's Office to request a meal from the jail to be brought to the Commonwealth's Attorney's Office for a victim. This is not a service that is provided often.

29B - Referral: As necessary, the program will refer victims to area agencies for food and shelter. These include Dept. of Social Services General Relief and the Battered Women's Shelter.

30. Business Restitution

The program will collect and monitor court ordered restitution from the General District and Juvenile and Domestic Relations Court. This restitution service includes the explanation, monitoring and collecting of restitution for area businesses. However, the program does not maintain separate statistics for business restitution, and these statistics are include in the Required Service Objective #6.

31. Transportation Services

When necessary, program staff will provide reservations, reimbursements or other transportation services related to the investigation and adjudication of a victim's case.

On a request from the Commonwealth's Attorney, program staff will coordinate with a local travel agency to make a victim's reservations, and to establish a direct billing procedure. When necessary, the program will compile all receipts and documents so a victim may be promptly reimbursed. At a victim's request, the program will speak with the court clerk to determine why a reimbursement has not been received in a reasonable amount of time.

32. Appeal/Habeas Corpus Services

When necessary, program staff will inform victims that they may request notice of the filing and disposition of any appeals or habeas corpus proceedings involving cases in which such people were victims. Program staff will refer victims to appropriate staff of the Office of the Attorney General for assistance. Additionally, when necessary, program staff will assist victims in completing the "Victim Information Sheet." Program staff may also submit the completed "Victim Information Sheet" to the Office of the Attorney General and my provide or assist the Office of the Attorney General to provide notice. (32 - Appeal/Habeas Corpus Services).

Witness Service. - Required Objectives:

1. Witness Rights' Information

The program will provide witnesses with preprinted information. The written material will now include information on the following: available protection, employer services, confidentiality regarding address and telephone number and interpreter services.

On felony cases, the witness' address and telephone number will be obtained from the files of the Commonwealth's Attorney's Office. Names and address of witnesses of misdemeanor offenses will be obtained from the Commonwealth's Attorney's file, the court system computer or the clerk's office of the appropriate court.

The program brochure will include the written material listed above that is required to be distributed to witnesses of crime. These brochures will be included in all informational letters to witness on felony and misdemeanor cases.

2. Witness' Rights Explanation

As appropriate, the program will provide an explanation to witnesses of the following services: protection, employer services, confidentiality regarding address and telephone number and interpreter services.

3. Protection

As necessary, the program will assist witnesses in obtaining available protection from appropriate authorities when harm or the threat of harm are present. This assistance will include advising a witness where they may obtain a warrant for a criminal offense, requesting that a Sheriff's Deputy escort a witness from the courtroom to the parking lot, requesting drive-by of a witness' residence by local law enforcement or transportation from court when a serious threat of harm exists.

4. Intercession - Employers

At the request of a witness, the program will provide employer intercession services in order to ensure an employer's cooperation with the criminal justice system and to minimize an employee's loss of pay or benefits due to court appearances. These services include: written confirmation, which will include a copy of §18.2-465.1, of the date and time that a witness must appear in court, a letter issued by the Victim/Witness Program or the Clerk's office stating that the witness did appear in court, if necessary, phone contact with the employer, and as appropriate or allowable, coordination with the prosecutor regarding when a witness' case will be heard.

5. Interpreter Services

As appropriate, the program will assist in obtaining interpreter services, and will act as a liaison between witnesses and the involved criminal justice agencies to avoid conflicts of interest that may arise.

Upon notification by the prosecutor or the detective, the program will advise the clerk of the appropriate court that an interpreter is necessary for the hearing or trial. In the event that program staff become aware of the necessity of interpreter services on a misdemeanor case, the program staff will advise the prosecutor of the need and notify the Clerk's Office of that court that interpreter services are required.

Witness Services - Optional Objectives:

6. Dispositions

Upon request, the program will provide witnesses with information on the disposition of their case within thirty working days after sentencing in the Circuit Court. This information will be provided in writing, by telephone or in person at the sentencing hearing. On request, the program will provide disposition information to witnesses of misdemeanor offenses disposed of in the General District and the Juvenile and Domestic Relations Court.

7. Courtroom Explanations

As appropriate, the program will provide explanations of judicial proceedings to witnesses. This explanation may be in person, by telephone or in writing.

8. Courtroom Tours

When appropriate, the program will offer and provide courtroom tours for witnesses of crime. This service will generally be provided to witnesses of violent offenses such as homicide or sexual assault.

Volunteers: The Victim/Witness Program will use volunteers and interns to provide direct and generic services to crime victims and witness under the supervision of program staff. The volunteers or interns will be recruited from local high schools and area colleges or universities and will be trained and supervised by program staff members.

Client Confidentiality: A Confidentiality Statement developed for use by the Victim/Witness Program is attached.