

Victim/Witness Program Goals and Objectives
--

Note: The General Assembly expanded the definition of victim to include foster parents, for the purpose of determining who is eligible to receive victim input.

"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, maiming 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
 - Victims of homicide

For purposes of providing victim input under subdivision 19.2-11.01A4 only (victim impact statement, courtroom attendance, testimony at sentencing, plea agreement consultation), the definition of "victim" includes:

- A current or former foster parent or other person who has or has had physical custody of a minor victim, for six months or more, or for the majority of the minor victim's life.

"Victim" does not mean a parent, child, spouse, sibling or legal guardian who commits a felony or other enumerated criminal offense against a victim.

Service Objectives

NOTE: Each service objective statement is followed by a number and short descriptive title. This information should allow applicants to easily identify the annual service target blanks on Attachments 3 and 4 which correspond to each service objective statement.

Required Victim/Witness Program Service Objectives - Victims

1. Provide written materials to victims which must contain information about
 - victims' compensation
 - restitution
 - financial assistance and social services
 - victim impact statements
 - confidentiality re: address and telephone number
 - interpreter services
 - employer services
 - protection
 - advance notification of judicial proceedings
 - notification services re: prisoner custody status
 - victims' responsibilities re: notification services
 - parole process and parole input forms
 - support person for minor victims
 - right to remain in courtroom
 - closed preliminary hearings for certain sexual offenses
 - use of closed circuit TV in certain offenses
 - explanation of the steps in the criminal justice process

Note to Applicants: DCJS' victims' rights booklet entitled "An Informational Guide to Virginia's Crime Victim and Witness Rights Act" contains information on all of the above topics and is available from DCJS.

Other information such as maps, parking and public transportation may be included. Information on how to obtain the program's services should be included. (01 - Victims' Rights Information - Pre-Printed).

2. As appropriate, explain to victims:
 - 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. 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, in their own words, a written victim impact statement to the court. 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 excluded by the court as a material witness.
 - 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, 12 years of age or younger 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. (02 - Victims' Rights Explanation).
3. Assist in obtaining available protection from appropriate authorities when harm or threats of harm are present for victims of crime. (03 - Protection - 3A. Protective Order; 3B. Law Enforcement Protection; and 3C. Other).
 4. As appropriate, explain to victims how to apply for victims' compensation. (04 A - Compensation - Explanation) Where appropriate, assist victims in completing applications for victims' compensation. (04 B - Compensation - Services). As appropriate, act as liaison between victims and the Division of Crime Victims' Compensation, and provide follow up on claims filed by victims. (04 - C. Compensation - Follow-Up).
 5. At victims' request, assist in the prompt return of any property held for evidentiary purposes, unless there is a compelling law enforcement purpose for retaining it. (05 - property).
 6. As appropriate, assist victims in seeking and securing restitution by providing information about local procedures and referrals to appropriate personnel. (06 - Restitution Assistance/Referral).

7. Upon request, provide intercession services 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. (07 A. - Employer Intercession). Upon request, provide intercession services to ensure that victims are able to cooperate with the criminal justice process. Examples: school officials, bill collectors, or medical providers. (07 - B. Other Intercession).
8. Provide assistance to victims, as appropriate, in obtaining notification services (e.g. contacting offices, filling out forms). (08 - Notification Assistance).
9. Act as liaison between victims and 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, or provide information to victims on how to contact appropriate officials in order to be notified of escape, change of name, transfer, release or discharge of a prisoner. (09 - Liaison re: Prisoner Status).
10. Assist victims in preparing victim impact statements and/or coordinate with probation officers for the preparation of victim impact statements. (10 - Victim Impact Statements).
11. When appropriate, assist victims in completing the Request for Confidentiality forms, and act as liaison between victim and the criminal justice agencies involved to ensure victim confidentiality. (11 - Confidentiality Forms).
12. As appropriate, act as liaison between victim and the criminal justice agencies involved in order to avoid any conflict of interest that may arise through the use of an interpreter and assist the court in obtaining interpreter services. (12 - Interpreter Services).
13. Provide crisis intervention, emotional support or crisis counseling. (13 - Crisis Intervention).
14. Provide support services such as follow-up counseling or victim support groups. (14 - Support Services; 14A. Follow-Up Counseling and 14B. Victim Support Groups).
15. Provide referrals to crisis intervention, follow-up counseling, or victim support groups. (15 - Crisis Referrals).
16. Provide to victims information on any significant developments in the investigation and adjudication of the cases in which they are involved. (16 - Case Status).
17. Upon request, within thirty working days of the dispositions of their cases, provide information about the dispositions to victims assisted by the program. (17 - Dispositions).

18. Counsel victims about their options with respect to the criminal justice process (e.g., proceed with criminal charges, proceed with civil options, etc.). (18 - Criminal Justice Process - Options Explanation).
19. As appropriate, provide courtroom tours for victims. (19 - Courtroom Tours).
20. Upon request, provide a support person to be with the victim throughout the criminal justice process. (20A - Criminal Justice Process Support) Provide explanation of judicial proceedings to victims. (20B - Criminal Justice Process Explanation).
21. For crimes occurring prior to January 1, 1995, assist victims in completing and filing Parole Input Forms. (21 - Parole Input).
22. Provide transportation services related to the investigation or adjudication of the case, if necessary or advisable. (22 - Transport).
23. Provide escort services related to the investigation or adjudication of the case, if necessary or advisable. (23 - Escort).

Optional Victim/Witness Program Service Objectives - Victims

24. Provide to victims advance notification of judicial proceedings relating to their cases and any changes in court dates. (24 - Advance Notice of Judicial Proceedings).
25. Upon request, process vouchers for payment of all certified costs of a forensic medical examination of a crime victim, to the extent that such costs are not otherwise reimbursed or paid by third parties. (25 - Forensic).
26. As appropriate, coordinate with staff of the commonwealth's attorney's office and with the appropriate court personnel to facilitate closed preliminary hearings. 26 - Closed Preliminary Hearings).
27. As appropriate, coordinate with staff of the commonwealth's attorney's office and with the appropriate court personnel to facilitate use of closed-circuit TV. (27 - Closed-Circuit TV).
28. Direct victims to law enforcement agencies for the purpose of obtaining crime prevention services. (28 - Crime Prevention).
29. Provide to victims, either directly or by referral, emergency assistance, such as food and shelter, if necessary. (29 - Emergency Assistance; 29A - Direct; 29B - Referrals).
30. As appropriate, assist in monitoring and collecting restitution owed to businesses. (30 - Business Restitution).

31. Provide reservations, reimbursements or other transportation services (other than actual transportation) related to the investigation or adjudication of the case, if necessary or advisable. (31 - Transportation Services; 31A - Reservations; 31B - Reimbursements; 31C - Other).
32. As appropriate, 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 and, as appropriate, provide such notice. (32 - Appeal/Habeas Corpus Services).

Required Program Development Objectives

1. Where available, provide a separate waiting area during court proceedings in order to afford victims privacy and protection from intimidation. (Separate Waiting Areas).
2. Develop and maintain a current directory of social services and community resources available to crime victims. (Directory of Services).
3. Develop a system to assist victims in minimizing unnecessary trips to court, for example, 24-hour docket line. (Continuance Notification).

Applicants must indicate their agreement to comply with program development requirements by checking the appropriate blanks on Attachment 4.

Required Victim/Witness Program Service Objectives - Witnesses

1. Provide written materials to witnesses of crime which must contain information about
 - protection
 - employer services
 - confidentiality re: address and telephone number
 - interpreter services

Note to Applicants: DCJS' victims' rights booklet entitled "An Informational Guide to Virginia's Crime Victim and Witness Rights Act" contains information on all of the above topics and is available from DCJS.

Other information such as maps, parking and public transportation may be included. Information on how to obtain the program's services should be included. (01 - Witness' Rights Information)

2. As appropriate, explain to witnesses:
 - A. **Protection** - provide information on level of protection available to witnesses of crime when harm or threats of harm are present.
 - 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 during testimony, except when necessary for the conduct of a criminal proceeding.
 - D. **Interpreter Services** - advise witnesses of crime requiring the services of 1 an interpreter that they have the right to such services. (02 - Witness' Rights Explanation)
3. Assist in obtaining available protection from appropriate authorities when harm or threats of harm are present for witnesses of crime. (03 - Protection).
4. Upon request, provide intercession services 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. (04 - Intercession - Employers).
5. As appropriate, assist the court in obtaining interpreter services, and act as liaison between witnesses of crime and the criminal justice agencies involved in order to avoid any conflict of interest that may arise through the use of an interpreter. (05 - Assistance w/ Interpreter Services).

Optional Victim/Witness Program Service Objectives - Witnesses

6. Upon request, provide, within thirty working days of the dispositions of their cases, information about the dispositions to witnesses assisted by the program. (06 - Dispositions).
7. Provide explanations of judicial proceedings to witnesses. (07 - Courtroom Explanations).
8. As appropriate, provide courtroom tours for witnesses. (08 - Courtroom Tours).

Statewide Victim Assistance Programs - Goals and Objectives

The primary goal of each program funded in this category must be to provide direct services to victims of crime. Direct services are defined as efforts designed to provide information and assistance required by Virginia's Crime Victim and Witness Rights Act and other victims' rights laws. Proposed services should effectively implement a provision or provisions of the Crime Victim and Witness Rights Act. Additionally, direct services must seek to accomplish one or more of the following goals: (1) respond to the emotional and physical needs of crime victims; (2) assist victims of crime to stabilize their lives after victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) provide victims with information and referrals for services.

Applicants applying for funds to establish or expand statewide victim assistance programs must clearly define program goals and objectives.

Applicants are encouraged to adopt or adapt appropriate victim/witness program service objectives detailed above. Applicants utilizing victim/witness service objectives should state annual service targets using Attachments 3 and 4. Applicants modifying victim/witness service objectives should state each modified service objective and may, if appropriate state annual service targets using Attachments 3 and 4.

If entirely new service objectives are utilized, applicants should:

- Reference applicable provisions of the Crime Victim and Witness Rights Act and other victims' rights laws;
- Describe the service and how program staff will provide the service, and;
- Propose the number of victims to whom services will be provided during FY 2005 and 2006.