**SAMPLE VICTIM/WITNESS PROGRAM IMPLEMENTATION PLAN**

**Program Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Victim/Witness Program

**Goals and Objectives:** Please see Attachments 2 (Annual Targets for Victim/Witness Program Service Objectives (Victims) and (Witnesses)) for the quantified goals and objectives. In addition, please note the program's affirmative responses for "Other Required Certifications" and the program's agreement to provide a separate waiting area, a directory of services, continuance notification, and survey program services under “Program Development" on Attachment 3.

**Evaluation and Reporting:** Please note #3 of "Other Required Certifications" on Attachment 3 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. Note: Double click the checkbox to reveal checkmark.*

*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 recognized by VOCA.

**Victim Services ‑ Required Objectives:**

**Information and Referral**

**1. CRIMINAL JUSTICE PROCESS**® 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.

**2. VICTIMS’ RIGHTS EXPLANATION®** As appropriate to a victim’s individual needs, program staff should provide explanations of the services available to a victim. These explanations can be made in person or by telephone. The service can only be counted once regardless of delivery type.

1. **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. Inform victims about the availability of protective orders and no contact orders, and the action needed to obtain them. This would include victims of domestic violence, child physical abuse, child sexual abuse, elder abuse, stalking, sexual assault, assault and harassment.
2. **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.
3. **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. 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.
4. **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 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.
5. **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.
6. **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.

**3. REFERRAL TO OTHER VICTIM SERVICES PROGRAMS®**

Provide victims with referral(s) to services, supports and resources including other Victim Witness Assistance Programs or community based nonprofit victim service programs. This can include legal, medical, faith based organizations, protection programs, address-confidentiality programs, etc. Referrals to the federal witness protection program also fall in this category.

**5. VICTIMS’ COMPENSATION®**

Assist victims in applying for crime victims’ compensation. Making victims aware of the availability of crime victim compensation (see the following definition), helping victims complete required forms, and gathering needed documentation. May also include follow up contact with the victim compensation agency on behalf of the victim. Services may include:

* **Explanation:** Explain to victims how the compensation process works and the steps that need to be taken in order to process a claim.
* **Services:** Program staff help victims complete the forms, if requested, answer questions, help victims find notaries, and copy or mail the application, if requested.
* **Follow-up:** These services may include: acting as a liaison between victims once an 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 Virginia Victims Fund with the status and disposition of the criminal case, and providing information on appeal procedures. Includes in-person contacts, telephone contacts, and written communications with victims to offer emotional support, provide empathetic listening, and check on a victim's progress.

**Personal Advocacy/Accompaniment**

**9. LAW ENFORCEMENT INTERVIEW, ADVOCACY/ACCOMPANIMENT®**

Assist in scheduling and/or accompanying victims to a law enforcement interview. This includes referring victims to law enforcement if they are in need of an escort after court, or if they want increased monitoring of their residence. This can include accompanying victims to law enforcement agencies for photographing Injuries.

**10. INDIVIDUAL ADVOCACY®**

Include assisting victims in securing rights, remedies, and services from other agencies. This can include assisting 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. This service does not include: Emergency Medical Care, Medical Forensic Exam Accompaniment, Medical Forensic Performance/Collection, Law Enforcement Interview, Advocacy, Accompaniment, Immigration Assistance, Intercession (Employer/Other), Child Dependent Care, Transportation Services, and interpreter Services.

**12. INTERCESSION®**

Act on the behalf of victims to minimize their losses and to ensure their full cooperation. Intervention with employer, creditor, landlord, or academic institution.

**15. 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. Please see Code Section 19.2-164 regarding interpreters and reimbursement. Note: Pre-court interviews with the Prosecutor qualify for reimbursement.

**Emotional Support or Safety Services**

**16. CRISIS INTERVENTION**®

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

**Criminal/Civil Justice System Assistance**

**26. EVENT NOTIFICATION®**

1. **Case Status**: provide victims with 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 or email contact.
2. **Case Dispositions**: provide victims with the final dispositions of their cases within thirty working days of disposition. This includes dispositions of habeas corpus appeals.
3. **Advance Notification**: 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.

**27. 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.

**28. RESTITUTION®**

Assist victims in seeking and securing restitution. As appropriate, victim/witness program staffs 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 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. Allocation of staff time and resources cannot be unreasonably focused on a few services, such as restitution, to the detriment of other services

1. **Explanation®:** help victims determine the specific amounts of restitution owed in their particular cases.
2. **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.
3. **Collection:** collect and forward restitution payments.
4. **Enforcement:** request, or assist the victim in requesting, a show cause summons when defendants are delinquent in their payments.

**30. PROTECTION ORDERS®**

Provide and assist victims with obtaining protective orders (Emergency, Preliminary, and Permanent). This would include victims of domestic violence, child physical abuse, child sexual abuse, elder abuse, stalking, sexual assault, assault and harassment. Note: Under 16.1-253.2(d) victims have the right to a new protective order not exceeding 2 years upon the conviction of Violation of Protective Order.

**35. CRIMINAL JUSTICE ADVOCACY/ACCOMPANIMENT®**

**A. 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.

**B. 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.

**C. 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 of 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.

**D. Criminal Justice Process:** support, assistance, and advocacy provided to victims at any stage of the criminal justice process, including post sentencing services and support.

i. Support: accompany victims to court, court services unit, magistrate’s office, clerk’s office, 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.

ii. 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.).

**E. 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. Effective July 1, 2014, the Virginia Parole Board is now required to annually interview and consider all eligible geriatric offenders for conditional release. Eligibility includes any conviction other than a Class 1 felony (capital murder), and an offender who has:

1. Reached the age of 65 or older and has served at least five years of his or her sentence
2. Reached the age of 60 or older and has served at least 10 years of his or her sentence

**For additional information contact Virginia Parole Board, Victim Services Coordinator at 804-887-8184.**

**F. Escort:** Provide victims with escort (i.e., physically go with the victim) to 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 “Transportation provided by Agency” 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.

**G. Closed Preliminary Hearing**: 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.

**H. Closed Circuit TV**: coordinate with appropriate court personnel to arrange closed circuit television testimony.

**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.