

Department of the Interior
Law Enforcement Policy

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Series: Law Enforcement and Security

Chapter 5a Victim Assistance Program – Victim Rights and Services

Originating Office: Office of Law Enforcement and Security

5a.1 Purpose. This chapter establishes the Department of Interior’s (DOI) responsibilities to develop infrastructure, policy and standards that the DOI offices and bureaus with law enforcement responsibilities must follow when responding to crime victims. The requirements set forth in this chapter will be used to maintain a continuing review and evaluation of all law enforcement and victim assistance programs and operations.

5a.2 Scope. This policy applies to all bureau and offices including: all law enforcement officers and those who supervise them; all law enforcement support personnel whose work impacts crime victims in a law enforcement context, law enforcement working under Special Law Enforcement Commissions, and all victim assistance program (VAP) personnel. Although these laws can be interpreted to apply to all DOI personnel, DOI-Office of Law Enforcement & Security’s (OLES) authority to implement policy directives is limited to law enforcement bureaus and offices. All DOI bureaus are encouraged to adopt this policy for all of its personnel.

5a.3 Authorities.

- A. Violent Crime Control and Law Enforcement Act, (Pub. L. No. 103-322 (1994));
- B. Victim Rights’ and Restitution Act, (42 U.S.C. § 10607) (1990);
- C. Crime Victims’ Rights Act of 2004, (18 U.S.C. § 3771) (2006, Supp. III 2009), as amended in the Justice for Victims of Trafficking Act of 2015, Pub. L. No. 11422, Sec 113 (May 29, 2015));
- D. Attorney General Guidelines for Victim and Witness Assistance, 2011 (rev. 2012);
- E. Assimilative Crimes Act, (18 U.S.C. § 13);
- F. Special Maritime and Territorial Jurisdiction, (18 U.S.C. § 7);

- G.** Privacy Act, (18 U.S.C. § 3509);
- H.** Freedom of Information Act, (5 U.S.C. § 552);
- I.** Tampering With a Witness, Victim, or an Informant, (18 U.S.C. § 1512);
- J.** Retaliating Against a Witness, Victim, or an Informant, (18 U.S.C. § 1513);
- K.** Americans with Disabilities Act of 1990, (ADA) (P.L. 110-325);
- L.** Hate Crimes Prevention Act of 2009, (18 U.S.C. § 249) (2009));
- M.** Victims of Trafficking and Violence Protection Act (TVPA), (22 U.S.C. § 7101 et. seq. as amended by Trafficking Victims Protection Reauthorization Act (2003, 2005, 2008, and 2013);
- N.** Victim of Child Abuse Act of 1990, 42 U.S.C. § 13031; Sanctions for Failure To Report Suspected Child Abuse, (18 U.S.C. § 2258 (2006);
- O.** Violence Against Women Act, (42 U.S.C. § 13925);
- P.** Child Victims’ and Child Witnesses’ Rights, (18 U.S.C. § 3509); and **Q.** Justice for Victims of Trafficking Act of 2015, (Pub. L. No. 114-22) (2015)

5a.4 Definitions. For purposes of this policy, the following definitions apply:

Victim –For purposes of providing VRRRA services, a “victim” is a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. For purposes of providing rights under the CVRA, a victim is defined as “ a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia” if the offense is charged in federal district court or the Superior Court of the District of Columbia. Timing and application of specific rights and services are described in the Law Enforcement Handbook. Witnesses who have information about the crime, but who are not harmed, are not considered victim.

- A.** DOI LEOs –A DOI employee (law enforcement officer) sworn and commissioned to enforce criminal statutes and authorized to carry firearms; execute and serve warrants; search, seize, make arrests and perform such duties as authorized by law. In addition, for the purpose of this policy, individuals from other agencies who are cross-deputized or operating under agreements that require them to comply with federal regulations such as Special Law Enforcement Commissions.

- B. DOI LEO Support Personnel – Any personnel serving in a law enforcement context supporting LEOs, such as Department communications and dispatch personnel or law enforcement administrators.
- C. Victim Assistance Personnel (VAP) – DOI office or bureau personnel working in a law enforcement context that has been assigned full-time or collateral duty responsibilities to address Department or bureau program requirements

5a.5 Responsibilities. In accordance with the VRRRA and as designated by the Secretary, the Director, DOI Office of Law Enforcement and Security (OLES) shall designate by name and office titles, the officials in DOI law enforcement bureaus or offices who will be responsible for ensuring victims of crime are identified and provided rights and services, and ensuring the requirements set forth in this policy are fully implemented.

A. Responsible Officials (RO) – For the purpose of this policy, ROs are defined as the Bureau or Office Director of Law Enforcement (BDLE) engaged in the detection, investigation, or prosecution of crime, as well as the Program Director of the Incident Management, Analysis, and Reporting System (IMARS) and the Chief, Office of the Chief Information Officer. ROs are encouraged to delegate responsibility to designees (e.g., special agents in charge, special agents, VAP personnel, or IMARS program staff, etc.) to fulfill requirements of the policy. BDLEs must address the following for their bureau/office victim assistance program (BVAP):

1. Develop and Implement Bureau or Office VAP (BVAP) – Each bureau will establish a BVAP that meets the requirements of applicable laws, regulations and DOI policies; and
2. Develop Policy and Regulations - BDLEs must establish policy, minimum standards and procedures ensuring effective service delivery to crime victims as well as compliance with the Victims’ Rights and Restitution Act, the Crime Victims’ Rights Act; and other laws addressing restitution and the needs of vulnerable victims and witnesses.

5a.6 Policy. All bureaus and offices engaged in the detection, investigation, or prosecution of crime must (1) recognize and address the core needs, rights and services of crime victims during each interaction with them; (2) provide specialized services for vulnerable victims; and (3) coordinate services, acting as a liaison between the victims and other federal, state, tribal and local criminal justice agencies and victim service providers involved. Law enforcement offices and bureaus also must establish VAP infrastructures that ensure the implementation, reporting, evaluation and compliance monitoring of victims’ rights and services; and the Department’s Victim Assistance Program (DVAP) and Bureau or Office

Victim Assistance Programs (BVAPs) must coordinate efforts to maximize resources available in the Department.