

**Virginia Department of Criminal Justice Services
Witness Protection Grant Program
Workgroup Meeting**

1100 Bank Street, 12th Fl – Conference Room
11/14/2023

- I. Introductions and Meeting Purpose**
 - a. Budget Language
 - b. Position Status Update

- II. Virginia Victims Fund Presentation**
Tabitha Saunders, Training and Outreach Coordinator

- III. Virginia Department of Criminal Justice Services Presentation**
Kristina Vadas, Manager, Victims Services, Division of Programs and Services

- IV. Draft Program Guidelines – Open Discussion**
DCJS Staff

- V. Next Meeting**

Witness Protection Grant Program – Budget Language

2023 Special Session I

Budget Bill - HB6001 (Chapter 1)

Bill Order » Office of Public Safety and Homeland Security » Item 408

U. Included in the appropriation for this item is \$1,000,000 the second year from the general fund for a witness protection program. Subject to the development of criteria for the distribution of grants, including procedures for the application process and determination of the actual amount of any grant issued by the department, the Director shall award grants to local law enforcement agencies, Commonwealth's Attorneys' offices, and other local government agencies as appropriate to provide temporary assistance to help alleviate potential intimidation of witnesses. The purpose of the grant program is to support witnesses and their families who may be in danger because of their cooperation with the investigation and prosecution of serious crimes. Grant awards shall be used to provide time-limited assistance of up to 90 days to witnesses to defray the costs associated with their ability to safely serve as a witness including, but not limited to, lodging, medical, transportation, food, and relocation expenses. The department shall work with the Virginia State Police, Office of the Attorney General, Virginia Sheriffs' Association, Virginia Association of the Chiefs of Police, Virginia Association of Commonwealth's Attorneys, and other appropriate stakeholders to establish an application process for awarding grants, to include criteria and procedures to determine the amount of the grant, eligible expenses, a reasonable maximum amount for witness assistance during the 90-day period, and a verification process to ensure funding is used for eligible witness expenses. The department, in consultation with stakeholders, may also recommend options for potential extensions of the 90-day period in extenuating circumstances for consideration by the General Assembly. Of this amount, the department is authorized to expend up to \$200,000 for a position and other expenses related to state administration of this program. Any remaining balance at year-end shall be carried forward to the subsequent fiscal year.

PROCEDURES FOR THE WITNESS PROTECTION GRANT PROGRAM

The primary purpose of the Witness Protection Program (WPGP) is to allow the Virginia Department of Criminal Justice Services (DCJS) to provide assistance to Virginia law enforcement agencies to help protect witnesses and their families who may be in danger because of the witness' cooperation with the investigation and prosecution of serious violent crimes, felony violations of § 18.2-248, and violations of §§ 18.2-57.2, 18.2-67.5:1, 18.2-67.5:2, and 18.2-67.5:3. The Witness Protection Grant Program encompasses protection for witnesses and their families during the prosecution of gang-related, serious violent cases, which meet the established witness protection guidelines.

The services of the WPGP are available to all law enforcement and criminal justice agencies of all counties, cities, and towns of the Commonwealth.

The WPGP will consist of a review committee of (six) members. The committee will meet monthly, as needed, based on the number of applications received, in the third week following the preceding month. Committee members will emailed (via secure email) award considerations one week in advance of scheduled meetings for review. Requests between meetings will be emailed to committee members as soon as possible. A telephone call will be made to each member notifying them of the new request. The board member will report to the WPGP contact person their decision as soon as the decision is made by the Director.

The WPGP coordinator will assist agencies with any questions or problems they may have. The coordinator will make sure all applications are disbursed in a timely order and sent to the proper officials. When agencies request witness protection assistance, the following process must be followed:

An application must be filled out by the requesting agency along with a signed memorandum of understanding and submitted to the DCJS Law Enforcement Grants and Programs Section, via email. The WPGP coordinator will disseminate the application to the WPGP review committee for their evaluation and approval. After approval the request will be forwarded to the Director of DCJS for final review and approval. If it is a tie vote the Director will make the final decision. If any board member has a vested interest in any case he/she will abstain from voting on the case. The DCJS Department of Finance and Administration will be notified of award approval and will issue funds to the requesting agency.

The requesting agency will maintain documentation, including, but not limited to, original contracts, invoices, and payments, for tracking and reporting purposes and make such documentation available to DCJS upon request.

EMERGENCY REQUESTS

Emergency requests for assistance will be handled initially by telephone. The WPGP Coordinator will communicate, through their agency chain of command, to the Director for emergency approval. If the request is approved, the requesting agency has forty-eight (48) hours to submit the required paperwork. The paperwork will be forwarded through channels without the WPGP review committee's approval. All emergency request will be handled in an ASAP manner.

Approved emergency funding will be distributed to the requesting agency by the DCJS Department of Finance and Administration.

RENEWALS

Original requests will be approved for up to ninety days (90) days. If an extension is needed, in extenuating circumstances, it may be approved for an additional thirty (30) days along with a memo stating the reason for the request. If a second extension is needed the requesting agency may be required to appear before the committee (in-person or virtually) to explain the extenuating circumstances of the extension and submit a renewal form.

EXPENDITURE REPORT

Agencies receiving monetary assistance will be responsible for maintaining an accounting of the funds and will file a report with receipts detailing expenditures within thirty (30) days after expiration of each assistance period. If an agency has not responded within thirty (30) days to program guidelines after expiration of their award, a courtesy call will be made to the agency head. If the agency does not respond after the courtesy call, a letter requesting compliance will be generated.

PROGRAM GUIDELINES

Program guidelines can be found in the Virginia Register of Regulation, Title 19 VAC 30-180-30 and the Memorandum of Understanding.

Virginia Administrative Code
Title 19. Public Safety
Agency 30. Department of State Police
Chapter 180. Regulations Governing the Establishment and Maintenance of the Witness Protection Program

19VAC30-180-30. Levels of protective service.

The Witness Protection Program can fund two different levels of protective services. The level of the services afforded a witness shall be established on a case-by-case basis depending on the specific circumstances of the case.

1. Program Level 1. Witness has qualified for the program, but it is the consensus of the sponsoring agency that the witness can be protected by temporary short-term relocation or the installation of electronic security measures at the residence of the participant.

a. Level 1 protection will be for no longer than a period of 60 days and will be immediately terminated after adjudication of all involved cases, unless circumstances require a continuation of the protective services as recommended by the advisory board and approved by the Superintendent of State Police. The requesting agency will be responsible for all program arrangements except the installation of the electronic security equipment which will be handled by the Criminal Intelligence Division's Technical Support Unit.

b. Level 1 protection is limited to \$2,000 for each 30-day period and all expenditures will be in compliance with the provisions of 19VAC30-180-40.

c. All program funds for Level 1 protection will be issued on a signed receipt to the requesting agency for the witness.

d. The requesting agency will be responsible for disbursement of program funds and for obtaining a receipt or to have the witness obtain a receipt for all expenditures of program funds.

e. All unexpended funds will be returned to the program by the requesting agency within 72 hours of the conclusion of protective services.

f. A detailed accounting of expended funds will be submitted to the Witness Protection Program Administrator every 30 days by the requesting agency.

g. Any misuse of Witness Protection Program funds may result in the termination of program services and reimbursement by the requesting agency of all misused funds to the Witness Protection Program.

2. Program Level 2. Witness has qualified for the program and it is determined that a temporary relocation is warranted.

a. Level 2 protection will be for no longer than a period of 60 days and will be immediately terminated after adjudication of all involved cases, unless circumstances require a continuation of protective services as recommended by the advisory board and approved by the superintendent.

b. Arrangements for living conditions will be made by the requesting agency at a location determined to be secure and will remain in effect in keeping with the guidelines of 19VAC30-180-20 and 19VAC30-180-40.

Statutory Authority

§ 52-35 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 14, Issue 9, cff. December 22, 1997.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

Discussion Questions:

Who should be on the review committee make up?

What other Witness Protection Programs are available (ie. Federal (USDOJ) and how are they accessed? How should they collaborate with this program?

What are the pros and cons of this being a reimbursement program?

What is the maximum amount per award?

Status of existing Code language? (19VAC30-180-30)

How will the Office of Virginia Attorney General be involved in