

# Department of the Interior Departmental Manual

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**Effective Date:** August 13, 2009 (interim)

**Series:** Law Enforcement and Security

**Part 446:** Law Enforcement

**Chapter 5:** Victim Assistance Program

**Originating Office:** Office of Law Enforcement and Security

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## 446 DM 5

5.1 **Purpose.** This chapter establishes policy for the Department of the Interior (DOI) Victim Assistance Program (VAP), and for law enforcement officer (LEO) response to the needs of crime victims and witnesses.

5.2 **Scope.** This policy applies to all bureaus and offices, and LEOs of the Department of the Interior.

5.3 **Definitions.** For the purposes of this chapter, the terms below are defined as follows:

A. Victim: A person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia (Crime Victim Rights Act (18 U.S.C. § 377(a))).

B. Witness: A person who has information or evidence concerning a crime and provides information regarding his or her knowledge to a law enforcement agency. Where the witness is a minor, the term "witness" includes an appropriate family member or legal guardian. The term "witness" does not include defense witnesses or an individual involved in the crime as a perpetrator or accomplice. (Attorney General Guidelines for Victim and Witness Assistance, July 1983).

5.4 **Policy.** DOI bureaus will ensure compliance with applicable laws concerning victims and witnesses. Bureau LEOs will make their best efforts to inform crime victims and witnesses of their rights and to provide them with information as to resources and assistance in accordance with bureau policy, standards, and procedures established to ensure compliance with applicable laws.

5.5 **Responsibility.**

A. The Deputy Assistant Secretary - Law Enforcement, Security, and Emergency Management - is responsible for policy development and provides program guidance and oversight of DOI law enforcement programs.

B. Heads of Bureaus and Offices are responsible for promulgating any counterpart policy, standard, or procedure required to implement the policy established in this chapter.

C. LEOs are responsible for complying with bureau established policy, standards, and procedures.

## 5.6 Requirements.

A. DOI will designate a VAP Coordinator. The DOI Coordinator will establish and maintain the Department's Victim Assistance Program. The Coordinator will serve as the DOI point-of-contact on VAP matters. The DOI Coordinator will develop DOI policy for victim and witness assistance. The DOI Coordinator will develop and provide model VAP standards and procedures to the bureaus/offices for their use.

B. Each bureau/office law enforcement program will designate a National VAP Coordinator who will report to their Bureau Director of Law Enforcement (BDLE) or the Deputy BDLE. National VAP Coordinator will:

- (1) establish and maintain the bureau VAP;
- (2) serve as the bureau/office point-of-contact on VAP matters;
- (3) develop bureau policy for victim and witness assistance;
- (4) develop bureau VAP standards and procedures;
- (5) gather and report bureau/office annual victim-witness statistics to the DOI VAP Coordinator; and
- (6) provide or assure victim and witness assistance training to bureau LEOs as mandated by DOI and bureau policy.

C. All bureau/office LEOs shall receive a minimum of one hour of training at their basic training academy in carrying out the provisions of the laws protecting and enhancing the role of crime victims and witnesses in the Federal criminal justice process. In addition, bureaus/offices will provide training to all LEOs on the policy, standards, and procedures developed by the bureau/office to implement its VAP.

D. The Office of Law Enforcement and Security (OLES) will develop an Interior VAP Advisory Council whose membership will include members of bureaus/offices with law enforcement components. Advisory Council members will promote the mission and goals of the DOI VAP, provide policy and program guidance to the DOI VAP Coordinator, improve training for bureau LEOs, and improve services to victims and witnesses of crime. The Advisory Council will operate under a charter approved by the

Director-OLEs and the BDLEs.

## 5.7 References.

- A. Victim and Witness Protection Act of 1982, Pub. L. No 97 - 1298
- B. Victims of Crime Act of 1984, 42 U.S.C.S. § 10601, codified as amended et seq.
- C. Victim's Rights and Restitution Act of 1990, Pub. L. No 101-647.
- D. Victims of Child Abuse Act of 1990, codified as amended at 42 U.S.C. § 13001 et seq.
- E. Violent Crime Control and Law Enforcement Act of 1994. Pub. L. No 1034-322.
- F. Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104 – 132.
- G. Victim Rights Clarification Act of 1997, Pub. L. No. 105 6.
- H. Justice for All Act of 2004, Pub. L. No. 108 - 405
- I. Attorney General Guidelines for Victim and Witness Assistance 1983
- J. Attorney General Guidelines for Victim and Witness Assistance 2005