

Tazewell Police Department

Advisory of Rights for Victims/Witnesses

If you are a victim/witness, you have the following rights:

- Per the Code of Virginia, you have the right to ask for your name, residential address, telephone number, place of employment, or a family member's name to not be released.
Note: Members of the Tazewell Police Department will NOT release this information.
- You may request a protective order. A protective order may include an order preventing an abuser from committing further abuse against you. A protective order may include an order requiring the abuser to leave the household. A protective order may include preventing the abuser from harassing you or coming around you.
- You have the right to be transported to a safe location. An officer can transport you or arrange a transport. Family Crisis Services provide counseling, emergency housing and other support services. You may contact them by calling (276) 988-5583. The Victim/Witness Assistance Program can provide cellular phones and assistance to victims/witnesses.
- Person(s) arrested for crimes labeled domestic abuse have the right to make bond. The offender in your case may be released from jail on bond prior to the court date. As a victim you have the right to be notified before the offender is released. In order for you to be notified, you will need to call 1-800-467-4943 and register with the Victim Information and Notification Everyday (VINE) system. Once you are registered, you will be called should the offender make bond. If your phone number changes, it is your responsibility to notify VINE.
- You have the right to obtain financial assistance for physical injuries and court room assistance through the Criminal Injuries Compensation Fund. Contact the Commonwealth Attorney's Office for information at (276) 385-1240.

Town of Tazewell Business Owners

If you have been a victim of shoplifters and feel you need more police presence, please contact the Tazewell Police Department at (276) 988-2503. You may request extra patrols. Once established the extra patrols are good for 30 days, at which time you may call and extend them, if you feel the need.

IMPORTANT CONTACT NUMBERS

Emergency	911
Tazewell County Sheriff's Office	(276) 988-5966
Tazewell Police Department	(276) 988-2503
Richlands Police Department	(276) 964-9134
Cedar Bluff Police Department	(276) 963-3975
Bluefield Police Department	(276) 326-2621
Pocahontas Police Department	(276) 945-5959
Virginia State Police	1-800-542-8716
Magistrates Office	(276) 988-4430
Court Service Unit	(276) 385-1255
Legal Aid	1-888-201-2772
VA Domestic Violence Hotline	1-800-838-8238
CVCA Family Crisis Services	(276) 988-5583
Victim/Witness	(276) 385-1250 (276) 385-1244
V-Stop (Stop Violence Against Women)	(276) 385-1244

COUNCELING

Cumberland Mountain Community Services	(276) 988-7961
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COMPENSATION PROGRAMS

Department of Social Services	(276) 988-8500
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HUMAN TRAFFICKING

Infoline:	1-833-463-6448
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Victim/Witness Assistance for Tazewell County

An Informational Guide
for Crime Victims
and Witnesses



***Tazewell County
Victim/Witness
Assistance Program***

P. O. Box 871
Tazewell, VA 24651
237 West Main Street
Tazewell, Virginia 24651

The Victim/Witness Assistance Program

The Victim/Witness Assistance Program, located in the Office of the Commonwealth's Attorney, helps insure that crime victims and witnesses receive fair and compassionate treatment while participating in the Criminal Justice System.

If you are a victim or witness of crime, your role is vital to the Court process. Many victims and witnesses are not familiar with the Criminal Justice System.

This brochure is designed to acquaint you with the steps involved in bringing your case to Court.

As a victim or witness, you should call Victim/Witness Assistance if:

- You have a question about your role as a witness.
- You would like an explanation or court procedures or a tour of the courtroom before you testify.
- You would like someone to escort you to court.
- You received crime related threats or harassment.
- You just need someone to talk to.
- You need referral to community service agencies, for counseling or other assistance.
- You want assistance preparing a victim compensation form.
- You have changed your home or work address or telephone number.
- Your personal property is being held by the police and you want to know when you can recover it.

276/385-1250

Your Role in the Court Process

Subpoena

A subpoena is a Court Order directing you to be present at the time and place stated. Failure to appear may result in a separate offense.

Pre-trial Preparation

The Commonwealth's Attorney will be prosecuting the defendant. Sometime before you are to appear, the Commonwealth's Attorney will contact you to discuss the facts of the case. Please do not hesitate to call should you have any questions.

Tips on Testifying

1. **TELL THE TRUTH.** Don't pause to try and figure out if your answer will hurt or help the case. Just answer truthfully, to the best of your memory.
2. **SPEAK CLEARLY AND LOUDLY.** If you did not hear the question or understand it, ask the attorney to repeat it. It is the duty of the attorney to make the question understandable.
3. **ANSWER ONLY THE QUESTION ASKED OF YOU.** Do not volunteer information and remember to stop immediately if the judge interrupts or an attorney objects to a question.
4. **DO NOT GUESS OR SPECULATE.** If you don't know the answer, say so. Be yourself and answer in your own words.
5. **BE COURTEOUS AND KEEP CALM.** Try to remain calm and do not lose your temper. Being polite makes a good impression. Do not argue with attorneys or allow yourself to become upset during questioning. This may weaken your testimony.
6. **DRESS APPROPRIATELY.** The way you dress and present yourself is a reflection on you. Do not appear lazy, unclean, or unkempt, but do not overdress. The point is to appear respectful and as if you are taking the trial and your testimony seriously, as you might a job interview, a doctor's appointment, meeting with your child's teacher, or attending church.
7. **NEVER:** Smoke, chew gum, eat or drink anything while in the courtroom. Also, do not have alcoholic beverages the day you are to come to court. Turn off all cell phones.
8. **REMEMBER:** If the defense attorney makes you feel uneasy, remember, he is just doing his job. You are not on trial. You are in control. The defendant is on trial.

THREATENING A VICTIM OR WITNESS IS A CRIME IN VIRGINIA. If you are threatened by the defendant or anyone else in regard to your testimony, immediately call your local police department and notify your Victim/Witness Office at 385-1250.

Other Things You Should Know

Plea Agreements

In felony cases, if the defendant pleads guilty, a trial will not be required and you will not have to testify. In some cases, the Commonwealth's Attorney may agree to modify the charges or recommend that a defendant receive a certain sentence in return for a plea of guilty. If you are the victim of the crime, someone in the Commonwealth's Attorney's Office will try to contact you before a plea agreement is formalized. If you do not understand the agreement, or have questions about it, ask attorney for a full explanation.

Restitution

In cases where the victim has suffered financial loss, the Court may order the defendant to pay restitution. If you desire restitution, itemize and document your losses and notify the Victim/Witness Coordinator as soon as possible.

Victim Compensation Fund

Virginia victims of violent crime, or their survivors, may be eligible for financial compensation to cover out-of-pocket medical expenses, psychological counseling, lost wages, or funeral expenses. Expenses covered by insurance and damage or loss of personal property are not covered. If you think you are eligible, contact the Victim/Witness Coordinator for an application.

Victim Impact Statements

In felony cases, if the defendant is found guilty, the judge may withhold sentencing until a pre-sentence investigation is completed. This report provides the judge with information about the defendant's background. If you are the victim of a crime, you may be asked to describe, in a written statement, what impact this crime has had on your life. Your statement may be included in the report and considered by the judge in determining an appropriate sentence. The Victim/Witness Coordinator can assist you in preparing this statement.

Assistance for Handicapped or Disabled Individuals

Handicapped parking, ramps and elevators are available if needed. Please notify the Victim/Witness Coordinator if further assistance is needed.

Location of Courtrooms

Circuit Court

The Circuit Courtroom is located on the second floor of the Courthouse on Main Street in Tazewell. The Courtroom is at the end of the hallway through the double wooden doors.

General District Court

The General District Court is located on the third floor of the Courthouse on Main Street in Tazewell. Enter the front door of the Courthouse, go through the main doors to the first floor and take the elevator to your right. The courtroom is down the hall to your right.

Juvenile and Domestic

Relations Court

The Juvenile and Domestic Relations Court is located on the first floor of the Courthouse on Main Street in Tazewell. Enter the front door of the Courthouse and go through the main doors leading into the first floor. The courtroom is down the hall to your right.

Parking

Parking is available behind the courthouse building. Signs are posted on Main Street to direct you to the parking area. Handicapped parking is provided.

If you have any questions, please feel free to call the Victim/Witness Office. We will be happy to help you.

276-385-1250 • 276-385-1249

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Tazewell County Victim/Witness
Assistance/V-Stop Program



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Services, Grant Number 16-Y8559VW15

Preliminary Hearing

A Preliminary hearing is held in the General District Court and is the first court appearance for the defendant. Here a Judge listens to the evidence of a crime and determines whether probable cause exists to believe the defendant committed the crime charged. If so, the judge will certify the case to the Grand Jury. It is usually necessary for the victim of a crime, and a limited number of witnesses, to be present at the preliminary hearing.

Grand Jury

The Grand Jury meets to hear the evidence put on by law enforcement officers covering the facts of the case. The Grand Jury determines if the evidence is sufficient to indict the defendant. After indictment, the case will be set for trial in the Circuit Court. You will be notified if it is necessary for you to appear before the Grand Jury.

Circuit Court

In Circuit Court, the defendant stands trial and his guilt or innocence is determined by the judge or by a jury. At this time all witnesses will be sworn and in some cases will be asked to remain outside the courtroom during the actual trial. If the defendant is found guilty he may be sentenced at the conclusion of this court hearing or at a later date if a report on the defendant's background is required.

The amount of time that it takes to try a case will vary; therefore, you may be required to wait until you are called to testify. You may want to prepare for this by bringing a book to read or some handwork to help you pass the time.

General District Court

General District Court does not conduct jury trials. The judge listens to the evidence during the trial and if he finds the defendant guilty, will issue a sentence at the end of the trial. Defendants found guilty can appeal their case to the Circuit Court.

Juvenile and Family Cases

Juvenile and Domestic Relations Court handles criminal and traffic violations by juveniles and crimes committed among certain family members.

Continuances

Sometimes court proceedings cannot take place as scheduled. We will make every effort to notify you in advance but may not be successful. You may call 385-1250 between 8:30 a.m. and 4:30 p.m. the day before the hearing to confirm whether you have to appear.

The Criminal Justice Process

The criminal justice process starts when a crime is reported to the police/sheriff or the magistrate.

There are two types of criminal charges, misdemeanors and felonies. **Misdemeanors** are crimes that may carry a maximum penalty of 12 months in jail and a fine of not more than a \$2,500.00, or both. (Examples: simple assault, trespass, curse/abuse). **Felonies** are crimes for which a person can be placed in the penitentiary for a year or more. (Examples: burglary, rape, robbery, murder).

Misdemeanor Cases: The defendant (person charged with the crime) is tried in either the General District Court or the Juvenile & Domestic Relations Court. All cases involving juveniles or family members (whether they are victims or the defendant) are tried in the Juvenile or Domestic Relations Court; all other misdemeanor cases are tried in the General District Court. The Judge hears the evidence presented and decides the defendant's guilt or innocence. If the defendant is found guilty, the Judge passes sentence.

The Steps	When	Where	Must You Appear?
Arraignment	1-5 days after arrest	General District Court	No
Trial	~ 30-45 days after arrest	General District Court	Yes, If subpoenaed

Felony Cases: The defendant has a preliminary hearing in General District Court. If the Judge finds enough evidence to believe that the crime was committed, the case is sent to the Grand Jury. If the Grand Jury finds that the crime was committed, the defendant is indicted and a date is set for a trial in Circuit Court. The defendant may choose to have his case heard by the judge or by a jury. If the defendant is found not guilty, he is acquitted and allowed to go free. If found guilty, the judge/jury imposes sentence or sets a later date for such action.

The Steps	When	Where	Must You Appear?
Arraignment	1-5 days after arrest	General District Court	No
Preliminary Hearing (P.H.)	30-60 days after arrest	General District Court	Yes, If Subpoenaed
Grand Jury	1-3 months after P.H.	Circuit Court	Yes, If Subpoenaed
Trial	3-6 months after Grand Jury	Circuit Court	Yes, If subpoenaed
Sentencing	30-45 days after guilty verdict or Plea of guilty	Circuit Court	No, but you may attend



LATINOS EN VIRGINIA
CENTRO DE EMPODERAMIENTO

SOBREVIVIR AL ABUSO SEXUAL EN LA NIÑEZ:

SANANDO TU HISTORIA, RECUPERANDO TU VIDA

¿TE HAS SENTIDO ASÍ?

- Sientes ansiedad o depresión sin razón aparente.
- Evitas ciertos lugares, personas o situaciones sin saber exactamente por qué.
- Luchas con la intimidad o las relaciones personales.
- Tienes recuerdos confusos o fragmentados de tu infancia.
- Te cuesta confiar en los demás o en ti mism@.
- Has sentido culpa o vergüenza por algo que te pasó cuando eras niñ@.
- Sientes que nadie entendería lo que has vivido.

Si algo de esto te resuena, no estás sol@. Hay razones para lo que sientes y lo que has vivido. **El abuso sexual en la niñez deja huellas, pero la sanación es posible.**

EL ABUSO SEXUAL INFANTIL NO FUE TU CULPA

El abuso sexual infantil es cualquier contacto sexual no deseado, exposición o manipulación de un menor por parte de un adulto o una persona mayor. Puede haber sido cometido por un familiar, un amigo de la familia, un maestro, un líder religioso, un vecino o cualquier persona en posición de poder.

El abuso puede haber ocurrido una vez o repetidamente. No importa cómo haya pasado, tú no tuviste la culpa. La responsabilidad siempre recae en el agresor.

¿CÓMO AFECTA EN LA VIDA ADULTA?

El impacto del abuso infantil puede manifestarse de muchas maneras en la adultez, incluyendo:

- Dificultades para establecer relaciones sanas.
- Miedo a la intimidad o desconexión emocional.
- Ansiedad, depresión, ataques de pánico o insomnio.
- Sensación de vacío, culpa o vergüenza constantes.
- Uso de sustancias para lidiar con el dolor.
- Flashbacks o recuerdos involuntarios de la experiencia.

Cada persona reacciona de manera diferente, pero hay algo en común: **es posible sanar y recuperar el control de tu vida.**

ESTAMOS AQUÍ PARA AYUDARTE

En Latinos en Virginia Centro de Empoderamiento, entendemos el impacto del abuso sexual en la niñez y estamos aquí para apoyarte de manera segura, confidencial y gratuita.

NUESTROS SERVICIOS INCLUYEN:



Línea de ayuda
en español 24/7



Recursos para
sanar el trauma



Apoyo emocional
y orientación



Acompañamiento
en el proceso de
búsqueda de justicia
(si decides hacerlo)



Conexión con
grupos de apoyo



Servicios en tu idioma,
con personas que
entienden tu cultura

ESTE PROYECTO ES AUSPICIADO POR:

24-A8081VA22 VSTOP | 24-D8621SP23 SASP | 25-E4716VP22 VSGP |
FAM-22-082 ARPA | FAM-22-081-08 DSS | 90EV0556-01-00 | VDH-25-521-0075

LÍNEA DE AYUDA EN ESPAÑOL
PARA VÍCTIMAS DE VIOLENCIA

(888) 969-1825

24 HORAS AL DÍA | TODOS NUESTROS SERVICIOS SON GRATUITOS Y CONFIDENCIALES

RICHMOND OFFICE: (804) 658-3341

HAMPTON OFFICE: (757) 708-2812

hola@latinosenvirginia.org

WEBSITE





IMPORTANT CONTACT NUMBERS

Emergency	911
Tazewell County Sheriff's Office	988-5966
Tazewell Police Department	988-2503
Richlands Police Department	964-9134
Cedar Bluff Police Department	963-3975
Bluefield Police Department	326-2621
Pocahontas Police Department	945-5959
Virginia State Police	1-800-542-8716
Magistrates Office	988-4430
Court Services Unit	385-1255
Legal Aid	1-888-201-2772
VA Domestic Violence Hotline	1-800-838-8238
CVCA's Family Crisis Services	988-5583
Victim Witness	385-1250 / 385-1249
V-Stop (Stop Violence Against Women)	385-1244



Do You Think You're Being Abused?

For anonymous, confidential help available 24/7, call the National Domestic Violence Hotline at 1-800-799-7233 (SAFE) or 1-800-787-3224 (TTY) now.

Look over the following questions. Think about how you are being treated and how you treat your partner. Remember, when one person scares, hurts, or continually puts down the other person, it is abuse.

Does your partner ...

Embarrass or make fun of you in front of friends or family? Put down your accomplishments or goals?

Make you feel like you are unable to make decisions? Use intimidation or threats to gain compliance?

Tell you that you are nothing without them?

Treat you roughly -- grab, push, pinch, shove or hit you? Threaten or abuse your pets?

Call you several times a night or show up to make sure you are where you said you would be?

Use drugs or alcohol as an excuse for saying hurtful things or abusing you?

Blame you for how they feel or act?

Pressure you sexually for things you aren't ready for?

Make you feel like there "is no way out" of the relationship?

Prevent you from doing things you want, like spending time with your friends or family?

Try to keep you from leaving after a fight, or leave you somewhere after a fight to "teach you a lesson?"

Do you ...

Sometimes feel scared of how your partner will act?

Constantly make excuses to other people for your partner's behavior?

Believe that you can help your partner change if only you changed something about yourself?

Try not to do anything that would cause conflict or make your partner angry?

Feel like no matter what you do, your partner is never happy with you?

Always do what your partner wants you to do instead of what you want?

Stay with your partner because you are afraid of what your partner would do if you broke up?

Without help, the abuse will continue.

If any of these situations are happening in your relationship, talk to someone you trust or call the National Domestic Violence Hotline (available 24/7): 1-800-799-7233 (SAFE).

Do You Think Your Partner Might Be Abusive?

The following signs often occur before manifestation of full abuse and may serve clues to one person in a relationship becoming abusive of the other. Think about the following questions and apply them to your partner. If you can identify with one or more of the scenarios or answer "yes" to any of the questions below, you may be with an abusive partner.

Did your partner grow up in a violent family?

Does your partner tend to use force of violence to "solve" their problems?

Does your partner have a quick temper? Do they over-react to little problems and frustration? Are they cruel to animals? Do they punch walls or throw things when they are upset?

Do they abuse alcohol or other drugs?

Do they have strong traditional ideas about "roles" in relationships? For example, do they think all women should stay at home, take care of their husbands, and follow their wishes and orders?

Are they jealous of your other relationships -- anyone you may know? Do they keep tabs on you? Do they want to know where you are at all times? Do they want you with them all of the time?

Do they have access to guns, knives or other lethal weapons? Do they talk of using them against people or threaten to use them to get even?

Do they expect you to follow their orders or advice? Do they become angry if you do not fulfill their wishes or if you cannot anticipate what they want?

Do they go through extreme highs and lows almost as though they are two different people? Are they extremely kind one time, and extremely cruel another?

When your partner gets angry, do you fear them? Do you find that not making them angry has become a major part of your life? Do you do what they want you to do, rather than what you want to do?

Do they treat you roughly? Do they physically force you to do what you do not want to do?

Do they threaten or abuse your pets?

Threats and physical abuse are prevalent in relationship violence, often occurring in an escalating cycle.

For anonymous, confidential help available 24/7, call the
National Domestic Violence Hotline at
1-800-799-7233 (SAFE) or 1-800-787-3224 (TTY) now.

**Domestic & Dating
Violence**

Court Advocacy

If you need immediate help ... call 911

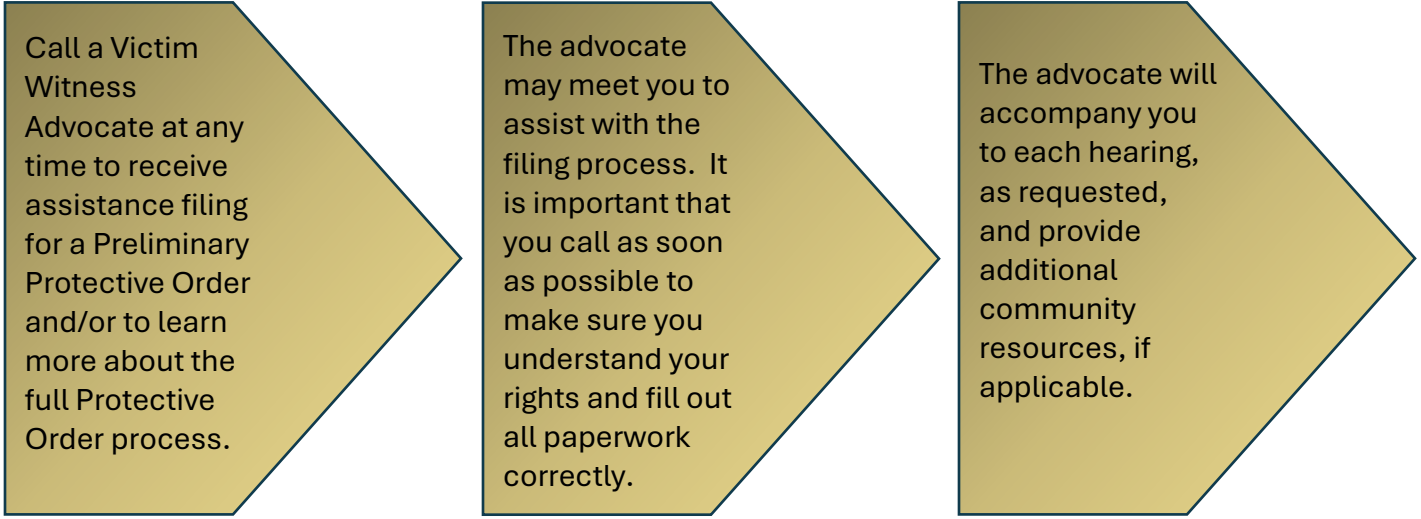
Filing for a protective Order in Tazewell County?

Not sure what to do next?

Need support throughout your case?

FREE HELP IS ONE PHONE CALL AWAY!

If you need to file for a Protective Order due to DOMESTIC VIOLENCE, DATING VIOLENCE, ASSAULT & BATTERY, SEXUAL ASSAULT, STALKING, and or other act of violence, you can call **276-385-1240** to speak with a local domestic violence Court Advocate. An advocate may meet with you in court, walk you through the process of filing for a protective order, and help you prepare to go before the Judge.



Call a Victim Witness Advocate at any time to receive assistance filing for a Preliminary Protective Order and/or to learn more about the full Protective Order process.

The advocate may meet you to assist with the filing process. It is important that you call as soon as possible to make sure you understand your rights and fill out all paperwork correctly.

The advocate will accompany you to each hearing, as requested, and provide additional community resources, if applicable.

Additional services including one-on-one support, emergency shelter and crisis intervention are available from Clinch Valley Community Action – Family Crisis Services at **276-988-5583**.

What You Need to Know About Protective Orders

What are Protective Orders? *They are legal documents issued by a Judge or Magistrate to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury.*

In Virginia, there are 3 kinds of Protective Orders that can protect you and others in your family or home:

- Emergency Protective Order (expires at the end of the third day following issuance or the next day court is in session, whichever is later)
- Preliminary Protective Order (lasts 15 days or until a full hearing)
- Protective Order (may last up to 2 years)

How will I know when the Emergency Protective Order ends? You should look on the order for the date and time it expires. If you need protection for a longer period of times, you MUST file for a Preliminary Protective Order in the appropriate court.

Where do I go to request a Preliminary Protective Order? If the person from whom you want protection is 1) a family or household member, 2) a juvenile, or 3) if you are a juvenile, you should go to the COURT SERVICE UNIT at 315 School Street, Tazewell, VA 24651. Otherwise, you should go to the GENERAL DISTRICT COURT clerk's office.

How do I get a Preliminary Protective Order? You must fill out court forms. If this matter will be in the JUVENILE & DOMESTIC RELATIONS COURT, you file the forms with the Court Services Unit. If it will be in the GENERAL DISTRICT COURT, you file the forms in the General District Court Clerk's Office. You then may go into a courtroom where a Judge may ask you questions to decide whether to grant you a Preliminary Protective Order. You may have a court advocate with you during the intake process and in the courtroom.

How long do Preliminary and Full Protective Orders last? If the Judge gives you a Preliminary Protective Order, it will last up to 15 days or until the full hearing. The full hearing is when both you and the other person get to present evidence before the court. Full Protective Orders can last up to two years.

When does the Protective Order take effect? A Protective Order is not in effect until the person is "personally served" by a law enforcement official. Having the full and correct spelling of the abuser's name, date of birth and physical address when filing for a Protective Order will help law enforcement find the person in a timely manner.

How will I know if the person against whom the order was issued has been served? You can call the Tazewell County Sheriff's Office at (276) 988-5966 and ask if the person has been served.

DOMESTIC VIOLENCE: ARE YOU A VICTIM?



Commonwealth's Attorney
Tazewell County Commonwealth's
Attorney's Office
276-385-1240

V-STOP Program
Stop Violence Against Women
276-385-1244
237 West Main Street
Tazewell, VA 24651

Like us at:
www.facebook.com/tazewellcountyVSTOP

DEFINITION OF DOMESTIC VIOLENCE

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner. Many forms of abuse are included in the definition of domestic violence:

- **Physical abuse** can include hitting, biting, slapping, battering, shoving, punching, pulling hair, burning, cutting, pinching, etc. (any type of violent behavior inflicted on the victim). Physical abuse also includes denying someone medical treatment and forcing drug/alcohol use on someone.
- **Sexual abuse** occurs when the abuser coerces or attempts to coerce the victim into having sexual contact or sexual behavior without the victim's consent. This often takes the form of marital rape, attacking sexual body parts, physical violence that is followed by forcing sex, sexually demeaning the victim, or even telling sexual jokes at the victim's expense.
- **Emotional abuse** involves invalidating or deflating the victim's sense of self-worth and/or self-esteem. Emotional abuse often takes the form of constant criticism, name-calling, injuring the victim's relationship with his/her children, or interfering with the victim's abilities.
- **Economic abuse** takes place when the abuser makes or tries to make the victim financially reliant. Economic abusers often seek to maintain total control over

financial resources, withhold the victims access to funds, or prohibit the victim from going to school or work.

- **Psychological abuse** involves the abuser invoking fear through intimidation; threatening to physically hurt himself/herself, the victim, children, the victims family or friends, or pets; destruction of property; injuring the pets; isolating the victim from loved ones; and prohibiting the victim from going to school or work.
- **Threats** to hit, injure, or use a weapon are a form of psychological abuse.
- **Stalking** can include following the victim, spying, watching, harassing, showing up at the victims home or work, sending gifts, collecting information, making phone calls, leaving written messages, or appearing at a person's home or workplace. These acts individually are typically legal, but any of these behaviors done continuously results in a stalking crime.

Domestic violence victims can include anyone, regardless of socioeconomic background, education level, race, age, sexual orientation, religion or gender.

PROTECTIVE ORDERS

Emergency Protective orders (EPO): A law enforcement officer or the abused person may petition for (request) an **EPO**. This order will most likely be requested by a law enforcement

officer if an arrest has been made or if the officer finds that there is probably danger of further acts of family abuse, or violence, force or threat. An **EPO** can only be issued by a magistrate or a judge. The person being abused can also petition for an **EPO** at the magistrate's office, even if an arrest has not been made. An **EPO** lasts for 72 hours or until the court is next in session, whichever is later. The date and time the **EPO** ends can be found on the order.

Preliminary Protective Order (PPO): Only a judge can issue a **PPO**. You must obtain a **PPO** within a short time after you have been the victim of family abuse or other acts of violence, force or threat. A judge will decide if the **PPO** will be granted, based on your sworn statement. You do not have to have an **EPO** to get a **PPO**, and the respondent (abuser) does not have to be at the hearing. If a **PPO** is granted, it will last 15 days, or until the final Protective Order hearing. The judge will give you the date for the final hearing and it will also be included on the **PPO**.

"Permanent" Protective Order (PO): A judge can grant a **PO** that lasts for up to two years. In order to obtain this **PO**, you must attend the final Protective Order hearing, which is scheduled at the time of your **PPO** hearing. The judge will subpoena the respondent (abuser) to be at the **PO** hearing. Both you and the respondent will be asked to describe what happened. This **PO** can also be extended for an additional two years, if the petitioner requests an extension, and a judge finds that there is a need to extend protection. There is no limit to the number of protective order extensions that can be granted by a judge.

**TAZEWELL COUNTY
COMMONWEALTH'S ATTORNEY'S
OFFICE**

This office bears the responsibility for prosecuting criminal cases. The Tazewell County Commonwealth's Attorney's Office has a "no drop" policy on criminal charges of domestic violence. The office is located at 237 West Main Street, Tazewell, VA 24651.

**JUVENILE AND DOMESTIC
RELATIONS COURT**

This court handles cases involving persons accused of committing offenses against family and/or household members. It is located on the first floor of the courthouse on Main Street in Tazewell, VA.



**SPONSORED BY V-STOP THROUGH A
GRANT FROM THE DEPARTMENT OF
CRIMINAL JUSTICE SERVICES**

*"It is during our darkest moments that we
must focus to see the light." ~Aristotle
Onassis*



For Further Information

To find out more about federal firearms prohibitions:

Bureau of Alcohol, Tobacco, and Firearms;
Misdemeanor Crimes of Domestic Violence
Frequently Asked Questions -
<https://www.atf.gov/qa-category/misdemeanor-crime-domestic-violence>

To find out more about Batterer Intervention Programs in your area:

Virginia Batterer Intervention Program
Certification Board
<https://www.vabipboard.org>

For legal help:

Virginia Lawyer Referral Service - 1-800-552-7977
<http://www.vsb.org/vlrs/>

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Revised June 2024

VIRGINIA GUN OWNERS' RESPONSIBILITIES (VA. CODE §18.2-308.1:4)

If you have been served with a preliminary protective order:

- You cannot transport or purchase a firearm
- You cannot carry a concealed weapon even if you have a concealed weapons permit

If you have a concealed weapons permit, you must surrender it to the court that issued the preliminary protective order.

If you have been served with a final protective order

- You cannot possess, transport, or purchase a firearm
- You may possess a firearm in the first 24 hours after you receive the protective order in order to
 - Sell or transfer it to a person who is allowed to possess firearms
 - Sell or transfer it to a dealer who is allowed to possess firearms
- Surrender your firearm to a local law enforcement agency

You must complete the firearm certification form indicating that you either do not possess firearms or that you have transferred or surrendered them as described above.

- Within 48 hours of service of the protective order you must file this certification with the clerk of the court in the court that issued the protective order.

If you have a concealed weapons permit, you must surrender it to the court that issued the protective order.

If you were convicted of assault and battery of your spouse, your former spouse, or a person with whom you have a child in common, Virginia law prohibits you from purchasing, transporting, or possessing a firearm for three years from the date of your conviction. Violation of this prohibition is a class one misdemeanor, carrying up to 12 months in jail and/or a \$2,500 fine.
Va. Code §18.2-308.1:8

FEDERAL AND STATE FIREARMS LAW:

DOMESTIC VIOLENCE OFFENDER GUN BAN

An Important Notice to Persons Convicted of Misdemeanor Crimes of Domestic Violence

Commonwealth of Virginia
Information Pamphlet
Office of the Executive Secretary
Supreme Court of Virginia
100 N. 9th Street
Richmond, VA 23219

Have you been convicted of a misdemeanor crime?

Did the crime involve the use or attempted use of physical force, or threatened use of a deadly weapon, against someone in your household or someone with whom you have a relationship?

If your answers to these questions are “yes” then you may be subject to federal laws making it a crime for you to possess, ship, transport, or receive any firearm or ammunition.

If you are convicted of a “misdemeanor crime of domestic violence,” it is unlawful for you to possess, ship, transport or receive any firearm or ammunition. 18 U.S.C. § 922(g)(9). This prohibition also applies to federal, state, and local governmental employees in both their official and private capacities. Violation of this prohibition is a federal criminal offense punishable by up to ten years imprisonment.

What qualifies as a “misdemeanor crime of domestic violence” conviction?

The term “misdemeanor crime of domestic violence” means a criminal offense that:

- Is a federal, state, local or tribal offense that is a misdemeanor under federal or state law;
- Has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and,
- At the time the misdemeanor was committed, the convicted offender was:
 - a current or former spouse, parent, or guardian of the victim,
 - a person with whom the victim shared a child in common,
 - a person who was cohabiting with or had cohabited with the victim as a spouse, parent, or guardian,
 - a person who was or had been similarly situated to a spouse, parent, or guardian of the victim, or
 - a person who has a current or recent former dating relationship with the victim

- A “dating relationship” means a relationship between individuals who have or have recently had a continuous serious relationship of a romantic or intimate nature.

For the purpose of applying this law, a person is not considered to have been convicted of a misdemeanor crime of domestic violence unless

- the person was represented by counsel or knowingly and intentionally waived the right to counsel, and
- if entitled to have the case tried by a jury, the case was actually tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury.

If the conviction is expunged or set aside, or if the convicted offender is pardoned for the offense, the conviction will not qualify, unless the expungement or pardon expressly provides that the person may not ship, transport, possess or receive firearms. 18 U.S.C. § 921(a)(33)(A), (B).

My qualifying misdemeanor conviction happened many years ago--does the federal law apply to me?

Since the effective date of the federal gun law, September 30, 1996, any person convicted of a misdemeanor crime of domestic violence may no longer possess a firearm or ammunition. *

This applies to persons who were convicted of misdemeanor crimes of domestic violence at *any time*, even before the passage of the law in September 1996.

What should I do if I have been convicted of a misdemeanor crime of domestic violence?

The Federal Bureau of Alcohol, Tobacco and Firearms advises that you immediately and lawfully dispose of your firearm and/or ammunition by transferring it to a third party, such as your attorney, local police agency, or a Federal firearms dealer.

Other Domestic Violence Statutes & Offenses

Domestic Violence Offenses

- Bans access to firearms by people convicted of crimes of domestic violence: 18 U.S.C. § 922(g)(9)
- Interstate travel to commit domestic violence: 18 U.S.C. § 2261
- Interstate stalking: 18 U.S.C. § 2261A
- Interstate travel to violate a protective order: 18 U.S.C. § 2262

Firearms Offenses

- Possession of a firearm while subject to a protective order: 18 U.S.C. § 922(g)(8)
- Transfer of a firearm to person subject to a protective order: 18 U.S.C. § 922(d)(8)
- Transfer of a firearm to person convicted of a misdemeanor crime of domestic violence: 18 U.S.C. § 922(d)(9)
- Possession of a firearm to person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year: 18 U.S.C. § 922(g)(1)
- A person convicted of a misdemeanor crime of domestic violence may not transport, ship, or receive a firearm that has gone through interstate or foreign commerce: 18 U.S.C. § 922(g)(9)
- Purchase or transportation of firearm by persons subject to protective orders: Va. Code § 18.2-308.1:4
- Possession of a concealed handgun while subject to a protective order: Va. Code § 18.2-308.1:4
- Possession of a concealed handgun by person convicted of assault, battery, or stalking: Va. Code §§ 18.2-308.09 and 18.2-308.013(A)

*If you were convicted of a misdemeanor crime of domestic violence and you were in a dating relationship with the victim, you may want to talk with an attorney to determine whether your right to possess a firearm may be restored in the future under certain limited circumstances.



Protective Orders in Virginia— A Guide for Victims



Virginia Department of Criminal Justice Services
www.dcjs.virginia.gov

This brochure is intended to provide summary information regarding family abuse protective orders and protective orders covering other non-family abuse circumstances.

What is a Protective Order?

It is a legal order issued by a magistrate or judge to protect the health and safety of an abused person and his/her family or household members. The person filing for a protective order is called the “petitioner” and the person the protective order is filed against is called the “respondent”.

Who is eligible to ask for a Protective Order?

In order to be eligible for a protective order, you must have been, within a reasonable period of time, subjected to an act involving violence, force, or threat that results in bodily injury or places you in reasonable fear of death, sexual assault, or bodily injury. (See *Code of Virginia §19.2-152.10*).

Is a Protective Order right for you?

Each situation is different. Protective orders can provide you with legal protection, but they cannot necessarily protect you from violence. In order to help protect yourself from a violent act, you can contact a domestic and sexual violence advocate to assist you with figuring out what you need to stay safe and to develop a plan. It is important to get further information from local resources, such as your local victim/witness program, domestic violence service agency, sexual assault crisis center, Juvenile and Domestic Relations District Court Intake Office, and/or the General District Court.

Where do I go to request a Protective Order?

It depends.

The type of relationship you have (or had) with the person who is harming or threatening you determines where you can request a protective order. If that person is a family or household member (defined on the following page) you can request a family abuse protective order through your local intake office for the **Juvenile and Domestic Relations District Court**. You can also request a protective order via the **Juvenile and Domestic Relations District Court** if either the petitioner (person requesting the protective order) or the respondent (person committing acts of violence or threatening behavior) is under the age of 18. Staff in the intake office can provide additional information.

All other requests for protective orders that do not meet the definition of family or household member (including but not limited to dating or same-sex partners who do not live together) are made through the **General District Court**. The **General District Court Clerk's Office** can provide additional information about local procedures.

Definition of Family Abuse and Family or Household Member (§16.1-228)

Family abuse is any act involving violence, force or threat that results in bodily injury or places one in reasonable fear of death, sexual assault, or bodily injury and that is committed by a person against a family/household member. This includes, but is not limited to, any forceful detention, stalking, or criminal sexual assault.

Family or household members include the following:

Spouse, ex-spouse, parents, children, step-parents and step-children, siblings, half-siblings, grandparents, grandchildren, persons who have a child in common, regardless of residence; in-laws, who live in the same home; and co-habitants and those who have co-habited in the past year and their children.

There are three types of Protective Orders

1. Emergency Protective Orders (EPO)

A law enforcement officer or the abused person may petition for (request) an **EPO**. This order will most likely be requested by a law enforcement officer if an arrest has been made or if the officer finds that there is probable danger of further acts of family abuse, or violence, force or threat. An **EPO** can only be issued by a magistrate or a judge. The person being abused can also petition for an **EPO**.

at the magistrate's office, even if an arrest has not been made. An **EPO** lasts for 72 hours or until the next session of court, whichever is later. The date and time the **EPO** ends can be found on the order.

In order to protect your health and safety, an **EPO**, **in all cases**, can impose the following conditions on the respondent (abuser):

- ◆ Prohibiting all contacts by the respondent with the victim or the victim's family or household members;
- ◆ Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;
- ◆ Possession of a companion animal if the petitioner meets the definition of owner (See *Code of Virginia §3.2-6500*) and;
- ◆ Other conditions the judge or magistrate deems necessary to protect you and family/household members.

In cases of family abuse, an EPO can also:

- ◆ Grant temporary possession of the residence to family/household members.

Preliminary Protective Orders (PPO)

Only a judge can issue a **PPO**. You must obtain a **PPO** within a short time after you have been the victim of family abuse or other acts of violence, force or threat. A judge will decide if the **PPO** will be granted, based on your sworn statement. You do not have to have an **EPO** to get a **PPO**, and the respondent (abuser) does not have to be at the hearing. If a **PPO** is granted, it will last 15 days, or until the final Protective Order hearing. The judge will give you the date for the final hearing and it will also be included on the **PPO**.

In order to protect your health and safety, a **PPO**, **in all cases**, can impose the following conditions on the respondent (abuser):

- ◆ Prohibiting all contacts by the respondent with the victim or the victim's family or household members;
- ◆ Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;
- ◆ Possession of a companion animal if the petitioner meets the definition of owner (See *Code of Virginia §3.2-6500*) and;
- ◆ Other conditions the judge deems necessary to protect you and family/household members.

In cases of family abuse, a PPO can also:

- ◆ Grant temporary possession of the residence to family/household members.
- ◆ Require that the respondent maintain utility services for the household, or if appropriate, order respondent to restore such services.
- ◆ Grant temporary possession of a jointly owned vehicle.
- ◆ Require the respondent to provide suitable alternative housing for the family/household members.
- ◆ Require any other relief necessary for the protection of the victim and family/household members of the victim.

3. "Permanent" Protective Order (PO)

A judge can grant a **PO** that lasts for up to two years. In order to obtain this **PO**, you must attend the final Protective Order hearing, which is scheduled at the time of your **PPO** hearing. The judge will subpoena the respondent (abuser) to be at the **PO** hearing. Both you and the respondent will be asked to describe what happened. This **PO** can also be extended for an additional two years, if the petitioner requests an extension, and a judge finds that there is a need to extend protection. There is no limit to the number of protective order extensions that can be granted by a judge.

In order to protect your health and safety, a **PO** can impose all of the same conditions on the respondent (abuser) as are detailed in the **PPO** section, for a period of up to two years at a time.

In addition, in cases of family abuse, a PO can:

- ◆ Require respondents to participate in treatment, counseling, or other programs required by the court.
- ◆ Provide for temporary custody or visitation of a minor child.

Family Abuse Permanent Protective Order: Firearm Possession Prohibition (§18.2-308.1:4)

A person subject to a permanent family abuse protective order, issued since July 1, 2016, is **prohibited from possessing a firearm**. The *Code of Virginia* does allow the person to possess and transport a firearm for 24-hours from the time the order is served, **solely** for the purpose of transferring or selling the firearm to another person who is not prohibited by law from possessing it. Virginia's **firearm possession prohibition applies only to family abuse permanent protective orders issued pursuant to Code of Virginia §16.1-279.1. It does not apply to emergency, preliminary, or other protective orders.**

For more information, please see the DCJS Brochure: *Family Abuse Permanent Protective Order: New Firearm Prohibition* at www.dcss.virginia.gov/sites/dcss.virginia.gov/files/publications/victims/brochure-family-abuse-permanent-protective-order-new-firearm-prohibition.pdf.

Protective Orders are free

There is no charge for petitioning for a protective order, filing copies of a protective order, or having the order served on the respondent.

Do I need legal representation for a Protective Order?

No. You do not need an attorney to file for a protective order. However, there are often free legal services available for low income victims who would like to obtain a protective order. Many area domestic violence service agencies have free attorneys and victim advocates available to assist victims who would like a protective order. Local Legal Aid offices also assist victims in obtaining protective orders. All local Juvenile and Domestic Relations District Courts have court services units to assist victims in obtaining protective orders. To find out more about the services available in your area, please call the toll-free Victim Assist

Virginia Helpline at 1-888-887-3418 or the toll-free Virginia Family Violence and Sexual Assault Hotline at 1-800-838-8238.

Do I have to press charges to get a Protective Order?

No. A protective order is a civil order, and is not the same as pressing criminal charges. You may press criminal charges against the abuser, in addition to petitioning for a protective order, but you do not have to press charges in order to get a protective order.

Once a protective order has been served on the respondent (abuser) it can be enforced. It is the respondent's responsibility not to violate the terms of the protective order. Violation of certain protective order conditions by the respondent is a crime. If the respondent is convicted of violating a protective order, he or she must serve some time in jail. Additionally, the court must issue a new protective order.

Is a Protective Order from another state valid in Virginia?

If I go to another state, will my Virginia Protective Order be valid in that state?

The answer to both questions is yes. Federal law requires states to enforce each other's protective orders. To prevent confusion or delay in enforcing the order by law enforcement, you can register a certified copy of your order with the Juvenile and Domestic Relations District Court or the General District Court in the city or county where you will be visiting or residing.

How to make sure Protective Orders work for you

- ◆ Follow all the conditions and terms stated in your protective order.
- ◆ Go to all the scheduled hearings.
- ◆ Report any violations of the protective order to law enforcement immediately.
- ◆ Carry a copy of the protective order with you at all times and show it to law enforcement, if it is violated.
- ◆ Avoid deliberate contact with the respondent (abuser).
- ◆ Develop a safety plan with your victim/witness program or domestic violence or sexual assault agency (if applicable).

Resources that may be helpful to you:

I-CAN! Virginia

Virginia has an Online Forms Completion Program for protective orders called I-CAN! Virginia. It is a free online program that helps individuals complete the forms necessary to ask the courts for protective orders. I-CAN! Virginia is available on Virginia's Judicial System Website at the following link:

www.courts.state.va.us/courtadmin/aoc/judpln/programs/afapo/home.html

For additional information, assistance, and referrals you may call the following statewide toll-free numbers and/or view the listed websites:

Virginia Victim Assistance Network

www.vanetwork.org

Victim Assist Virginia Helpline

1-888-887-3418

Virginia Sexual and Domestic Violence Action Alliance

www.vsdvalliance.org

Statewide Hotline

1-800-838-8238

Virginia Legal Aid

www.valegalaid.org

1-866-534-5243

Virginia Poverty Law Center (Family & Sexual Violence)

www.vplc.org

1-800-868-8752

Virginia State Bar Lawyer Referral Service

www.vsb.org/vlrs/index.php/public/vlrs

1-800-552-7977

Virginia Victims Fund

(Officially the Criminal Injuries Compensation Fund)

www.virginiavictimsfund.org

1-800-552-4007

The information from this brochure is available on the internet. You may download it from the Virginia Department of Criminal Justice Services website at:

www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/victims/protective-orders-virginia-guide-victims-english.pdf

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Virginia Department of Criminal Justice Services
www.dcjs.virginia.gov

January 2017

Stalking

According to Virginia Code, 18.2-60.3, Stalking is defined as:

Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member.

A stalking conviction is a Class 1 misdemeanor. A third or subsequent conviction occurring within 5 years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction shall be a Class 6 Felony.

What you can do if you are being stalked:

- **Tell someone.** Call the Virginia Family Violence and Sexual Assault Hotline at 1-800-838-8238. Tell a friend or family member about the stalking of alert neighbors and co-workers.
- **Contact the police.** Request that the police log every complaint you make, whether they respond to the scene or not, and request a copy of the report.
- **Cut off all communication with the stalker.** Tell the stalker in writing to stop the behavior.
- **Keep records of contact.** Keep a journal of all contact made by the stalker. A notebook is good way to track the time, date, and location of each contact. It is also helpful to keep a list of witnesses with their names, addresses, and phone numbers. Keep any evidence sent to you but handle it as little as possible.
- **Secure your home.** If possible, install a security system in your home. Be aware of potential unsafe areas and make sure you keep your area well lit.
- **As a last resort.** You may need to change your phone number or even move from the area where you are currently living.

If you are being stalked online, follow the same guidelines, but also:

- **Get a new email address.**
- **Contact your internet service provider (ISP) to report the behavior if you can trace the message(s).**
- **Contact the computer crimes unit in the Office of the Attorney General at cybercrimeunit@oag.state.va.us.**

Resources:

- **[The National Center for Victims of Crime](#): 1-800-FYI-CALL**