

## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

Best Practice NYSLEAP- 8.7 - 29.4

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 318.2 POLICY

Best Practice NY\_CALEA6.13 - 55.1.1 (a)

The Syracuse Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Syracuse Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 318.3 CRIME VICTIM LIAISON

Best Practice MODIFIED NYSLEAP- 8.7 - 29.4

The Onondaga County District Attorney's Office Victim Assistance Program serves as the crime victim liaison for the Syracuse Police Department and as the point of contact for individuals requiring further assistance or information regarding benefits from crime victim resources.

### 318.4 CRIME VICTIMS AND OFFICER RESPONSIBILITIES

Best Practice MODIFIED NY\_CALEA6.13 - 55.1.1 (b), 55.2.1 (a), 55.2.2, 55.2.3 (a) NYSLEAP- 8.7 - 29.4

Officers should provide all victims with the applicable victim information materials.

Officers should never guarantee a victim's safety from future harm, but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution, but may direct the individual to the proper written department material or available victim resources.

See procedure for: [MEMBER RESPONSIBILITIES](#)

See procedure for: [OFFICERS FOLLOW-UP INVESTIGATION RESPONSIBILITIES](#)

See procedure for: [COMMUNITY RELATIONS COMMANDER RESPONSIBILITIES](#)

#### 318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

State NYSLEAP- 8.7 - 29.4

Officers are required to provide crime victim rights and assistance information when receiving any report of a crime (Executive Law § 625-a; Public Health Law § 2805-i; Executive Law § 838-a).

When encountering a person who appears to be or identifies as a human trafficking victim, officers shall (Social Services Law § 483-cc; 9 NYCRR § 6174.3):

# Syracuse Police Department

## Policy Manual

### *Victim and Witness Assistance*

---

- (a) Notify the Office of Temporary and Disability Assistance and the Division of Criminal Justice Services, on a form and in a manner prescribed by the Division as soon as practicable.
- (b) Promptly provide the victim with information about available social and legal service providers from the list provided by the local department of social services.
- (c) Make reasonable efforts to communicate with the victim by providing written material in a language understood by the person or by using an interpreter.
- (d) Contact the appropriate provider and request that a victim representative be provided unless the victim refuses the presence of a representative. Officers shall document, in writing or other recording, any such refusal.

### **318.5 VICTIM INFORMATION**

State **MODIFIED** NY\_CALEA6.13 - 55.1.1 (d), 55.1.1 (e), 55.2.1 (b), 55.2.3 (c) NYSLEAP- 8.7 - 29.4

The Patrol Services Division Captain shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence which may be satisfied by the New York State Standardized Domestic Incident Report (Family Court Act § 812; CPL § 530.11).
  - (a) This should include services that may be available to a victim of domestic violence under the Domestic Violence Prevention Act (Social Services Law 459-a et seq.).
- (b) Community resources for victims of sexual assault, including the name, address, and phone number of the nearest rape crisis center (Executive Law § 642).
  - 1. If the victim is a juvenile, this information should also be provided to a parent or other person responsible for the juvenile's care, if appropriate.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Executive Law § 631).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime (Executive Law § 624; Executive Law § 625-a).
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U visa and T visa application processes.
- (i) Resources available for victims of identity theft.

# Syracuse Police Department

## Policy Manual

### *Victim and Witness Assistance*

---

- (j) A place for the officer's name, badge number, and any applicable case or incident number.
- (k) Information regarding the rights the victim has under the Fair Treatment Standards for Crime Victims provisions (Executive Law § 641 et seq.; 9 NYCRR § 6170.4).
- (l) Information regarding the crime witness protection program (9 NYCRR § 6171.2).
- (m) Sexual assault victim bill of rights handout published by the Department of Health (Public Health Law § 2805-i).

#### **318.6 WITNESSES**

**Best Practice** **MODIFIED** NY\_CALEA6.13 - 55.1.1 (b), 55.2.2, 55.2.3 (c) NYSLEAP- 8.7 - 29.4

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

#### **318.7 WITNESS INFORMATION**

**State** **MODIFIED** NY\_CALEA6.13 - 55.1.1 (d), 55.2.1 (a), 55.2.1 (b) NYSLEAP- 8.7 - 29.4

Members should refer all witnesses to the Onondaga County District Attorney's Office for information related to the following:

- (a) Information regarding the rights the witness has under the Fair Treatment Standards for Crime Victims provisions (Executive Law § 641 et seq.; 9 NYCRR § 6170.4).
- (b) Information regarding the crime witness protection program (9 NYCRR § 6171.2).