

VICTIM AND WITNESS SERVICES		
<input type="checkbox"/> new: <input type="checkbox"/> rescinds: <input checked="" type="checkbox"/> amends: All previous		cross-reference: N.Y.S. Executive Law-Article 23 9 N.Y. C.R.R. § 6170.1-6170.7
effective date: September 24, 2008	amend date: July 16, 2020	accreditation standards: NYSLEAP Standard(s) 29.4 & 29.5

I. PURPOSE

This General Order aims to establish and describe the policies and procedures to ensure the fair and uniform treatment of crime victims and witnesses. More information is available on N.Y. State Office of Victim Services website <https://ovs.ny.gov/>

II. POLICY

The University Police Department’s policy is to comply with the Fair Treatment Standards for Crime Victims Act and promote the development, implementation, and perpetuation of appropriate victim/witness assistance programs and activities. Members of the department must aid crime victims and encourage them to take advantage of the assistance provided by the New York State Crime Victim’s Compensation Law.

Police officers should be especially sensitive to the needs of victims who have been subjected to a sex offense. Therefore, it is the policy of the University Police Department to treat victims of sex offenses in accordance with the provisions of subdivision 2-A of Section 642 of the Executive Law. Police officers will follow Title IX regulations, the regulations contained in N.Y. State Sexual and Interpersonal Violence Prevention Bill and all SUNY rules and regulations pertaining to sexual assault incidents.

A. To help meet the needs of victims and witnesses, to provide them with support and comfort, all members of the department should:

1. Treat all victims/witnesses with dignity and respect.
2. Assist victims or witnesses in obtaining medical, social, or psychological services as soon as possible after the commission of an offense.
3. Provide *all* victims of a crime with an official New York State Office of Victim Services card.

III. BACKGROUND

To enhance the delivery of needed services to crime victims, the New York State Legislature enacted the Fair Treatment Standards for Crime Victims, Executive Law, Article 23, Section 640 (1984). Before enacting this law, it became apparent that victims and witnesses of crimes needed the criminal justice system’s support. Conversely, the criminal justice system needed the support of these victims and witnesses.

To the extent that this relationship is bilateral, it is incumbent on the department to provide crime victims and witnesses a level of service that addresses their needs and encourages their cooperation. Also, as mandated by this statute, the Department of Criminal Justice Services (DCJS) has issued standards governing the treatment of crime victims. *See* 9 N.Y. C.R.R. § § 6170.1- 6170.7.

Note The pertinent provisions of N.Y.S. Executive Law, Article 23, *Fair Treatment Standards for Crime Victims*, and 9 N.Y. C.R.R. § § 6170.1- 6170.7, *Fair Treatment Standards for Crime Victims*, are included as attachments to this General Order. All Department employees will familiarize themselves with and adhere to them. More information is provided at the following link: <https://www.nysenate.gov/legislation/laws/EXC/A23>

IV. DEFINITIONS

- A. **Crime:** A Misdemeanor or felony as defined under New York State Penal Law.
- B. **Crime Victim:** A person against whom any crime has been committed or attempted. Crime victims shall include the immediate family of a homicide victim or the immediate family or guardian of a minor who is a crime victim. In no case shall a “victim” include a defense witness or an individual reasonably believed to have been involved in the commission of the crime.
- C. **Witness:** A person who has evidence or information concerning a crime and provides such evidence or information to a criminal justice agency. Where the witness is a minor, “witness” shall include an immediate family member or guardian. In no case shall a witness include a defense witness or other individuals reasonably believed to have been involved in the commission of a crime.

V. VICTIM/WITNESS COORDINATION

- A. Department personnel shall maintain a liaison with other criminal justice agencies, governmental and non-governmental agencies, and organizations concerned with victim/witness needs and rights. The scope of these liaisons will be determined by periodic analysis of victim/witness needs.
- B. Liaisons will be maintained with:
 - 1. N.Y.S. Office of Victim Services;
 - 2. Local and regional Victim Assistance Services;
 - YWCA Aid to Victims of Violence (A.V.V.)
 - SUNY Cortland Counseling Center
 - 3. District Attorney’s Office;
 - 4. Probation and parole agencies;
 - 5. Local criminal court personnel;
 - 6. SUNY Cortland Title IX Office. **Added 06/03/2019**
 - 7. SUNY Cortland Student Conduct Office **Added 07/16/2020**
- C. Department personnel will evaluate the need for immediate victim/witness services. They will directly arrange for these services as available (e.g., Rape Crisis services, A.V.V., emergency medical services, etc.). Personnel will contact the on-duty supervisor as necessary for consultation or assistance in providing services or referral to another service provider. This includes but is not limited to medical attention, counseling, or emergency financial assistance.

1. Victims/witnesses will be advised that they may contact the department's emergency telephone number (607-753-2111) and request assistance in the event of an emergency or urgent need. Depending on the circumstance, the University Police Dispatcher will refer the request to an on-duty University Police Officer or directly contact the on-duty supervisor.
 2. The Aid to Victims of Violence (A.V.V.) is a local, free, confidential victim service program that provides domestic violence and sexual assault services. The twenty-four-hour crisis hotline number is (1-800-336-9622).
- D. University Police Officers shall serve as the department's primary resource for victim/witness assistance. Personnel will disseminate necessary information and otherwise assist crime victims in obtaining information on the availability of programs that provide counseling, treatment, or support for crime victims, including but not limited to the following:
1. Rape crisis centers;
 2. Victim/witness assistance;
 3. SUNY Cortland Counseling Center;
 4. SUNY Cortland Title IX Office;
 5. SUNY Cortland Residence Life & Housing; **Added 07/16/2020**
 6. Victim assistance hotlines;
 7. Domestic violence services;
 8. Emergency medical services and other supportive social or psychological services available in the community;
 9. Maintain and provide to victims/witnesses a list of agencies (on and off campus) that offer the aforesaid services. This list should include the location, telephone number, and hours of operation of those agencies;
 10. Maintain the address and telephone number for the nearest office of the New York State Crime Victims Board and advise each eligible victim that compensation may be available. The department shall maintain blank applications to initiate such compensation;
 11. Inform crime victims of other agencies that perform criminal justice functions concerning their cases.
- E. Crime victims who may be referred include, but are not limited to:
1. Elderly victims;
 2. Rape or sexual assault victims;
 - Victims of sex offenses should be provided written notice of the nearest Rape Crisis Center, in accordance with Section 642, Subdivision 2-a(b) of the Executive Law.
 3. Victims of serious physical assaults;
 4. Victims suffering from serious physical and/or emotional trauma;
 5. Victims of domestic violence;
 6. Victims who have suffered a substantial financial loss; or
 7. Other victims who have special needs and/or appear to need support services.

- F. Department personnel will be required to distribute New York State Office of Victim Services in the following circumstances:
 - 1. All misdemeanors and felonies
 - 2. Harassment Violations
 - 3. Domestic Incidents, whether or not a crime occurred
- G. The department should assist victims and witnesses in obtaining Protective Orders upon their request.

VI. THREATS TO VICTIMS AND WITNESSES

- A. Whenever any department personnel becomes aware of circumstances reasonably indicating that a crime victim or witness has been or may be subjected to tampering, injury or death, intimidation, or threats thereof, the member should immediately notify the following:
 - 1. On-duty patrol supervisor;
 - 2. The department investigator if follow-up investigative assistance is needed;
 - 3. SUNY Cortland Student Conduct Office; **Added 07/16/2020**
 - 4. As soon as possible, the District Attorney's Office.

- B. The on-duty patrol supervisor, in consultation with the investigator, will ensure that reasonable steps are taken to notify the victim/witness of the threat and shall further inform the victim/witness of appropriate protective measures which are available, including, but not limited to:
 - 1. Change in telephone number(s);
 - 2. Transportation to and from court;
 - 3. Relocation and moving assistance;
 - 4. Student Conduct no-contact orders;
 - 5. Orders of Protection;
 - 6. Local programs providing protective services; and
 - 7. The arrest and prosecution of the offender.

BY ORDER OF

Mark T. DePaull

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Chief of Police