



<b>VICTIM AND WITNESS SERVICES</b>		
✓ <b>new:</b> <b>rescinds:</b> <b>amends:</b>	<b>cross-reference:</b>  <b>accreditation standards:</b> NYSLEAP Standard(s): 29.4	
<b>effective date:</b> March, 2020	<b>amend date:</b>	

**I. PURPOSE**

The purpose of this General Order is to establish and describe the policies and procedures to ensure the fair and uniform treatment of crime victims and witnesses.

**II. POLICY**

It is the policy of the Tompkins County Sheriff's Office to comply with the Fair Treatment Standards for Crime Victims Act and to promote the development, implementation and perpetuation of appropriate victim/witness assistance programs and activities. Members of the office are required to aid crime victims and encourage them to take advantage of assistance as provided by the New York State Crime Victim's Compensation Law.

**II. BACKGROUND**

In an effort 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). Prior to the enactment of this law, it became apparent that victims and witnesses of crimes needed the support of the criminal justice system and 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 office 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:** All office employees should familiarize themselves with the pertinent provisions of NYS 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.

**IV. DEFINITIONS**

*Crime:* A misdemeanor or felony as defined under New York State Penal Law.

*Crime Victim:* A person against whom any crime has been committed or attempted. Crime victim shall include the immediate family of a homicide victim of 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.

*Witness:* A person who has evidence or information concerning a crime and who 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. Office 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. NYS Office of Victim Services
  2. Local and regional Victim Assistance Services
    - Advocacy Center of Tompkins County
  3. District Attorney’s Office
  4. Probation and parole agencies
  5. Local criminal court personnel
- C. Office personnel will evaluate the need for immediate victim/witness services. They will directly arrange for these services as available (i.e. Advocacy Center of TC, emergency medical services, elderly victim services, crime victim compensation 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.
- D. Advocacy Center of Tompkins County is a local, free confidential victim service program that provides assistance to youth and adult victims of domestic violence, stalking and sexual abuse. To reach the Advocacy Center dial (607) 277-5000 (to reach the 24 hour hotline) or dial (607) 277-3203 (between 9 a.m. and 5 p.m. on weekdays). Staff are available to provide in person support and advocacy services 24/7. Services offered include law enforcement accompaniment, SANE hospital accompaniment, safe house shelter for domestic violence victims and their children.
- E. The Office of Victim Services (“OVS”) is a statewide agency which provides compensation to eligible victims for a variety of expenses relating to having been a victim of a crime.

Advocacy Center victim advocates can help victims apply for compensation. Victims can also call the following numbers to reach the OVS for assistance.

- Albany Office (518) 457-8727
- Brooklyn Office (718) 923-4325
- Toll- free 1 (800) 247-8035

1. The following persons are eligible for Crime Victims Compensation Services:

- The victim must be an innocent victim of the crime.
- Victims of crime who were physically injured as a result of the crime.
- Victims of crime who are under 18, 60 and over, or disabled, who were not physically injured.
- Certain relatives and dependents, including surviving spouse, child, parent, brother, sister, stepbrother, stepsister, stepparent or person primarily dependent on the victim for support.
- Those who paid for or incurred burial costs for an innocent crime victim.
- Child victims, a child who witnesses a crime, and the child's parent, stepparent, grandparent, guardian, brother, sister, stepbrother or stepsister.
- Certain victims of unlawful imprisonment or kidnapping.
- Certain stalking victims.
- Victims of terrorist acts outside the U.S. who are a resident of New York State.
- Victims of frivolous lawsuits brought by a person who committed a crime against the victim.

2. The following expenses that may be covered include:

- Medical and counseling expenses
- Loss or damage of essential personal property (up to \$500, including \$100 for cash)
- Burial/funeral expenses (up to \$6,000)
- Lost wages or lost support (up to \$30,000)
- Transportation (necessary court appearances for prosecution or to related medical appointments)
- Occupational/vocational rehabilitation
- Use of domestic violence shelters
- Crime scene clean-up (up to \$2,500)
- Good Samaritan property losses (up to \$5,000)
- Moving expenses (up to \$2,500)

F. Members of the Office will be required to supply victims with information and material explaining the availability of victim compensation and other services. The materials include but are not limited to the following:

- Office of Victim Services ("OVS") Card. *See Attachment A.*
- A Guide to Crime Victim's Compensation in NYS Pamphlet. *See Attachment B.*
- Advocacy Center of Tompkins County Services Card. *See Attachment C.*
- 211 Tompkins Services Card. *See Attachment D.*

- G. The Sheriff's Office will maintain written information supplied by Office of Victim Services explaining the availability of crime victim compensation and services.
- H. The Sheriff's Office shall promptly return property held for evidentiary purposes unless there is compelling reason for retaining it relating to proof at trial. The court will assist in and expedite the return of such property.

Attachments:

- A. [Office of Victim Services Card](#)
- B. [Guide to Crime Victim's Compensation in NYS Pamphlet.](#)
- C. [Advocacy Center Community Resource Services Card](#)
- D. [211 Tompkins Services Card](#)

By Order Of



Derek Osborne  
*Sheriff*