

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

Best Practice NYSLEAP - 8.4 - 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 MODIFIED

The Auburn Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Auburn 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. See also related policy, Law Enforcement-Based Victim Specialist.

318.3 CRIME VICTIM LIAISON

Best Practice MODIFIED NYSLEAP - 8.4 - 29.4

Refer to District Attorney Crime Victim Coordinator. The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. This liaison will be the Detective Bureau supervisor. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Auburn Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 CRIME VICTIM LIAISON DUTIES

State MODIFIED NYSLEAP - 8.4 - 29.4

As of February 19th, 2020 the Auburn Police Department in partnership with Cayuga Counseling Services has embarked on a three year partnership through a grant by the Office of Justice Assistance creating a Victim Specialist position. This position will be the primary crime victim liaison while the grant funding supports the position. When the grant funding expires and/or if the position is no longer funded by the City of Auburn or Cayuga Counseling Services then the primary crime victim assistant will revert back to the Detective Bureau supervisor in coordination with the Cayuga County District Attorney's Office Victim and Witness Coordinator as the department's primary crime victim liaison.

The crime victim liaison shall maintain an appropriate supply of the crime victim publications offered by the New York State Office of Victim Services and the Department of Health. The crime victim liaison shall also ensure that the crime victim information posters required by Executive Law § 625-a are prominently displayed at public access locations within the Department.

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The crime victim liaison shall also be responsible for ensuring that department investigation report forms are current and include a space to designate whether a person received information on victim's rights (Executive Law § 625-b).

The crime victim liaison shall be responsible for receiving and coordinating a response to inquiries from victims concerning the status of testing sexual offense evidence kits (Executive Law § 838-a; Executive Law § 838-b).

318.4 CRIME VICTIMS

Best Practice NYSLEAP - 8.4 - 29.4

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

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 him/her to the proper written department material or available victim resources.

318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

State MODIFIED NYSLEAP - 8.4 - 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).

Officers shall 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 when a person appears to be a human trafficking victim (Social Services Law § 483-cc; 9 NYCRR § 6174.3).

318.5 VICTIM INFORMATION

State MODIFIED NYSLEAP - 8.4 - 29.4

The Training and Planning Administrator 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).
 1. 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).
 - (a) 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.

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- (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.
- (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 NYSLEAP - 8.4 - 29.4

Officers should never guarantee a witness' safety from future harm or that his/her 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** NYSLEAP - 8.4 - 29.4

The Training and Planning Administrator shall ensure that witness information handouts are available and current. These should include as appropriate:

- (a) A place for the officer's name, badge number and any applicable case or incident number.
- (b) 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).

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(c) Information regarding the crime witness protection program (9 NYCRR § 6171.2).

318.8 TRAINING

State **MODIFIED**

The Training and Planning Administrator shall ensure that the Crime Victim Liaison receives training in trauma and victim response through a program meeting minimum standards established by the Division of Criminal Justice Services (Executive Law § 838-a).