

 <p style="text-align: center;">University of Pittsburgh Police Department</p> <p style="text-align: center;">Rules & Regulations Manual</p>	Reference Number: 7 - 2 (Chapter / Section)
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Title: Response to Victims of Crime	 By Order of James K. Loftus, Chief of Police

1.0 Purpose

The purpose of this policy is to emphasize that an effective response to the needs of crime victims is an integral part of the law enforcement mission. This essential function, performed by both sworn and non-sworn personnel, should address victims' needs by establishing a continuum of support as they progress through the various phases of the criminal justice process.

2.0 Policy

As first responders, law enforcement personnel are uniquely positioned to provide care and support to victims of crime as required by Federal and Pennsylvania laws. These efforts can have both an immediate and a long-term impact on the victim's emotional recovery by developing a sense of security and stability and potentially mitigating the traumatic effects of the crime. Therefore, it is the policy of this department to (1) recognize and address the needs of crime victims by all Department employees during each contact; (2) support and assist the victims as they continue to interact with the criminal justice system; and (3) act as a liaison to appropriate victim assistance and service agencies.

3.0 Definitions

Direct Victim - An individual against whom a crime has been committed or attempted and how as a direct result of the criminal act or attempt suffers physical or mental injury, death or the loss of earnings.

Intervener - An individual who goes to the aid of another and suffers physical or mental injury or death as a direct result of acting not recklessly to prevent commission of a crime, to lawfully apprehend a person reasonably suspected of having committed such crime or to aid the victim of such crime.

Juvenile - An individual who is alleged or has been determined to be a "delinquent child" as defined in 42 Pa. C.S. § 6302 (relating to definitions).

Personal Injury Crime - An act, attempt or threat to commit an act which would constitute a misdemeanor or felony under the following: Criminal homicide, assault, kidnapping, sexual offenses, arson and related offenses, robbery, victim and witness intimidation, homicide by operating a water craft under the influence, bodily injury related to DUI, homicide by vehicle related to DUI, aggravated assault related to DUI, vehicle crashes involving death or personal injury, and vehicle crashes involving imbibing alcohol or drugs. The term includes violations of protective orders issued as a result of an act related to domestic violence.

Victim - A direct victim, a parent or legal guardian of a child who is a direct victim (except when the parent or legal guardian of the child is the alleged offender); a minor child who is a material witness to the crimes of criminal homicide, aggravated assault or rape committed or attempted against a member of the child's family; a family member of a homicide victim, including stepbrothers or stepsisters, stepchildren, stepparents or a fiancé, one of whom is to be identified to receive communication as provided for in the Crime Victims' Act, except where the family member is an alleged offender.

(18 P.S. § 11.103)

4.0 Victims' Needs

- A. Victims of crimes experience a variety of physical, psychological and social needs, which can be classified under seven general categories:
1. *Safety*: Protection from perpetrators and assistance in avoiding re-victimization.
 2. *Support*: Assistance to enable participation in the criminal justice system processes, and repair of harm.
 3. *Information*: Concise and useful information about victims' rights, criminal justice system processes, and available victim services.
 4. *Access*: Ability to participate in the justice system process and have ready availability to support services.
 5. *Continuity*: Consistency in approaches and methods across agencies through all stages of the criminal justice process.
 6. *Voice*: Opportunities to speak out and be heard on specific case processing issues and larger policy questions.
 7. *Justice*: Receiving the support necessary to heal and seeing that perpetrators are held accountable.

5.0 Selected Sections of the Pennsylvania Crime Victims Act

§ 11.201 Rights

Victims of crime have the following rights:

- (1) To receive basic information concerning the services available for victims of crime.

(2) To be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This paragraph includes all of the following:

(i) Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.

(ii) Immediate notification of a juvenile's pre-adjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.

(iii) Access to information regarding the grant or denial of bail to an adult.

(iv) Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.

(3) To be accompanied at all criminal and all juvenile proceedings in accordance with 42 Pa.C.S. § 6336 (relating to conduct of hearings) by a family member, a victim advocate or other person providing assistance or support.

(4) In cases involving a personal injury crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal or delinquency proceeding, or, diversion of any case, including an informal adjustment or consent decree.

(5) To have opportunity to offer prior comment on the sentencing of a defendant or the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition or presentence report submitted to the court. Victim-impact statements shall be considered by a court when determining the disposition of a juvenile or sentence of an adult.

(5.1) To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp pursuant to the act of December 19, 1990 (P.L. 1391, No. 215), known as the Motivational Boot Camp Act.

(5.2) Upon request of the victim of a personal injury crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile.

(6) To be restored, to the extent possible, to the pre-crime economic status through the provision of restitution, compensation and the expeditious return of property which is seized as evidence in the case when in the judgment of the prosecutor the evidence is no longer needed for prosecution of the case.

(7) In personal injury crimes where the adult is sentenced to a State correctional facility, to be:

(i) given the opportunity to provide prior comment on and to receive State post-sentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement;

(ii) provided immediate notice of an escape of the adult and of subsequent apprehension; and

(iii) given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp pursuant to the Motivational Boot Camp Act.

(8) In personal injury crimes where the adult is sentenced to a local correctional facility, to:

(i) receive notice of the date of the release of the adult, including work release, furlough, parole, release from a boot camp or community treatment center placement; and

(ii) be provided with immediate notice of an escape of the adult and of subsequent apprehension.

(8.1) If, upon the request of the victim of a personal injury crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility or a detention center, to:

(i) Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.

(ii) Be provided with:

(A) immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and

(B) immediate notice of re-apprehension of the juvenile.

(iii) Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.

(9) If the adult is subject to an order under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) and is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, to receive immediate notice of the release of the adult on bail.

(10) To receive notice if an adult is committed to a mental health facility from a State correctional institution and notice of the discharge, transfer or escape of the adult from the mental health facility.

(11) To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the bureau.

(12) To be notified of the details of the final disposition of the case of a juvenile consistent with 42 Pa.C.S. § 6336(f) (relating to conduct of hearings).

(13) Upon the request of the victim of a personal injury crime, to be notified of the termination of the courts' jurisdiction.

§ 11.211. Responsibilities of victims of crime under basic bill of rights

A victim shall provide a valid address and telephone number and any other required information to all agencies responsible for providing information and notice to the victim. The victim shall be responsible for providing timely notice of any changes in the status of the information. The information provided shall not be disclosed to any person other than a law enforcement agency, corrections agency or prosecutor's office without the prior written consent of the victim.

§ 11.212. Responsibilities of State and local law enforcement agencies

(a) Training. A law enforcement agency shall insure that all of its officers and employees are familiar with crime victims' compensation as provided for in Chapter 7 Instruction concerning crime victims' compensation shall be made a part of the training curriculum for all trainee officers.

(b) Notice.

(1) Law enforcement agencies shall within 48 hours of reporting give notice to the direct victim or, if appropriate, a member of the direct victim's family of the availability of crime victims' compensation. The notice required under this subsection shall be in writing and in a manner and form developed by the Office of Victims' Services.

(2) Law enforcement agencies shall provide basic information on the rights and services available for crime victims. The information shall be in writing and shall be provided to the victim within 24 hours of the law enforcement agency's first contact with the victim in a manner and form to be developed by the Office of Victims' Services.

(c) Application. The written notification provided for in subsection (b)(1) shall be accompanied by one copy of the application form for crime victims' compensation. Application forms shall be supplied by the Office of Victims' Services to law enforcement agencies. A record of the date of notification shall be maintained by the law enforcement agency. The Office of Victims' Services shall maintain a mailing list of all local law enforcement agencies and provide law enforcement agencies with forms by which they can order additional claim forms. The Office of Victims' Services shall also provide updates to law enforcement agencies on changes which affect their responsibilities under this act.

(d) Deleted.

(e) Forms. The form developed by the Office of Victims' Services shall be attached to the police report and shall include a victim checkoff signifying that the information has been provided to the crime victim.

(f) Notice in personal injury crimes.

(1) In personal injury crimes, the law enforcement agency shall make reasonable efforts to notify the victim of the arrest of the suspect and of the filing or forwarding of a complaint relating to the crime as soon as possible. Unless the victim cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment. In cases alleging delinquency, notice of the filing or forwarding of a complaint shall be provided not more than 24 hours after the complaint has been filed or forwarded to the juvenile probation office or district attorney.

(2) In personal injury crimes, a law enforcement agency, sheriff, deputy sheriff or constable shall notify the victim of an inmate's escape from the custody of the law enforcement agency, sheriff, deputy sheriff or constable.

(g) Return of property. The appropriate law enforcement agency shall return to the victim property seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution.

6.0 Procedures

A. Initial Response

1. Department Communications Specialists (and any other employee acting in that capacity) shall treat individuals reporting a crime with compassion, patience, and respect as they collect the information necessary to determine the nature and location of the incident; the identity of the caller, victim, and perpetrator, if known; and the conditions that indicate that responding officers might be at risk of injury. Officers shall be dispatched to meet with the victim as soon as practicable.
2. Responding officers shall:
 - a. Immediately ascertain that the victim or victims are at a safe location;
 - b. Render first aid, if necessary;
 - c. Determine the need for and request additional medical and/or departmental resources; and
 - d. Once the incident is stable, develop a supportive presence by reassuring the victim that she or he is no longer in immediate danger.
3. Victims who are emotionally distraught should not be left alone. If appropriate, relatives, friends, or a community resource such as a victim's assistance professional or member of the clergy should be contacted to provide comfort and support.
4. While collecting information and physical evidence necessary for the investigation and subsequent prosecution, officers should be perceptive to and sensitive about the victim's psychological state.
5. Employees shall consider the method, manner, location, and timing of the victim interview, so as not to subject the victim to additional stress and trauma.

B. Information and Referrals

1. In accordance with § 11.212 of the *Crime Victims' Act (Responsibilities of State and Local Law Enforcement Officer)*, officers shall explain and make notice in writing of
 - a. The availability of victims' compensation
 - b. Basic rights and services available to crime victims.
 - c. Any rights and services afforded to faculty, staff and students through the University of Pittsburgh
2. At the conclusion of the initial investigation, the officer shall
 - a. Inform the victim of the general direction that the investigation will take, how the Department will proceed, who will be responsible for further follow-up, and whether the victim should expect to be contacted;

- b. Provide the victim with the telephone numbers and/or email addresses of the appropriate points of contact within the Department; and
 - c. Strongly encourage the victim to contact the Department and/or 911 immediately if they are threatened or intimidated by anyone as a result of reporting the crime, or if they learn of any new information regarding the case.
3. The reporting officer shall document in their incident report that the victim was properly informed of the rights and available protections and was provided with information relating to referrals.

C. Investigation and Follow-Up

1. Officers assigned to conduct follow-up investigations shall contact the victim as soon as practical to determine whether the victim has new details concerning the case and relay information, when available and appropriate, relating to such matters as
 - a. Arrest and detention of suspects and their pre-trial release status;
 - b. Court restraining orders;
 - c. Court proceedings and schedules;
 - d. Status of stolen, recovered, or removed property; and
 - e. Possible eligibility for victim compensation
2. If the victim is in need of further assistance from outside sources or the Department or requests additional services, the investigating officer shall make reasonable efforts to connect the victim with appropriate service provider agencies.
3. In the event that an arrest is made, the investigating officer shall contact the victim as soon as practical to provide the following:
 - a. Information concerning the arrest
 - b. The bail status of the suspect, or any changes in this status
 - c. An overview of the court process
 - d. A specific point of contact in the District Attorney's Office
4. The victim should be advised that if he or she is contacted by the suspect in any way or is threatened or intimidated by anyone, he or she should contact the Department and/or 911 immediately.

D. Resources

1. Department employees that have contact with the public in general and victims in particular shall be familiar with governmental and community-based victim support and advocacy organizations. It is the policy of the Department to collaborate and provide reasonable assistance to such entities to the extent that it does not place the

victim or others at risk, substantially interfere with an ongoing investigation or prosecution, or violate Pennsylvania privacy laws or any other UPPD policy.

2. A victim services reference directory with up-to-date contact information shall be developed and made available to communications, administrative, patrol, investigative, and victim services personnel, if any.
3. Written notifications and/or forms developed by the Pennsylvania Office of Victims' Services, which serve to satisfy §11.212 of the *Crime Victims' Act*, shall be readily available for distribution to crime victims.
4. Department employees shall be attentive to crime victims with special needs. Victims with physical, mental, or emotional impairments, as well as child and elderly victims should be attended to in a manner that best supports their life conditions and specific situations. Employees should select a combination of service provider referrals that can work collaboratively to meet the unique needs of these victims.
5. Employees shall also be sensitive to the cultural needs of crime victims by providing materials in a language that the victim can comprehend and ensuring access to translator services when appropriate. Cultural background can affect the manner in which crime victims respond and react to being victimized and how they are treated by family and community members. Employees should be aware of these special circumstances and work with appropriate service providers and community partners to support victims in these situations.

E. Training

The Department shall, in accordance with the *Crime Victims' Act*, ensure that all officers and employees are familiar with crime victims' compensation. Additionally, the Department shall ensure that all officers and employees familiarize themselves with the provisions of this policy.