

Geneva Police Department <b>GENERAL ORDERS</b>		<b>VICTIM AND WITNESS SERVICES</b>	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure – SECTION 29.4 <input type="checkbox"/> amends:		<b>cross-reference</b>	
<b>effective date:</b> 8.18.05		<b>issue/amend/review date:</b> 8.18.05 / 10.24.13 / 2.13.15 / 10.12.20	
		<b>Accreditation/Recognition standards:</b> NYS L.E.A.P.: 29.4; 29.5	

<b>I. PURPOSE</b>	The purpose of this General Order is to establish and describe policies and procedures to ensure the fair and uniform treatment of crime victims and witnesses.
<b>II. POLICY</b>	<p><b>A.</b> It is the policy of the Geneva Police Department 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.</p> <p><b>B.</b> In order to help meet the needs of victim and witnesses, to provide them with support and comfort all members of the Department should:</p> <ol style="list-style-type: none"> <li>1. Treat victims/witnesses with dignity and respect.</li> <li>2. Assist victims or witnesses in obtaining medical, social or psychological services as soon as possible after the commission of an offense.</li> </ol>
<b>III. BACKGROUND</b>	<p><b>A.</b> 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 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.</p>
<b>IV. DEFINITIONS</b>	<p><b>A. <u>Crime</u>:</b> A misdemeanor or felony as defined under New York Law.</p> <p><b>B. <u>Crime Victim</u>:</b> A person against whom any crime has been committed or attempted. Crime victim 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.</p> <p><b>C. <u>Victim/Witness Coordinator</u>:</b> The civilian personnel who operates out of the Ontario County District Attorney’s Office designated with responsibility for providing crime victims, witnesses, and other individuals with counseling, referral and other services.</p> <p><b>D. <u>Witness</u>:</b> 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 defense witnesses or other individuals reasonably believed to have been involved in the commission of a crime.</p>

<p><b>V. VICTIM/WITNESS COORDINATOR</b></p>	<p><b>A. <u>Responsibility</u></b> – Authority and responsibility for administering and coordinating victim/witness matters shall be vested in Ontario County’s Victim/Witness Coordinator (V/WC) who heads the Victim/Witness Assistance Program and operates out of the District Attorney’s Office, 27 North Main Street, Canandaigua, New York, telephone (585) 396-4010.</p> <p><b>B. <u>Initial Services</u></b> – It is essential that information regarding the victim/witness program be furnished to the victim or witness of a criminal act early in any preliminary investigation, usually during the initial contact. Dependent upon the circumstances, Department personnel will furnish the following:</p> <ol style="list-style-type: none"> <li>1. A recitation of available services (Rape Crisis Center card, if appropriate) and an offer to facilitate contact to obtain medical attention, counseling, compensation or emergency financial help.</li> <li>2. Information as to the procedures for implementing victims’ advocacy rights such as the victim impact statement which may be filed: <ol style="list-style-type: none"> <li>a. With the Ontario County District Attorney’s Office, probation department, or court, in order to seek restitution under the provisions of Section 60.27 of the Penal Law; or,</li> <li>b. After sentencing, with the state division of parole pursuant to Section 259-i(2) of the Executive Law.</li> </ol> </li> <li>3. Assurances of assistance, and procedures to obtain help in the event of threats or intimidation from the suspect or persons acting for him/her, <i>See §VIII</i> below.</li> <li>4. Information regarding the steps likely to be followed in the criminal justice process with emphasis on any part which the victim/witness might be expected to play.</li> <li>5. 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 address is as follows: <p style="text-align: center;">Crime Victim’s Compensation Board C/o Ontario County District Attorney’s Office Canandaigua, New York 14424 (585) 396-4010</p> </li> </ol>
<p><b>VI. SEX CRIME VICTIMS</b></p>	<p><b>A. <u>Victims of Incest or other Sexual Offenses</u></b></p> <ol style="list-style-type: none"> <li>1. Effective April 1, 1992, the State of New York Executive Law, §642(2-a)(a) was amended to require that victims of crimes defined in Article 130 NYSPL (sexual offenses) or §255.25 NYSPL (incest) be provided with a “private setting for interviewing”. This means “an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard from outside such room”. Within the Geneva Public Safety Building (PSB), the interview room that is designated the “Juvenile Interview Room” and any other office located in the administrative side of the PSB shall qualify as appropriate locations for these interviews. Except in unusual circumstances (and prior supervisory approval), no other location shall be used.</li> <li>2. The law also provides that “only those persons directly and immediately related to the interviewing of a particular victim, the victim, a social worker, rape crisis counselor, psychologist or other professional; providing emotional support to the victim, unless the victim objects to the presence of such person, and where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview of the victim.</li> </ol>

<p><b>VI. SEX CRIME VICTIMS (CONT.)</b></p>	<p>3. Section 642 (2-a)(b) of the State of New York Executive Law further requires that all police departments “shall provide victims of a crime defined in Article 130 of the Penal Law with the name, address, and telephone of the nearest rape crisis center in writing”.</p> <p>For the City of Geneva, Ontario County, the funded agency is:</p> <p style="padding-left: 40px;">Safe Harbors 1 Franklin Square Floor 3 Suite 324 Geneva, New York 14456 (800) 247-7273 (315) 781-1093</p> <p>4. Victims of sex offenses as defined in those sections of the Penal Law noted in <b>§VI (A)(I)</b> above, have a guaranteed right to privacy under the provisions of Section 50-b of the Civil Rights Law. This law states that the identity of any such victim shall be confidential. “No report, paper, picture, photograph, court file or other documents, in the custody of any public officer or employee, which identifies such a victim shall be made available for public inspection.”</p> <p><b>Note:</b> This section does not preclude Officers charged with the duty of investigating, prosecuting, keeping records relating to the offense, or any other act when done pursuant to the lawful discharge of one’s duties, from obtaining such information.</p>
<p><b>VII. CRIME VICTIM COMPENSATION</b></p>	<p><b>A.</b> In compliance with the New York State Crime Victim’s Compensation Laws, personnel shall be aware of the publication entitled “Crime Victims Can Get Help”, and, if appropriate, shall provide a copy to each crime victim with whom they come in contact. The rights of the victim to receive assistance and information from law enforcement and/or the district attorney through the Victim/Witness Assistance Program shall be carefully explained. The publication contains information pertaining to:</p> <ol style="list-style-type: none"> <li>1. Eligibility requirements for compensation,</li> <li>2. Circumstances under which a person may be eligible for compensation,</li> <li>3. Compensation benefits, including emergency benefits, and</li> <li>4. How compensation may be obtained. An application is included as part of the publication and instructions are included.</li> </ol> <p><b>B.</b> In addition, an up-to-date printing noting the locations and telephone numbers of local Crime Victim Assistance Programs shall be displayed in public areas of the Public Safety Building.</p>

**VIII.  
VICTIM/WITNESS  
PROTECTION**

- 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. The duty Patrol Supervisor;
  2. Lieutenant/Detective Bureau (LT/DB) or other Detective Bureau Supervisor if follow-up investigative assistance is needed; and
  3. As soon as possible the District Attorney's Office.
- B.** The duty Supervisor, in consultation with the LT/DB, will ensure that reasonable steps are taken to notify the victim/witness of the threat and shall further notify the victim/witness of appropriate protective measures which are available, including:
1. Change in telephone number;
  2. Transportation to and from court;
  3. Relocation and moving assistance;
  4. Judicial protective orders;
  5. Protective services;
  6. Local programs providing protective services; and
  7. The arrest and prosecution of the offender.

Approved By

**MICHAEL J. PASSALACQUA**  
*CHIEF OF POLICE*