

STANDARD OPERATING PROCEDURE			
	<b>SUBJECT:</b>	<b>DIVISION:</b>	<b>DISTRIBUTION:</b>
	<b>VICTIM &amp; WITNESS ASSISTANCE</b>  <b>DPS SOP 2011-20</b>	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>ALL PERSONNEL</b>
<b>ISSUING AUTHORITY:</b>		<b>EFFECTIVE DATE:</b>	<b>SUPERSEDES:</b>
ROBERT MALDONADO CHIEF OF PUBLIC SAFETY (SIGNED ELECTRONICALLY)		February 15, 2011  <b>REVISED DATE:</b> August 03, 2018	<b>Reviewed/Revised re IACLEA and CALEA LE-1</b>

## VICTIM AND WITNESS ASSISTANCE

INDEX	PAGE
References, Attachments & Applicability	2
Purpose, Policy & Definitions	2
Procedures: Rights of Victim and Witnesses	3
Transparency	4
Interagency Cooperation	4
Initial Assistance Provided/ Availability of Information	4
Initial Investigation Steps and Procedures	5
Follow-Up investigation	5
Protection of Victims/Witness from Intimidation and Harm	6
Arrest and Post-Arrest Assistance Provided	7
Death/Serious Injury Notifications	7
Review of Departmental Victim / Witness Program	8

### IACLEA STANDARDS:

STANDARDS	PAGE	STANDARDS	PAGE	STANDARDS	PAGE
13.3.1 a, d	3, 5	13.3.1 c	3, 4	13.3.3	3, 7
13.3.1 b	3	13.3.4	7	13.3.2	8

### CALEA STANDARDS:

STANDARDS	PAGE	STANDARDS	PAGE	STANDARDS	PAGE
55.2.5	7	55.2.6	7	55.1.2	8

## REFERENCES:

- SOP 2010-13 Domestic Violence
- New York State Executive Law, Article 23, Section 641 (1-2)
- SOP 2011-52 SPD/DPS Authorizing MOU
- Crime Victims Bill of Rights (DPS Tri-fold pamphlet) (Supply on top of form file cabinets in Roll-Call Room)
- NYS OVS Claim Applications & Instructions ((G Drive Forms Folder) (Supply on top of form file cabinets in Roll-Call Room)
- Victim Assistance Program (Onondaga County District Attorney's Office)

## ATTACHMENTS: None

**I. APPLICABILITY:** This Standard Operating Procedure is applicable to all Syracuse University Department of Public Safety (DPS) employees.

**II. PURPOSE:** To establish policy and procedures to ensure the rights of victims and witnesses of crime; and to provide assistance, referral, support, and other help to victims and witnesses who are physically, financially, or emotionally harmed by crime. Victims and witnesses will be treated with dignity, fairness, and compassion and the DPS will work with other University departments and outside agencies to identify and meet the needs and welfare of crime victims and witnesses.

**III. POLICY:** All victims and witnesses have a right to be treated with fairness, respect, compassion, and dignity, and be protected from harm. All members of the Department, both sworn and non-sworn, will treat these type of individuals accordingly, consistent with the Department's Mission Statement and the New York State 'Fair Treatment Standards for Crime Victims, Executive Law', Article 23, Section 640 (1984) that governs police-victim/witness interaction.

## IV. DEFINITIONS:

- A. Victim: A victim is considered to be an individual who:
1. Suffers physical, financial or emotional harm as the direct result of a specific event or is the victim of a crime.
  2. A spouse, child, parent or legal guardian of a minor victim.
  3. A spouse, significant other, child, parent or legal guardian of the person harmed by a specific event.
  4. Any third party individual who is emotionally impacted by the event, either by their relationship to the person directly harmed or by the inherent traumatic nature of the event.
- B. Witness: A witness is considered to be:
1. Any person determined by the DPS or an outside law enforcement agency to have information or evidence relative to a specific event or specified crime.

## V. PROCEDURES: VICTIM AND WITNESS SERVICES

### A. Rights of Victims and Witnesses: (13.3.1 a)

1. All members of the department shall be responsible for providing assistance and information to victims and witnesses as necessary during the course of an investigation (Refer to DPS Crime Victims Bill of Rights Tri-fold Pamphlet, supply on top of form file cabinets in Roll-Call Room) to include: (01/23/15)
  - a. Informing victims and witnesses of emergency response numbers.
  - b. Referring victims and witnesses to appropriate University departments or outside service agencies (e.g., Counseling Center, Office of Residence Life, Health Center or other medical facilities, compensation programs, victim advocacy groups, etc.). (13.3.1 b, c)
  - c. Providing Victim/Witness assistance form(s) pursuant to departmental policy (i.e., Domestic Violence, Family Offense, etc.) according to SOP 2010-13 Domestic Violence (Refer to NYS OVS Claim Application & Instructions G Drive – forms Folder) (Supply on top of form file cabinets in Roll-Call Room). (01/23/15)
  - d. Advising victims and witnesses of the appropriate action for them to take should someone attempt to threaten or intimidate them to include Orders of Protection through criminal court, family court, or 'Stay Away' orders from the Office of Community Standards when appropriate. (13.3.3)
  - e. Describing the steps the department will follow in processing the case, as well as any other steps that the University might take and their potential role in those actions as the case develops as the matter proceeds through the system(s) after an arrest and leading to final closure. (01/23/15)
  - f. Providing victims with the case number and when appropriate and approved, providing them law enforcement reports or in those instances where a University conduct referral was initiated, directing them to the Office of Community Standards where they might receive redacted reports. (01/23/15)
  - g. Providing victims with appropriate telephone numbers and/or a departmental contact person to report additional information, to express issues or concerns, or to learn the status of their case. (13.3.1 d)
  - h. Initiating all appropriate steps to ensure the confidentiality of the victim/witness, consistent with applicable law and FERPA considerations and ensuring that cases of sexual assault are marked sensitive in both CAD and CHAIRS2.
  - i. Ensuring that any property belonging to the victim is returned to them in a timely manner; and that evidence is likewise returned to them and the DPS will endeavor to facilitate those returns with the Onondaga County District Attorney's Office.

**B. Transparency: (13.3.1 c)**

1. The DPS will make public its victim/witness assistance services available and known through public speaking engagements, and in written materials such as the DPS Tri-Fold Pamphlet and will ensure that those services are published in the Annual Report on Campus Security and Fire Safety, and that related information is also located on the department webpage <https://dps.syr.edu/services-resources/victim-and-witness-assistance>
  - a. Campus Safety and Emergency Management Services (CSEMS)'s Public Information Officer or designee, will inform the appropriate media about the department's victim/witness assistance services on an annual basis. (03/12/16)

**C. Interagency Cooperation:**

1. The DPS maintains positive relationships with other law enforcement agencies and private entities and organizations concerned with victim/witness rights and associated services to insure that members of the University Community are aware of and have access with appropriate services associated with their Victim or Witness status. (01/23/15)

**D. Initial Assistance and Availability of Information: (13.3.1 c)**

1. The Emergency Communications Center will, on a 24-hour a day, seven day a week basis, act as the single point -of- contact for any individual reporting a crime, or who is in need of emergency services, or who might express a need for information relative to University programs and/or local social service programs or entities.
  - a. Upon receiving a call for service or information from a victim/witness, the Communications Officer shall attempt to judge the characteristics of the call to determine whether an emergency or non-emergency response is required, and
  - b. The Communications Officer will advise the victim/witness of how the call will be handled and the University based crime victim/witness resources that might be available if needed. (i.e., officer dispatched, or if the call will be referred to another law enforcement agency depending on incident location or other considerations and the role of the Counseling Center if appropriate)
  - c. Every reasonable effort shall be made by Emergency Communications Center personnel to respond to victim/witness initial and subsequent requests for information or assistance; and the ECC should have access to all available resources and information about governmental and private sector crime victim and witness resources so that appropriate referrals can be made when necessary.

**E. Initial Investigation: Steps and Procedures: (13.3.1 a)**

1. It shall be the responsibility of every DPS officer during the initiation of an investigation to:
  - a. Make an accurate assessment regarding the physical and emotional needs of any victims or witnesses.
  - b. Render/request medical assistance as required.
  - c. Provide crisis intervention when necessary to include defusing volatile situations, assessing needs, and developing an action plan to immediately address those needs.
  - d. Provide and/or offer additional assistance as required based on the aforementioned assessment.
  - e. Inform the victim or witness of the rights afforded them under the 'Crime Victim's Bill of Rights' per New York State Executive law, Article 23, Section 641 (1-2).
  - f. Inform the victim/witness of programs and services available to them both through the University as well as from other local agencies and organizations.
  - g. Provide for shelter when required to include working with Residence Life, Off- Campus and Commuter Services or local shelters to include VERA House.
  - h. Advise the victim/witness of the appropriate action to take if a suspect, or third person acting on behalf of a suspect threatens, intimidates or otherwise harasses them.
  - i. Provide the officer's name and business card and the case number, as well as the appropriate steps required to forward a case either criminally or through the University's conduct referral processes, or concurrently through both venues.
  - j. Provide a telephone number that the victim/witness can utilize to report additional information or receive periodic updates relative to the status of the case. (13.3.1 d)
  - k. CHAIRS2 investigation report narrative to include that the victim/witness has been informed of their rights and has been provided a Domestic Incident Report (DIR), if appropriate. Further, that all required University notifications were made.
  - l. Notify the Syracuse Police Department Abused Person's Unit when necessary consistent with the Memorandum of Understanding (MOU) with the Syracuse Police Department.
  - m. Obtain a signed medical release form when appropriate.

**F. Follow-Up Investigation:**

1. Each victim/witness shall be re-contacted as soon as possible after the initiation of an investigation and periodically thereafter by a member of the DPS Investigations Section.

The purpose of this contact is to:

- a. Ensure that the victim/witness is aware of available University resources, as well as those that might be available through the New York State Office of Victim Services or the Onondaga County District Attorney's Office's Victim Assistance Program (VAP).
  - b. Determine if needs are being met and/or if additional assistance is required, and
  - c. In sensitive cases the Investigations Section will endeavor to make contact as soon as possible.
2. The Detective assigned to the case should explain to the victim/witness the procedures involved in a prosecution of the case and his or her role in those procedures (caution should be exercised to avoid jeopardizing the successful prosecution of the case in the event that an outside law enforcement agency is the investigating agency).
  3. In the event that the DPS is [becomes] the investigating agency, a DPS Detective shall schedule line-ups, interviews, and other required appearances, and should attempt to do so at the convenience of the victim/witness whenever possible.
    - a. Factors which should be considered in scheduling include the physical, financial and emotional well-being of the victim/witness. If necessary, the DPS will provide transportation for the victim/witness.
  4. In the event that another outside law enforcement agency is investigating the incident, the DPS Detective will adopt a subordinate role consistent with the MOU and will lend assistance and support as requested.
  5. Victim/witness property taken as evidence by the department will be promptly returned (with the exception of contraband, disputed property and weapons used in the course of the crime which will be released by the District Attorney's Office). The decision when to return the property rests with the Investigations Section Lieutenant or his/her designee.
  6. Whenever there is a traumatic incident such as a sexual assault, or other incident which requires more than the average amount of victim/witness assistance, the investigating officer should ensure that a victim advocate from the Counseling Center or other appropriate agency was made available.
  7. The assigned Detective, under the auspice of the Investigations Section Lieutenant, will liaison and coordinate efforts with involved University departments, local and regional agencies, or other victim/witness advocacy groups.

**G. Protection Of Victims/Witnesses from Intimidation and/or Harm: (13.3.3)**

1. Members of the DPS shall treat threats to and intimidation of victims and witnesses with sensitivity and concern. Members shall provide appropriate assistance to victims and witnesses who have been threatened, or who

- express specific, credible reasons for fearing intimidation or further victimization.
2. Protective measures will be implemented when appropriate to protect persons to whom there is real and tangible danger of physical harm.
    - a. Those required measures will be determined by the best judgment of the investigating officer, with the approval of the supervisor. Whenever possible, the Duty Officer will be notified in a timely manner and he/she shall make other departmental and University notifications as required or appropriate.
  3. Protective measures may include but not be limited to any of the following:
    - a. Arrest of the offender.
    - b. Relocation of the offender (if a student) to another residence hall or removal from housing if necessary or appropriate.
    - c. Finding alternate housing for the affected victim/witness, if necessary or appropriate.
    - d. Obtaining/requesting an order of protection from an appropriate court or a 'No Contact Order' through the University's Office of Community Standards.
    - e. Issuance of a trespass warning for non-University affiliates.

#### **H. Arrest / Post-Arrest: Assistance Provided:**

1. The DPS will make a good-faith effort to notify victims/witnesses of the following information subsequent to an arrest or during the post-arrest stage of an incident: **(55.2.5)**
  - a. The arrest of the offender [suspect].
  - b. Charges levied against the offender.
  - c. Custody status of the offender.
  - d. The court date if known.
  - e. The procedures for re-acquiring personal property when seized as evidence.

#### **I. Death / Serious Injury Notifications (13.3.4) (55.2.6)**

1. The DPS understands the importance of making timely notifications to family members relative to deaths and serious injuries and the tremendous impact that these incidents have on survivors.
2. Historically, it has been the case that most University notifications will be made by senior members of Student Experience, an outside law enforcement agency investigating the incident (pursuant to the MOU), by personnel from an area hospital or by the Onondaga County Medical Examiner's Office. The DPS will offer all available support to the University and other outside entities respective to:

- a. Timely and sensitive notifications of a deceased or seriously injured community member to family, or
  - b. The notification of a death occurring outside the campus environment to a University community member.
3. In most situations, DPS members are not responsible for making death and serious injury notifications. When DPS is called upon to make such a notification is will be assigned to:
    - a. The most senior officer available, who will make the notification in person; privately and in the most sensitive and compassionate manner possible. They will offer available assistance and support.
  4. The DPS will do everything possible to assist other community members and departments in the aftermath of a death/ serious injury, and
  5. In the event an on-duty death occurs involving a DPS member, the Chief or in his/her unavoidable absence, the next most senior command officer, will personally make the notification accompanied whenever possible by a University Chaplain and/or a senior member from Student Experience.

**J. Victim / Witness Program Review Every Two Years: (13.3.2) (55.1.2) (TS)**

1. The Investigations Lieutenant or a designee will be responsible for the documented review of victim/witness assistance needs and available services within the University, as well as the interaction between University community members (principally students) and the greater community bi-annually. Accordingly, a report will be generated following each review.
2. The review may include: (03/12/16)
  - a. Needs of victims and other witnesses.
  - b. Whether those needs are being met by University or other public agencies.
  - c. Whether any needs remain unfulfilled.
  - d. Whether the DPS can meet any unfulfilled needs or facilitate them being met by any University department(s) or other public or private outside agencies.
3. In particular, the report will focus on victims/witnesses of incidents involving domestic and sexual violence, stalking, significant bias incidents or hate crimes, repeated incidents of harassment, and violations of protective orders.
4. The review should also examine proactive steps that the department makes through the Patrol, Investigations and the Special Events / Community Policing Sections in conjunction with other University Departments, to address the issue of victim/witness treatment; and the report should examine best practices at similar institutions of secondary education and make recommendations for improvements that the DPS can make when possible.

5. There is no proscribed form or content for the report and the Investigations Lieutenant or the designee will provide the report to the Deputy Chief of Public Safety, Law Enforcement and Community Policing.

**POLICY REVISION HISTORY**

<b>NO</b>	<b>SECTION REVISED</b>	<b>DATE ISSUED</b>
1	Revised re Titles /Formatted	9/21/12
2	Reviewed/ Revised titles	01/23/15
3	Reviewed/Revised re IACLEA	03/12/16
4	Reviewed/Revised Re CALEA LE-1, IACLEA	08/03/18
5		
6		
7		