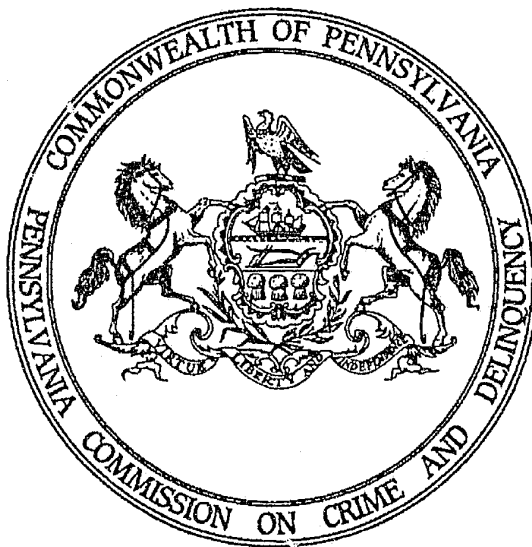


# ***VICTIM/WITNESS ASSISTANCE PROGRAM ANNUAL REPORT***

156234



***Pennsylvania Commission on  
Crime and Delinquency***

***Spring 1995***

156234

# PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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## **INTRODUCTION**

On June 30, 1984, the Crime Victims' Compensation Act was amended to establish Pennsylvania's first Victims Bill of Rights and create a Victim/Witness Services Grant and Technical Assistance Program within the Pennsylvania Commission on Crime and Delinquency (PCCD). In administering the grant and technical assistance program, the PCCD is directed to work with district attorneys and other criminal justice agencies to develop programs which provide victims and witnesses with the rights and services enumerated in the legislation. Section 479.5(d) of the act requires the PCCD to report annually to the General Assembly on: 1) the number of participating agencies and population served; 2) the extent of services provided; 3) impediments to the progress of the program; and 4) recommendations for reform. This report covers activities which have occurred since the last report was issued in the Spring of 1994 and future plans.

## **SCOPE OF THE PROGRAM**

As of January 1995, 61 of the 67 counties participate in the Victim/Witness Services Grant and Technical Assistance Program. These counties hold 99% of the state population. Participation in the program has been made available to any county that agrees to: 1) form a local policy board comprised of representatives of the criminal justice and victim services systems; 2) observe the non-supplantation requirements with respect to the use of grant funds; and 3) conduct a countywide needs assessment to identify the greatest gaps in services. Counties which have met these requirements have been provided a fixed allocation of dollars on an annual basis to address the service needs of their victims and witnesses of crime. County allocations for 1995 totalled over \$3 million with individual county allocations ranging from \$8,000 in the smallest participating counties to over \$350,000 in Philadelphia. The individual allocations for 1995 are reflected by county, project type and type of expenditure in the table provided as Appendix A.

## **TYPES OF SERVICES PROVIDED**

There are two standards which govern the provision of services under the program, i.e., the responsibilities of the prosecutor's office under Act 155 of 1992 and PCCD's Standards and Procedures for Victim/Witness Assistance Programs.

### **Act 155 of 1992**

Act 155 of 1992 amended the legislation which created the first Bill of Rights for crime victims in two important ways, i.e., the Bill of Rights itself was significantly expanded and several entities were charged with specific responsibilities.

The Victims Bill of Rights created by Act 155 addresses victims needs in nine areas:

- access to basic information on available services;
- notification of significant actions and proceedings;
- accompaniment to criminal proceedings;
- submission of prior comment on the reduction/dismissal of charges and changes in pleas;
- submission of victim impact statements to the sentencing authority;
- receipt of restitution, compensation and expeditious return of property;
- input to and notice of release of offenders from state correctional institutions;
- notice of transfer of inmates from state correctional institutions to mental health facilities; and
- assistance with claims for victim compensation.

The full text of the Victims Bill of Rights under Act 155 of 1992 is provided in Appendix B. NOTE: The Victims Bill of Rights was amended by SSAct 2 of 1995 to require local correctional facilities to notify certain victims of the release of offenders. See the Legislative Update Section on page 4.

Under Act 155, prosecutors' offices, among others, are responsible for providing a variety of services to victims qualified by the type of crime, the interest of the victim, and the prosecutor's knowledge. Those required services, delineated by type of crime, are listed in Appendix C. In order to encourage the incorporation of these provisions into the procedural operations of the prosecutors' offices statewide, the PCCD both conducted a series of regional trainings on the act and required all prosecutors' offices that participate in PCCD's Victim/Witness Services Grant and Technical Assistance Program to submit formal policies and procedures which indicate the mechanisms and individual responsibilities for implementing the law.

## PCCD's Standards and Procedures for Victim/Witness Assistance Programs

Prior to the passage of Act 155, the PCCD had developed formal standards and procedures as a uniform guide for local programs on service delivery. These standards and procedures were developed by a task force of selected individuals drawn from the most progressive victim/witness operations in the Commonwealth. The standards and procedures offer minimum and model standards for performing services for victims and witnesses in 24 distinct service areas. Each standard is accompanied by a set of recommended procedures for implementing the standard. The distinction between the prosecutor's office's responsibilities outlined above and PCCD's Standards and Procedures is that the latter incorporates, but extends beyond, those responsibilities required by law. Compliance with PCCD's Standards and Procedures is also encouraged via the Grant and Technical Assistance Program. A brief description of each of the service areas covered by PCCD's Standards and Procedures is provided in Appendix D.

### **TRAINING AND TECHNICAL ASSISTANCE**

In April 1992, the PCCD entered into a contract with the Pennsylvania District Attorneys Institute to conduct training and technical assistance for local victim/witness assistance staff funded through the state program. The project is designed to assess the immediate and long-term training and technical assistance needs of these individuals and to respond with a combination of statewide/regional training sessions and on-site technical assistance. A full-time project coordinator was hired in June 1992 and, in March 1993, the project conducted its first in an annual series of quarterly training sessions that have since continued uninterrupted.

To help guide the decisions on the types and extent of trainings to be offered each year, a 12-member Training and Technical Assistance Advisory Group was formed. The Advisory Group is comprised of victim/witness assistance staff from both system and community-based programs throughout the state. During 1994, the project provided training in its quarterly series on the following topics:

Program Management	The Juvenile Justice System
Hate Crimes/Hate Groups	Working with Traumatized Children
Victim Advocacy	Tools for Training
Violence Prevention	

Over 200 victim/witness assistance staff participated in these trainings. In addition to the quarterly series of trainings, the Training and Technical Assistance Project offers semi-annual orientation training for newly hired victim assistance staff, on-site technical assistance and ad hoc trainings that respond to changes in the laws affecting the provision of services. In 1994,

over 50 newly hired staff participated in the orientation trainings and on-site technical assistance was provided in five counties. More recently, in March of this year, the project conducted training on the changes to the state's Child Protective Services Law which affects services for child abuse victims. In May, the project sponsored three regional trainings for victim/witness coordinators and county wardens on the implications of the recently enacted requirement of release notification for victims of offenders sentenced to county correctional facilities.

## **LEGISLATIVE UPDATE**

Since the last report was issued, three important laws have been enacted which affect victim interactions with the criminal justice system.

### Act 85 of 1994

Act 85 amends the Domestic Relations Title of the Pennsylvania Consolidated Statutes to, among other provisions: 1) establish a statewide registry for protection orders under the auspices of the Pennsylvania State Police; 2) require all law enforcement agencies to notify victims of the arrest of those defendants who violate a protection order; and 3) require the appropriate releasing authority to notify the victim in advance of the release of an offender who has been sentenced to incarceration for contempt of a protection order. The act took effect on December 5, 1994.

### SSAct 8 of 1995

Special Session Act 8 creates an Office of Victim Advocate in the Pennsylvania Board of Probation and Parole. The gubernatorially-appointed victim advocate is responsible for: a) representing the interests of victims of state sentenced offenders before the Board or the Department of Corrections; b) supervising the Board's victim notification responsibilities; and c) assisting in the preparation of victim testimony for consideration by release authorities. The act provides procedures for ensuring that victims who wish to provide input to release decisions are afforded an opportunity to do so. The act took effect on May 20, 1995.

### SSAct 2 of 1995

Special Session Act 2 expands the Victims Bill of Rights to provide, upon the request of personal injury crime victims, advance notice of the release of offenders sentenced to local correctional facilities. The definition of a personal injury crime is expanded to include violations of protective orders issued as a result of domestic violence; the prosecutor's office is required to notify personal injury crime victims of the opportunity to receive local release

notice; the Department of Corrections is required to develop a form for local use in registering interested victims; and the local correctional authorities are required to notify those victims who express an interest of the inmate's release, escape or transfer to a mental health facility. The act takes effect on June 7, 1995.

## **OUTSTANDING CONCERNS**

There are four areas which require attention: 1) promotion of full participation; 2) refinements to the Victims Bill of Rights; 3) program evaluation; and 4) enforcement issues.

### Full Participation

As stated above, 61 of the Commonwealth's 67 counties participate in the Victim/Witness Services Grant and Technical Assistance Program. Those counties which do not participate have not responded to the PCCD's offers of participation in the past. In order to ensure that the rights of all victims throughout the Commonwealth are accorded the same level of basic support, all counties should participate in the program. Over the next year PCCD staff will make a concerted effort to enlist the participation of the non-participating counties through an offer of technical assistance to existing staff and/or grant support as appropriate.

### Refinements to the Victims Bill of Rights

There are three areas in which the current Victims Bill of Rights should be refined, i.e., with respect to victims of juvenile offenders, release notification requirements and confidentiality.

The current bill of rights limits its considerations to victims of offenders who are processed through the criminal justice system, thereby ignoring victims of offenders who are processed through the juvenile justice system. This restriction discriminates against many victims whose victimization is differentiated only by the age of the offender. Victims of offenders who are processed through the juvenile justice system should be given the same rights to knowledge of and participation in the process as those extended to victims of offenders processed through the adult courts.

The current standards for notice of release are constrained to post-conviction releases either at the state or local level. However, in many instances, e.g., domestic violence cases, there is a need for victims to be notified when an individual who has been arrested is released pending the disposition of charges. For personal safety reasons, victims of certain personal injury crimes should be notified of the pre-trial release of the defendant and of the conditions of release.

The current language pertaining to the confidentiality of victim information precludes victim service agencies from acquiring identifying information for outreach purposes unless the victim specifically authorizes the release of that information. Victim service agencies should

have access to identifying information as early as possible following a victimization so that the victim can be informed early on as to the agency's service capacity. This matter can be remedied by simply adding the victim service agency to the agencies enumerated in the legislation that are authorized to receive identifying information.

### Program Evaluation

Prior to 1994, program assessment had been limited to the required annual progress reports. In the process for awarding 1995 grants, grant recipients were required to complete a survey of the progress made in implementing the policies and procedures under the prosecutor's office's responsibilities in the Victims Bill of Rights. The results of the survey were encouraging in that local project staffs' self-assessment recorded significant progress toward full implementation of the standards for service. As a follow-up to this self-assessment, PCCD's victim services staff launched a series of site visits to review the documentation of procedures used to implement the standards. While only half of the counties have been visited as of this writing, the findings of the victim services staff tend to corroborate the statements in the self-assessment.

Although the results of preliminary efforts to assess the impact of the program are encouraging, there is a need to identify and survey victims and witnesses to validate the preliminary findings. A survey of victims would help pinpoint both the strengths of existing efforts and the areas where improvements are needed.

### Enforcement Issues

The final section of the legislation that establishes the Victims Bill of Rights provides that no cause of action shall arise out of the failure to comply with the proceeding provisions. Thus, there are no legal sanctions for those who choose to ignore their responsibilities.

Victims should have some recourse when their rights are not observed. Other states, numbering 20 at this writing, have amended their state Constitutions to help balance the protections afforded to victims with those extended to defendants. This action is consistent with the recommendation of the President's Task Force on Victims of Crime which in 1980 called for an amendment to the U.S. Constitution to afford victims the right to be informed, present and heard at all critical stages of criminal proceedings. Pennsylvania needs to join with other states which have extended constitutional protections to victims of crime so that the scales of justice can achieve a greater level of balance than is currently possible within the limitations of the statutory bill of rights.

## ***APPENDICES***

# DATA SHEET FOR PCCD VICTIM/WITNESS ASSISTANCE PROJECTS 1995

COUNTY	1994 COUNTY ALLOCATION	1995 COUNTY ALLOCATION	PROJECT TYPE*	1994 AWARD	1995 REQUEST	PERSONNEL	OPERATING EXPENSES**	EQUIPMENT	CONSULTANTS	TRAINING***	OTHER
ADAMS	25,829	27,053	VWC	25,829	27,053	23,631	1,945			1,477	
ALLEGHENY	236,562	291,459	CVSA DVP VWC	194,242 37,270 5,050	249,139 39,270 3,050	217,410 18,080	8,929 2,104 3,050		19,100 19,086		3,700
ARMSTRONG	20,843	23,084	VWC	20,843	23,084	17,685	762	4,137		500	
BEAVER	40,125	41,329	VWC	40,125	41,329	38,498	2,831				
BEDFORD	10,066	12,000	CVSA DVP	7,066 3,000	9,000 3,000	9,000 3,000					
BERKS	76,666	80,337	VWC	76,666	80,337	73,746	2,841	1,250		2,500	
BLAIR	26,378	31,404	VWC	26,378	31,404	24,118	2,182	2,000		2,600	504
BRADFORD	11,330	12,180	VWC	11,330	12,180	11,570	610				
BUCKS	102,010	107,832	VWC CVSA DVP O	30,710 55,010 10,939 5,351	31,320 60,222 10,939 5,351	30,720 53,803 10,840 3,456	600 5,919 99 1,895			500	
BUTLER	51,569	61,836	VWC	51,569	61,836	47,759	6,460	3,459		4,158	

\*Project Type: VWC Victim Witness Coordinator  
 CVSA Comprehensive Victim Service Agency  
 SAC Sexual Assault Center  
 DVP Domestic Violence Program  
 MADD Mothers Against Drunk Driving  
 O Other - 1, 2, 4 Probation; 3 Juv. Ct.

\*\* Includes program related travel.

\*\*\*Includes hiring trainers or training related travel expenses.

# **DATA SHEET FOR PCCD VICTIM/WITNESS ASSISTANCE PROJECTS** **1995**

COUNTY	1994 COUNTY ALLOCATION	1995 COUNTY ALLOCATION	PROJECT TYPE*	1994 AWARD	1995 REQUEST	PERSONNEL	OPERATING EXPENSES**	EQUIPMENT	CONSULTANTS	TRAINING***	OTHER
CAMBRIA	49,430	50,992	CVSA DVP	42,178 7,252	43,740 7,252	37,220 7,252	5,370			500	650
CAMERON	6,000	8,000	VWC	6,000	8,000	6,028	1,799			173	
CENTRE	46,253	50,454	VWC	46,253	50,454	44,361	5,380			713	
CHESTER	70,986	82,676	CVSA DVP	60,237 10,749	71,927 10,749	56,719 8,327	11,608 2,422			3,600	
CLARION	21,000	25,860	CVSA SAC	6,000 6,000	14,430 11,430	10,254 11,009	4,176 421				
CLEARFIELD	24,445	27,063	VWC	24,445	27,063	25,548	1,515				
CLINTON	10,000	12,000	VWC	10,000	12,000	11,120	880				
COLUMBIA	16,491	18,025	VWC	16,491	18,025	15,500	1,500	100		925	
CRAWFORD	32,809	37,040	VWC	32,809	37,040	29,352	2,503	2,385		2,800	
CUMBERLAND	54,985	66,841	VWC	54,985	66,841	52,663	7,638	1,900		4,040	600

\*Project Type: VWC Victim Witness Coordinator  
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DVP Domestic Violence Program  
MADD Mothers Against Drunk Driving  
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# DATA SHEET FOR PCCD VICTIM/WITNESS ASSISTANCE PROJECTS 1995

COUNTY	1994 COUNTY ALLOCATION	1995 COUNTY ALLOCATION	PROJECT TYPE*	1994 AWARD	1995 REQUEST	PERSONNEL	OPERATING EXPENSES**	EQUIPMENT	CONSULTANTS	TRAINING***	OTHER
DAUPHIN	89,500	96,235	VWC CVSA MADD	16,789 72,111 600	17,681 78,554 0	17,681 70,544	4,410				3,600
DELAWARE	99,442	120,868	VWC SAC DVP O <sup>2</sup> O <sup>3</sup> CVSA	6,348 9,356 9,855 7,056 11,978 15,751	7,575 23,377 28,757 24,325 13,650 23,184	22,377 28,757 24,325 11,700 17,895	3,600 1,000  1,950 4,289	1,575		2,400    1,000	
ELK	10,000	12,000	CVSA	10,000	12,000	7,853	3,147			1,000	
ERIE	55,598	66,117	CVSA	55,598	66,117	47,672	16,945	1,500			
FAYETTE	33,026	36,713	VWC	33,026	36,713	31,512	3,601	600		1,000	
FRANKLIN	28,919	31,614	CVSA	28,919	31,614	27,924	3,400			290	
GREENE	10,000	12,000	VWC	10,000	12,000	9,344	2,656				
HUNTINGDON	10,474	12,394	VWC	10,474	12,394	10,070	2,324				
INDIANA	26,926	29,531	VWC	26,926	29,531	23,750	781	3,000		2,000	
JEFFERSON	14,288	15,878	VWC	14,288	15,878	11,861	2,817			1,200	

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 SAC Sexual Assault Center  
 DVP Domestic Violence Program  
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## DATA SHEET FOR PCCD VICTIM/WITNESS ASSISTANCE PROJECTS 1995

COUNTY	1994 COUNTY ALLOCATION	1995 COUNTY ALLOCATION	PROJECT TYPE*	1994 AWARD	1995 REQUEST	PERSONNEL	OPERATING EXPENSES**	EQUIPMENT	CONSULTANTS	TRAINING***	OTHER
LACKAWANNA	50,036	52,674	VWC	50,036	52,674	38,100	2,000	9,074		3,500	
LANCASTER	99,407	110,704	VWC	99,407	110,704	96,458	9,691	4,288			267
LAWRENCE	16,161	19,860	VWC	16,161	19,860	18,720	694				446
LEBANON	25,050	31,972	VWC	25,050	31,972	27,365	3,107			1,500	
LEHIGH	66,938	71,979	VWC	66,938	71,979	71,979					
LUZERNE	72,694	77,084	VWC CVSA	44,611 28,083	47,407 29,677	46,357 29,677				1,050	
LYCOMING	34,765	38,581	VWC	34,765	38,581	27,285	9,296	1,000		1,000	
MCKEAN	13,382	14,576	VWC	13,382	14,576	14,376	200				
MERCER	36,121	39,138	VWC	36,121	39,138	35,196	2,742			1,200	
MIFFLIN	14,774	17,076	VWC	14,774	17,076	14,600	976	1,500			
MONROE	27,653	29,855	VWC	27,653	29,855	27,387	1,200			1,268	
MONTGOMERY	140,630	148,860	VWC CVSA DVP	54,585 75,475 10,570	54,585 83,705 10,570	52,154 51,430 9,827	2,431 13,575 743		18,400	300	

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## DATA SHEET FOR PCCD VICTIM/WITNESS ASSISTANCE PROJECTS 1995

COUNTY	1994 COUNTY ALLOCATION	1995 COUNTY ALLOCATION	PROJECT TYPE*	1994 AWARD	1995 REQUEST	PERSONNEL	OPERATING EXPENSES**	EQUIPMENT	CONSULTANTS	TRAINING***	OTHER
MONTOUR	6,000	8,000	VWC	6,000	8,000	7,280	380			340	
NORTHAMPTON	55,046	56,665	CVSA	20,000	20,000	18,651	1,349	1,000		200	
			DVP	20,000	20,000	17,226	2,574				
			VWC	15,046	16,665	13,920	865				
NORTHUMBERLAND	21,534	24,161	VWC	21,534	24,161	15,102	6,432			2,627	
PHILADELPHIA	278,882	351,546	VWC	210,311	259,051	225,986	7,065	18,000		8,000	
			O*	68,571	92,495	88,995		2,000		1,500	
POTTER	6,000	8,000	CVSA	0	8,000	7,830	70			100	
SCHUYLKILL	32,656	34,677	VWC	22,656	23,677	21,943	934			800	
			CVSA	10,000	11,000	10,180	820				
SNYDER	11,017	12,622	VWC	11,017	12,622	9,400	1,222			2,000	
SOMERSET	16,812	19,672	CVSA	3,910	3,910	3,461	449				
			DVP	3,910	3,910	3,910					
			VWC	8,992	11,852	7,352	4,500				
SULLIVAN	6,000	8,000	VWC	6,000	8,000	6,933	1,067				
SUSQUEHANNA	6,000	8,000	VWC	6,000	8,000	7,097	203			700	

\*Project Type: VWC Victim Witness Coordinator  
 CVSA Comprehensive Victim Service Agency  
 SAC Sexual Assault Center  
 DVP Domestic Violence Program  
 MADD Mothers Against Drunk Driving  
 O Other - 1, 2, 4 Probation; 3 Juv. Ct.

\*\* Includes program related travel.

\*\*\*Includes hiring trainers or training related travel expenses.

## DATA SHEET FOR PCCD VICTIM/WITNESS ASSISTANCE PROJECTS 1995

COUNTY	1994 COUNTY ALLOCATION	1995 COUNTY ALLOCATION	PROJECT TYPE*	1994 AWARD	1995 REQUEST	PERSONNEL	OPERATING EXPENSES**	EQUIPMENT	CONSULTANTS	TRAINING***	OTHER
TIOGA	10,985	12,471	VWC	10,985	12,471	11,821	150			500	
UNION	10,000	12,000	VWC	10,000	12,000	10,822	672			506	
VENANGO	25,208	27,232	VWC	25,208	27,232	22,378	3,654			1,200	
WARREN	12,445	12,818	VWC	12,445	12,818	9,368	2,050			1,400	
WASHINGTON	40,939	47,548	VWC	40,939	47,548	41,877	1,607	800		3,264	
WAYNE	10,000	12,000	VWC	10,000	12,000	10,375	900			725	
WESTMORELAND	85,713	92,372	VWC	85,713	92,372	69,383	8,889			14,100	
WYOMING	10,000	12,000	CVSA	10,000	12,000	9,470	2,530				
YORK	102,098	111,736	VWC DVP DVP CVSA	84,480 2,274 6,011 9,333	94,118 2,274 6,011 9,333	80,240 2,274 6,011 8,993	9,930   220	2,548		1,400	
									120		
TOTAL	2,656,896	3,024,694		2,628,953	3,024,694	2,571,123	241,546	62,116	56,706	83,436	9,767
					100%	85%	8%	2%	1%	3%	<1%

\*Project Type: VWC Victim Witness Coordinator  
 CVSA Comprehensive Victim Service Agency  
 SAC Sexual Assault Center  
 DVP Domestic Violence Program  
 MADD Mothers Against Drunk Driving

VWC - 1,873,782 - 62%  
 CVSA - 837,552 - 28%  
 DVP - 142,732 - 5%  
 0 - 135,821 - 4%  
 SAC - 34,807 - 1%

## VICTIM BILL OF 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 justice system pertaining to the victim's case.
- 3) To be accompanied to all public criminal proceedings by a family member, a victim advocate, or another person.
- 4) In cases involving personal injury crimes, burglary, or crimes relating to driving under the influence of alcohol or a controlled substance which involve bodily injury, to submit prior comment to the prosecutor's office on the potential reduction or dropping of any charge or changing of a plea.
- 5) To have opportunity to offer prior comment on the sentencing of a defendant, including submission of a written victim impact statement detailing the physical, psychological, and economic effects of the crime on the victim and the victim's family, which statement shall be considered by the judge when determining the defendant's sentence.
- 6) To be restored, to the extent possible, to the pre-crime economic status through the provision of restitution, compensation as provided under the Crime Victim's Compensation Program, and the expeditious return of property.
- 7) In personal injury crimes when the defendant is sentenced to a state correctional facility, to be given the opportunity to provide prior comment on, and to receive, state postsentencing release decisions, including work release, furlough, parole, pardon, or community treatment center placement and to be provided immediate notice of an escape of the offender.
- 7.1) In personal injury crimes where the offender is sentenced to a local correctional facility, to receive notice of the date of the release of the offender, including, but not limited to, work release, furlough, parole or community treatment center placement and to be provided with immediate notice of an escape of the offender. (Amended by SSAct 2 of 1995 - effective 6/7/95)
- 8) To receive notice when an offender is committed to a mental health facility from a state correctional institution and of the discharge, transfer, or escape of the offender from the mental health facility.
- 9) To have assistance in the preparation of, submission of, and follow-up on financial assistance claims to the Crime Victim's Compensation Board.

*Act 155 of 1992 as amended*

## APPENDIX C

### **SERVICE RESPONSIBILITIES OF PROSECUTOR'S OFFICE UNDER ACT 155 AS AMENDED**

#### **In Personal Injury Crimes:**

1) Notice of the opportunity to submit prior comment on the potential reduction or dropping of a charge or the changing of a plea when the victim so requests. This notice is also required for the crimes of burglary and driving under the influence (DUI).

2) Notice of the time and place of any dispositional proceeding, when the victim so requests and the prosecutor's office has received advance notice.

3) Notice of the opportunity to submit input to, and receive notice of, state correctional release decisions, **to receive notice of any release of an offender from a state or local correctional facility (SSAct 2 of 1995)** and to receive notice of transfers from state correctional institutions to mental health facilities.

4) Notice when the defendant is released from incarceration at sentencing, when the victim so requests.

#### **In All Crimes:**

1) Notice of the disposition and sentence (including sentence modifications), when the victim so requests.

2) Notice of the opportunity to provide prior comment on the sentencing of the defendant, to include the submission of a written impact statement. Assistance with such input is to be provided upon request.

3) Provide assistance with the crime victim's compensation claims process to those victims who may be eligible under the program.

**PRINCIPAL SERVICES AND ACTIVITIES  
PROMOTED THROUGH THE  
VICTIM/WITNESS PROGRAM  
STANDARDS AND PROCEDURES MANUAL**

**Intake and Assessment**

Staff will assess the situation of each victim as he/she enters the program and obtain as much case-related information as possible, including all concerns the victim has regarding his/her experience and the criminal justice process. Ideally, staff will meet personally with the victim to assess the situation and meet with the prosecutor to determine what services are available to the victim and what information about the case the victim needs.

**Early Outreach**

Staff will establish contact with all victims whose cases are prosecuted through the criminal justice system as soon as the case reaches the prosecutor's office. Ideally, staff will work with other community agencies in establishing procedures to provide contact with the victim and/or the victim's family immediately following the occurrence of the crime or no later than 72 hours after the reporting of an incident involving serious personal injury.

**Orientation to Criminal Justice System**

Staff will create and distribute written materials which provide a basic, descriptive overview of the criminal justice process. Ideally, victims/witnesses (especially children) will receive a courtroom orientation in person or over the telephone.

**Victim/Witness Intimidation**

Staff will develop a written policy for handling complaints of threats, intimidation, or harassment made toward victims/witnesses. Ideally, staff will receive training on the laws pertaining to victim/witness intimidation and the agency's policy in proper handling of an intimidation incident. The written policy will be comprehensive in attempting to provide immediate relief to all victims/witnesses and utilize all resources available to the criminal justice system at every stage of the prosecution, including post conviction.

**Notification**

All victims will be notified of significant actions and proceedings pertaining to their case as well as of opportunities to provide appropriate input into key decisions consistent with the prosecutor's responsibilities under Act 155. Ideally, all crime victims will be afforded all services available.

### **Case Status**

Staff will develop a system which provides ready access to information that can be used to respond to case status inquiries in an accurate and timely manner. Ideally, all agency staff will be familiar with the procedures for responding to case status inquiries.

### **Witness Management**

Staff will notify witnesses as far in advance as possible of upcoming court proceedings and provide witnesses with the opportunity to place themselves "on-call" rather than make repeated trips to court in anticipation of the need to testify. Ideally, all victims will be placed on an "on-call" system developed through cooperation with the court administrator and other prosecutorial staff.

### **Separate Waiting Area**

Staff will ensure that a separate waiting area, inaccessible to the defendant and family and friends of the defendant, is provided for all victims/witnesses. Ideally, the waiting room includes a play area for children and is secure and staffed by a trained victim advocate and children's caregiver during all hours of court operation.

### **Prior Comment on Charges and Pleas**

Staff will notify victims of personal injury crimes, burglary, or driving under the influence crimes which involve bodily injury of their opportunity to provide prior comment to the prosecutor's office on the potential reduction or dropping any charge or changing of a plea if requested by the victim. Ideally, this opportunity will be extended to include all victims of crime, and staff will provide accompaniment to those victims who request this service.

### **Prior Comment on Sentencing Decisions**

Staff will contact all crime victims and inform them of their right to offer prior comment on the sentencing of the defendant to include the submission of a written victim impact statement. Staff will also provide the victim with guidelines for preparing a statement and provide direct assistance, upon request, when feasible. Ideally, all victims are afforded: 1) an opportunity to address the court at time of sentence in addition to, or in lieu of, a written victim impact statement; and 2) assistance with the preparation of a victim impact statement upon request.

### **Sentencing**

Staff will ensure that all victims of crime receive written or oral notice of the date, time, and location of sentencing as well as an explanation of the sentencing process and of their right to attend sentencing. Staff will also notify these victims of the final disposition. Personal injury crime victims will be notified, upon request, of the release of the defendant from incarceration at sentence. Ideally, staff will provide accompaniment and arrange for transportation to the sentencing.

### **Restitution**

Staff will work with the prosecutor's office to ensure that restitution information is collected in all appropriate cases and that restitution is requested at time of sentencing. Ideally, restitution information is collected in all cases and made a condition of all appropriate sentences, and each victim/witness is given written information on the restitution collection process and offered assistance in monitoring the collection and distribution of restitution.

### **Victim Compensation**

Staff will inform all victims and qualifying family members about victim compensation eligibility and requirements; maintain claim forms, brochures, and other victim compensation materials; and provide personal assistance in the preparation of claims for the Crime Victim's Compensation Board. Ideally, a referral system is in place so that all eligible victims/family members are notified about victim compensation; the public is educated about victim compensation; and police, hospital workers, sexual assault, domestic violence, and other human services staff are trained about the availability of victim compensation.

### **State Correctional/Mental Health Release Notification Programs**

Staff will ensure that victims of defendants who receive maximum sentences of two or more years are notified of their opportunity to participate in the Department of Corrections, Board of Probation and Parole and Department of Public Welfare's Release Notification Programs. Staff will provide each victim with written information which describes the program and requirements for participation. Ideally, upon request of the victim, staff will provide assistance in preparing the written or oral statement to the Department of Corrections or the Board and arrange for accompaniment as necessary.

### **Advocacy**

Staff will inform, support, and accompany victims, witnesses, and significant others, not assisted by other agencies, through criminal justice proceedings and both act as a liaison within the system and coordinate advocacy with other services. Ideally, staff will work with other established victim service agencies in educating the public about the needs and rights of victims and ensure that those needs and rights are met by intervening when necessary on behalf of victims, witnesses, and significant others.

### **Accompaniment**

Staff will arrange for accompaniment at all public criminal proceedings by a family member, a victim advocate, or another person for all victims who request such service. Ideally, accompaniment will be provided in any situation, e.g., to medical facilities, interviews, etc., upon the request of the victim.

### **Transportation**

Staff will, whenever possible, coordinate transportation services for those victims unable to get to a court hearing on their own. Ideally, all victims/witnesses will be offered transportation or reimbursement for transportation to all court hearings, and special transportation will be provided for all victims with disabilities.

### **Child Care**

Staff will develop a plan for child care by using volunteers or by contracting with local child care centers to provide child care services to victims/witnesses during court appearances. Ideally, staff will maintain an advertised child care service which is offered to all victims/witnesses and is staffed by a trained child care provider.

### **Employer/Creditor Intervention**

Staff will provide employer, creditor, and school intercession upon the request of a victim/witness. Ideally, staff will provide all victim/witnesses with a form letter that they may present to their employers, creditors, or school officials explaining their participation in a particular criminal justice proceeding.

### **Crisis Intervention**

Staff will determine if a victim is in crisis and be able to provide crisis intervention at all times before, during, and after the prosecution of the case by maintaining readily accessible numbers of 24-hour hotlines and agencies which offer trained staff capable of responding to victims in crisis. Ideally, staff will help identify gaps in a particular community's capacity to respond to victims in crisis and promote measures which strengthen service delivery.

### **Supportive Counseling**

Staff will be aware of victim/witness needs and be able to offer supportive counseling at all times before, during, and after prosecution of the case; will seek training in effective techniques for providing supportive counseling and empathetic listening; and will refer victims requiring counseling to the appropriate qualified agency. Ideally, staff will be trained in effective counseling techniques and will maintain a readily accessible list of competent counselors for referral purposes.

### **Support Groups**

Staff will maintain and periodically update a list of existing support groups for victims and make appropriate referrals. Ideally, staff will help to identify the gaps in the availability of local support groups and work with others in the community to enhance the services available for victims.

### **Community Referrals**

Staff will be qualified to make appropriate referrals for all victims/witnesses who may need crisis intervention, psychological counseling, or emotional support and will maintain a list of community service agencies, i.e., rape crisis, domestic violence, child sexual assault, children and youth services, area agency on aging, and mental health/mental retardation services, which includes the name of a contact person and current telephone number for each agency listed. Ideally, staff will have a thorough knowledge of all existing agencies that may be capable of providing some form of relief to victims/witnesses of crime by identifying contact people within these agencies and developing a system of communication that keeps both parties informed of any new program developments.

### **Property Return**

Staff will arrange for the expeditious return of property which has been seized as evidence when the evidence is no longer needed. Ideally, when the victim requests the return of property prior to the disposition of the case, the property will be photographed and returned to the victim, absent extenuating circumstances, within seven days of the request. The decision to release such property will be made by the prosecutor's office based upon the importance of the evidence to the case and the legitimate interest of the victim.