

## **INFORMATION FOR LAW ENFORCEMENT**

### **Statutory Obligations**

The Crime Victims Act  
18 Pa.C.S. §§ 11.101–11.5102

A law enforcement agency shall ensure that all of its officers and employees are familiar with crime victims compensation. Instruction concerning crime victims compensation shall be made a part of the training curriculum for all trainee officers.

Law enforcement agencies shall, within 48 hours of the report of a crime, notify the victim or, if appropriate, a member of the victim's family, of the availability of crime victims compensation in writing by a form developed by the Office of Victims' Services.

Included with the notification shall be one copy of the Victims Compensation Assistance Program Claim Form. The law enforcement agency shall keep a record of the notification date.

Law enforcement agencies are responsible for providing basic information on the rights and services available to crime victims. The information shall be in writing and shall be provided to the victim within 24 hours of first contact with the victim in a manner and form to be developed by the Office of Victims' Services. The form shall be attached to the police report and shall include a victim check-off signifying that the information has been provided to the crime victim.

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 to the victim within 24 hours after the preliminary arraignment. In cases alleging delinquency, notice shall be provided within 24 hours after the complaint has been filed or forwarded to juvenile probation or the district attorney.

Also, in personal injury crimes, a law enforcement agency, sheriff, deputy sheriff, or constable shall notify the victim of an inmate's escape from their custody.

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.

### **Powers and Duties**

The Victims Compensation Assistance Program has been designated a criminal justice agency under the Criminal History Records Information Act (CHRIA) and is authorized to request and receive protected information. The Program may request any assistance or reports from law enforcement agencies, state or municipal departments, or public authorities that will enable the Program to carry out its powers and duties. This also includes any court or official records.

Claims will be investigated and determined, regardless of whether the alleged criminal has been apprehended, prosecuted or adjudicated for the crime in question.

A claim shall be denied if the Victims Compensation Assistance Program determines that the claimant or victim has not fully cooperated with all law enforcement agencies, unless the noncompliance is found to have been justified.

A person who is criminally responsible for the crime upon which a claim is based or an accomplice of the person shall not be eligible to receive compensation with respect to the claim. A person's conduct may be considered when making a determination of the claim.

### **Confidentiality of Records**

All reports, records or other information obtained by the Victims Compensation Assistance Program during the processing of a claim shall be privileged and confidential. They shall not be subject to subpoena or discovery, and except for very limited circumstances shall be used for no other purpose than the processing of a claim.

### **Reports and Documentation**

The police officer's and investigator's roles are important. When the police report does not provide details about injuries or the amount of money taken, the claim may be delayed or even denied. When an investigation is pending and the police prefer to delay release of the police report, the Program will send a Police Questionnaire Form to the appropriate officer. This form will ask questions concerning the victim's injuries and conduct and any charges filed.

It is also important to record incidents where victimization is suspected: such as when an injured person is found and is taken to the hospital or when domestic violence is suspected.

In crimes involving stolen or fraudulently-taken monies, the Victims Compensation Assistance Program will consider additional information provided to the police by a victim only up to two weeks following the incident.

### **Law Enforcement Eligibility**

Police officers, firefighters and other similarly situated public safety and security personnel may be eligible for victims compensation. This applies to either on-duty or off-duty incidents. All eligibility requirements, including the minimum loss requirement, must be met. Since the Compensation Fund is the payor of last resort, any available insurance benefits, including Workers' Compensation and the Heart and Lung Fund, must be accessed first.

### **Additional Information and Referrals**

If a police department would like additional information regarding the Bill of Rights and victim notification requirements, call (800) 692-7292. For questions regarding the Victims Compensation Assistance Program, call (800) 233-2339.

Law enforcement is encouraged to refer victims of crime to the local victim service agencies within their counties for assistance with advocacy needs and filing for compensation benefits.