Consolidated Victim Service Program Standards

pennsylvania
COMMISSION ON CRIME
AND DELINQUENCY

This Code of Ethics is intended to serve as a guide. This code represents standards of ethical behavior for all victim services program staff in the relationships they have with those they serve, with colleagues, with the agency, with other individuals, and with the community and society as a whole.

This Code is based on fundamental values and principles that are the common ground victim services providers share. These values include commitment to services, the dignity and worth of the person, integrity, competence, social justice, confidentiality, self determination and the importance of human relationships.

This code does not represent a set of rules that will prescribe all the behaviors of people in the complexities of their lives. Rather, it offers general principles for the assessment and appraisal of situations that present ethical dilemmas, and guides the conduct of victim services program staff.

Ethical Standards for Victim Services Program Staff

1. VICTIM SERVICES PROGRAM STAFF ETHICAL RESPONSIBILITY TO CLIENTS

1.01 Commitment to Clients

Victim services program staff primary responsibility is to promote the well being of clients.

1.02 Self-Determination

Victim services program staff respect and promote the right of clients to self-determination and assist clients to identify and pursue their goals.

1.03 Information about Services

Victim services program staff shall inform clients, in a manner understandable to the clients, of the purpose of the services, risks related to the services, reasonable alternatives, clients' right to refuse or withdraw from services, the time frame covered by the services and the procedure for grievance. In instances where clients lack the capacity to provide informed consent, victim services program staff shall protect clients' interests by seeking permission from an appropriate third party, informing clients in a manner understandable to the clients. In such instances victim services program staff shall seek to ensure that the third party acts in a manner consistent with the clients' wishes and interests. Victim services program staff shall take reasonable steps to enhance such clients' ability to give informed consent.

1.04 Competence

Victim services program staff shall provide services and represent themselves as competent only within the boundaries of their education, training and certification. Victim services program staff shall only provide services within the boundaries of their program's standards.

1.05 Cultural Competence and Social Diversity

(a) Victim services program staff shall be sensitive to social diversity and oppression with respect to race, ethnicity, national origin, color, class, gender, sexual orientation, age, marital status, political belief, religion and mental or physical disability.

(b) Victim services program staff shall provide service in a manner which is culturally competent and respectful of social diversity.

1.06 Conflicts of Interest

(a) Victim services program staff shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.

(b) When victim services program staff provide services to two or more people who have a relationship with each other, victim services program staff shall clarify with all parties the victim services program staff' professional obligations to each individual who is receiving services.

(c) Victim services program staff shall not take advantage of any professional relationship or exploit clients and former clients to further their personal, religious, political or business interests.

(d) Victim services program staff shall not engage in dual or multiple relationships with clients or former clients with whom there is exploitation or potential harm to the client.

(e) In instances where dual or multiple relationships exist, victim services program staff are responsible for setting clear, appropriate and culturally sensitive boundaries.

(f) Individual victim services program staff shall neither solicit nor accept a private fee or other remuneration for providing services to clients.

1.07 Privacy and Confidentiality

(a) Victim services program staff shall respect clients' rights to privacy.

(b) Victim services program staff may disclose confidential information only with valid, informed consent from a client or a party legally authorized to consent on behalf of a client.

(c) 1 Victim services program staff shall not discuss or disclose information obtained in the course of professional service, except when disclosure is necessary to prevent serious, foreseeable and imminent harm to a client or other identifiable person or when laws require disclosure with or without a client's consent.

(c) 2 Victim Witness Coordinators who work on staff of prosecutor offices or probation offices, or other criminal or juvenile justice system offices, shall protect the confidentiality of all information obtained in the course of professional service, except when disclosure is necessary by policy of the office and/or to prevent serious and imminent harm to a client or other identifiable person or when laws require disclosure without a client's consent.

(d) Victim services program staff shall inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences.

1.08 Sexual Relationships

(a) Victim services program staff shall not engage in sexual activities, sexual contact, or inappropriate sexual conversation with clients.

(b) Victim services program staff shall not engage in sexual activities or sexual contact with former clients where there is a risk of exploitation or potential harm to the former client.

(c) Victim services program staff shall not provide counseling services to individuals with whom they have had a prior sexual relationship.

1.09 Physical Contact

(a) Victim services program staff shall not engage in physical contact where there is a possibility of psychological or physical harm to the client as a result of the contact.

(b) Victim services program staff who engage in physical contact with clients are responsible for setting clear, appropriate and culturally sensitive boundaries that govern such physical contact.

1.10 Harassment

(a) Victim services program staff shall not sexually harass clients.

(b) Victim services program staff shall not harass oppress or engage in any other form of violence towards clients; particularly in regards to race, ethnicity, national origin, color, class, gender, sexual orientation, age, marital status, political belief, religion and mental or physical disability.

1.11 Continuity of Services

Victim services program staff shall take reasonable steps to facilitate the continuity of services to clients in the event that services are interrupted by program staff factors such as unavailability, relocation, illness, disability or death.

1.12 Termination of Services

Victim services program staff shall terminate services to clients when such services are no longer required or no longer serves the clients' needs or interest.

1.13 Referral of Services

Victim services program staff shall refer clients to other professionals when the other professionals' specialized knowledge or expertise is needed to serve clients fully or when victim services program staff believe that they are not being effective or making reasonable progress with clients and that additional service is required.

2. VICTIM SERVICES PROGRAM STAFF ETHICAL RESPONSIBILITIES TO COLLEAGUES

2.01 Respect

(a) Victim services program staff shall treat colleagues with respect, courtesy, fairness and good faith, and shall represent accurately and fairly the qualifications, views and obligations of colleagues.

(b) Victim services program staff shall avoid unwarranted criticism of colleagues in communications with clients or with other professionals.

(c) Victim services program staff shall cooperate with colleagues when such cooperation serves the well being of clients and the program mission.

2.02 Confidentiality

Victim services program staff shall respect confidential information shared by colleagues in the course of their professional relationships and transactions. Victim services program staff shall ensure that such colleagues have information regarding the victim services program staff' obligations to respect confidentiality and any exceptions related to it.

2.03 Disputes Involving Colleagues:

(a) Victim services program staff shall not take advantage of a dispute between a colleague and an employer to obtain a position or otherwise advance the victim services program staff' own interests.

(b) Victim services program staff shall not exploit clients in disputes with colleagues or engage clients in any inappropriate discussion of conflicts between victim services program staff and their colleagues.

2.04 Consultation:

(a) When consulting with colleagues about clients, victim services program staff shall disclose the least amount of information necessary to achieve the purposes of the consultation, respecting the confidentiality guidelines of the program.

(b) Victim services program staff shall seek the advice and counsel of colleagues whenever such consultation is in the best interest of clients.

(c) Victim services program staff shall keep themselves informed about colleagues' areas of expertise and competencies. Victim services program staff shall seek consultation only from colleagues who have demonstrated knowledge, expertise, and competence related to the subject of the consultation.

2.05 Referral for Services:

(a) Victim services program staff who refer clients to other professionals shall take appropriate steps to facilitate an orderly transfer of responsibility. Victim services program staff who refer clients to other professionals shall disclose, with client's consent, all pertinent information to the new service providers.

(b) Victim services program staff are prohibited from giving or receiving payment for a referral.

2.06 Sexual Relationship:

(a) Victim services program staff who function as supervisors or educators shall not engage in sexual activities or contact with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

(b) Victim services program staff shall avoid engaging in sexual relationships with colleagues when there is a potential for a conflict of interest. Victim services program staff who become involved in, or anticipate becoming involved in, a sexual relationship with a colleague have a duty to transfer professional responsibilities to avoid a conflict of interest.

2.07 Harassment

(a) Victim services program staff shall not sexually harass supervisors, students, trainees or colleagues.

(b) Victim services program staff shall not harass, oppress or engage in any other form of violence towards supervisors, students, trainees or colleagues; particularly in regards to race, ethnicity,
national origin, color, class, gender, sexual orientation, age, marital status, political belief, religion and mental or physical disability.

2.08 Unethical Conduct of Colleagues

(a) Victim services program staff shall take adequate measures to discourage, prevent, expose and correct the unethical conduct of colleagues.

(b) Victim services program staff shall be knowledgeable about established policies and procedures for handling concerns about a colleague's unethical behavior. Victim services program staff shall also be knowledgeable with state and local procedures for handling ethical complaints.

(c) Victim services program staff who believe that a colleague has acted unethically shall seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive.

(d) When necessary, victim services program staff, who believe that a colleague has acted unethically, shall take action through appropriate channels.
(e) Victim services program staff shall defend and assist colleagues who are unjustly charged with unethical conduct.

2.09 Impairment of Colleagues

(a) Victim services program staff who has direct knowledge of a colleague's impairment that interferes with her/his practice effectiveness shall consult with that colleague when feasible and assist that colleague in taking remedial action.

(b) Victim services program staff who believe that a colleague's impairment interferes with her/his practice effectiveness and that the colleague has not taken adequate steps to address the impairment shall take action through appropriate channels.

2.10 Incompetence of Colleagues

(a) Victim services program staff who has direct knowledge of a colleague's incompetence that interferes with her/his practice effectiveness shall consult with that colleague when feasible and assist that colleague in taking remedial action.

(b) Victim services program staff who believes that a colleague's incompetence interferes with her/his practice effectiveness and that the colleague has not taken adequate steps to address the incompetence shall take action through appropriate channels.

3. ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS

3.01 Client Records

Victim services program staff shall ensure that documentation of all records is accurate, appropriate to the services provided, reflects the services provided, and facilitates the continuity of services.

3.02 Assessment

Victim services program staff shall carefully consider the client's needs before agreeing to provide services and shall assess the client's risks and benefits before entering into a relationship with the agency.

3.03 Supervision and Education

(a) Victim services program staff who provide supervision or consultation shall have the necessary knowledge and skill to supervise or consult appropriately and shall do so only within their areas of knowledge and competence.

(b) Victim services program staff who provide supervision or consultation shall set clear, appropriate, and culturally sensitive boundaries.

(c) Victim services program staff shall not engage in any dual or multiple relationships with supervisees in whom there is a risk of exploitation of or potential harm to the supervisees.

(d) Victim services program staff who provide supervision shall evaluate supervisees' performance in a manner that is fair and respectful.

(e) Victim services program staff who function as educators or field instructors for students shall take reasonable steps to ensure that clients are routinely informed when services are being provided by students.

3.04 Education and Training

Victim services program staff who function as educators or trainers shall provide instruction only within their areas of knowledge and competence, and shall provide instruction based on the most current and accurate information and knowledge available in the profession.

3.05 Commitments to Employers

(a) Victim services program staff shall adhere to commitments made to the victim services program.

(b) Victim services program staff shall work to improve the victim services programs, policies and procedures and effectiveness of their services.

(c) Victim services program staff when making public statements shall clearly distinguish between his/her personal views and positions adopted by the victim services program.

3.06 Administration

(a) Victim services program staff shall make diligent use of their employing organization's resources, wisely conserving funds where appropriate and never misappropriating funds or using them for unintended purposes.

(b) Victim services program staff advocate within and outside their organizations for adequate resources to meet client needs.

(c) Victim services program staff shall allocate resources that are nondiscriminatory and based on appropriate and consistently applied principals.

(d) Victim services program staff shall work to improve the organizations' policies and procedures and the efficiency and effectiveness of its services.

(e) Victim services program staff shall act to prevent and eliminate discrimination in organization work assignments and employment practices.

4. ETHICAL RESPONSIBILITIES TO THE COMMUNITY/SOCIETY

4.01 Social Change

(a) Victim services program staff shall recognize and challenge myths and attitudes detrimental to victim/survivors of crime and the victim rights movement.

(b) Victim services program staff shall support social, legal, economic, educational, political and cultural institutions that promote non-oppressive, violence free environments in all segments of community and society.

(c) Victim services program staff shall promote the general welfare of victims in society including economic and political power to enable victims to make choices for the betterment of their own life at all levels of the social system.

(d) Victim services program staff shall advocate for the mental and physical well being of children in society and act to eliminate all exploitation of children.

(e) Victim services program staff shall act to expand choice and opportunity for all persons with special regard to groups disadvantage or oppressed on the basis of race, ethnicity, national origin, color, class, gender, sexual orientation, age, marital status, political belief, religion and mental or physical disability.

4.02 Collaboration and Networking

(a) Victim services program staff shall work in collaboration with other groups and organizations to further the mission of the victim rights movement.

(b) Victim service program staff shall have a working knowledge of related systems that impact victims/survivors of crime.

5. ETHICAL RESPONSIBILITIES AS PROFESSIONALS

5.01 Competence

(a) Victim services program staff shall accept responsibility or employment only on the basis of existing competence or the intention to acquire the necessary competence.

(b) Victim services program staff shall strive to become and remain proficient in professional practice and the performance of professional functions. Victim services program staff shall critically examine and keep current with emerging knowledge relevant to victim services. Victim services program staff shall routinely review professional literature and participate in continuing education relevant to victim services practice and ethics.

(c) Victim services program staff shall base practice on recognized knowledge, including that which is empirically based.

5.02 Discrimination

Victim services program staff shall not practice, condone, facilitate, or collaborate with any form of discrimination based on, national origin, color, gender, sexual orientation, age, marital status, political belief, religion, or mental or physical disability.

5.03 Private Conduct

Victim services program staff shall not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.

5.04 Dishonesty, Fraud and Deception

Victim services program staff shall not participate in, condone or be associated with, dishonesty, fraud, deception, or any type of criminal behavior.

5.05 Impairment

(a) Victim services program staff shall not allow their personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interest of people for whom they have a professional responsibility.

(b) Victim services program staff whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance shall immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminate practice, or taking any other steps necessary to protect clients and others.

5.06 Misrepresentation

(a) Victim services program staff shall make clear distinctions between statements made and action engaged in as a private individual and as a representative of the victim services profession, a professional organization or the victim services program staff's employing agency.

(b) Victim services program staff who speak on behalf of professional victim services agencies shall accurately represent the official authorized positions of the organizations.

(c) Victim services program staff shall ensure that their representations of professional qualifications, credentials, education, competence, affiliations, services provided, or results to be achieved, to clients, agencies, and the public are accurate. Victim services program staff shall only represent those relevant credentials they actually possess and take steps to correct any inaccuracies or misrepresentations of their credentials by others.

5.07 Solicitations

(a) Victim services program staff shall not engage in uninvited solicitations of potential clients who, because of their circumstances, are vulnerable to undue influence, manipulation, or coercion.

(b) Victim services program staff shall not engage in solicitation of testimonial endorsements (including solicitation of consent to use a client's prior statement as a testimonial endorsement) from current clients or from other people who, because of their particular circumstances are vulnerable to undue influence.

5.08 Acknowledging Credit

(a) Victim services program staff shall take responsibility and credit, including authorship credit, only for work they have actually performed and to which they have contributed.

(b) Victim services program staff shall honestly acknowledge the work of and contributions made by others.

6. ETHICAL RESPONSIBILITY TO THE VICTIM SERVICES PROFESSION

6.01 Integrity of the Profession

(a) Victim services program staff shall work toward the maintenance and promotion of high standards of practice.

(b) Victim services program staff shall uphold and advance the values, ethics, knowledge, and mission of the profession. Victim services program staff shall protect, enhance, and improve the integrity of the profession through appropriate study and research, active discourse and responsible criticism of the profession.

(c) Victim services program staff shall contribute time and professional expertise to activities that promote respect for the value, integrity, and competence of the victim services profession. These activities may include teaching, research, consultation, service, legislation, testimony, presentations in the community, and participation in professional organizations.

(d) Victim services program staff shall contribute to the knowledge base of victim services and share with colleagues their knowledge, relevant practice, research and ethics. Victim services program staff shall seek to contribute to the professional literature and to share their knowledge at professional meetings and conferences.

(e) Victim services program staff shall act to prevent the unauthorized and unqualified practice of victim services.

6.02 Evaluation and Research

(a) Victim services program staff shall monitor and evaluate policies, the implementation of programs and practice interventions.

(b) Victim services program staff shall promote and facilitate evaluation and research to contribute to the development of knowledge.

(c) Victim services program staff shall critically examine and keep current with emerging knowledge relevant to victim services and fully use evaluation and research evidence in their professional practice.

(d) Victim services program staff engaged in evaluation and research shall carefully consider possible consequences and shall follow guidelines developed for the protection of evaluation and research participants. Appropriate institutional review boards shall be consulted.

(e) Victim services program staff engaged in the evaluation of services shall discuss collected information only for professional purposes and only with people professional concerned with this information.

(f) Victim services program staff shall take appropriate steps to ensure that participants in evaluation and research have access to appropriate supportive services.

(g) Victim services program staff shall report evaluation and research findings accurately. They shall not fabricate or falsify results and take steps to correct any errors later found in published data using standard publication methods.

PREAMBLE AND LIST OF STANDARDS

1. Accompaniment
2. Assessment
3. Capital Case Notification
4. Collaboration with Community Agencies
5. Confidential Communications
6. Counseling/Supportive Counseling
7. Court Events
8. Court Orientation
9. Court Security
10. Crime Victim Grievances
11. Criminal or Juvenile Case Status
12. Crisis Intervention
13. Individual Advocacy
14. Media
15. Outreach
16. Prior Comment
17. Program Administration
18. Property Return
19. Release, Transfer and Escape Notification
20. Restitution
21. Restorative Justice
22. Systems Advocacy
23. Training
24. Victim Impact Statements
25. Victim/Witness Intimidation
26. Victims Compensation Assistance
27. Victims Rights Notification
28. Witness Management

PREAMBLE

Accomplished victim advocates are educated in crisis and trauma theory, understand the impact of crime on the individual, family and community, respect diversity, respond to and for victims of crime, exercise independent professional judgment and react instantly and wisely to a variety of situations.

Agencies that sustain quality services to victims and retain experienced staff achieve this through fostering a work environment that exhibits the following:

- Effective communication among all staff.
- Adequate resources to maintain services.
- Pro-active problem resolution.
- Clear delineation of roles and responsibilities
- Maintenance of positive staff morale.
- Effective organization of administration and services.
- Consistent application of office policies and practices.
- Attention to security issues both inside and outside its offices.
- Adequate maintenance and upkeep of building and grounds.
- Coordination of a formal or informal support system for staff to reduce vicarious trauma and burnout.

For Pennsylvania to maintain its reputation as a recognized leader in victims' rights and services, it must have accomplished victim advocates in every county – large and small, urban and rural. In order to ensure that every victim, regardless of location or crime, has access to quality, timely and appropriate services, the Victims' Services Advisory Committee (VSAC) and the Pennsylvania Commission on Crime and Delinquency (PCCD) have adopted these standards to be effective **January 1, 2009**. These standards apply to funding received from the Office of Victims' Services (OVS), PCCD, except for STOP.

It is important to note that PCCD's OVS invited practitioners from the field to help develop these standards. It was important for the unique needs of victim service programs across Pennsylvania to be taken into consideration so that these standards reflect the best thinking and practices within the field. These standards also reflect the need for services to be accessible to victims regardless of educational level, mental or physical ability or fluency in English. For this reason, the following practices apply to standards:

1. Information shall be available in writing at a 5th Grade Reading Level.
2. Information shall be available in all major languages spoken within the service area. A major language is one spoken by 5% or more of the population. Programs must access interpretive services for victims who are not literate.
3. For individuals who are unable to read or have visual disabilities, information shall be available in large print, on tape or in a mutually agreed to format.

PCCD uses a decentralized method of distributing victim service funding in Pennsylvania. The local policy board in each county is responsible for allocating victim service-related funding to programs within the county to best meet the needs of victims at the local level. The local policy board, through its funding allocation process, decides the types of services provided by each victim service agency in the county. This process results in great diversity among victims' service programs in the Commonwealth. This diversity is woven into the fabric of service provision, geographic location, victims served and resources used to support the work of the program. As a result, PCCD recognizes that all victims' service programs in Pennsylvania are not alike. These standards were written to reflect the broad array of services that it is possible to provide through each funding stream administered by the OVS. Therefore, there may be some standards that do not apply because a program does not provide a particular service and/or does not receive funding to support provision of that service. Most of the time, victims' services programs will be able to readily identify those standards applicable to their operations. However, in those instances in which the applicability of a standard is in question, technical assistance is available from the OVS and its staff.

We hope that advocates working in the field will find these standards useful as they go about their daily work of providing services to victims of crime.

ACCOMPANIMENT

CORE STANDARD

Accompaniment is the in-person support provided to a victim. The Victims' Services Program provides accompaniment during activities related to the victimization. The Victims' Services Program shall provide accompaniment and the necessary services for all individuals regardless of abilities or English proficiency.

PROGRAM REQUIREMENTS

1. During accompaniment, the Victims' Services Program shall provide advocacy, crisis intervention, crisis counseling or victim education as the need arises.

2. Within the confines of available resources, it is sometimes impossible to provide accompaniment to all who request it. The Victims' Services Program shall develop criteria for prioritizing cases.

3. Program staff providing accompaniment shall be able to explain the purpose of the proceeding and clarify the victim's role in the proceeding. The Victims' Services Program shall ensure staff is knowledgeable of all criminal or juvenile justice proceedings by regular contact with the courts; this includes advance knowledge of scheduling.

4. The Victims' Services Program shall provide in-person support, scheduling and orientation information. When the in-person support is not possible, the Victims' Services Program shall provide another resource for accompaniment. The Victims' Services Program shall coordinate the provision of accompaniment services with other agencies, e.g., victim/witness program, rape crisis centers, domestic violence programs, and community-based comprehensive Victims' Service Programs, to avoid duplication of efforts.

5. The Victims' Services Program shall make available to all victims information on accompaniment services.

PRACTICE TIP

- Provide in-person support, scheduling information and orientation during, but not limited to, any of the following:
    a. Juvenile court proceedings.
    b. Criminal court proceedings.
    c. Protection from abuse, protective order and enforcement proceedings.
    d. College disciplinary proceedings.
    e. Hospital or other medical appointments/interviews.
    f. Media interviews.
    g. Coroner's inquest.

h. Police station, prosecutor's office or other legal appointments/interviews.
i. Parole and juvenile review hearings.
j. Post-sentencing/dispositional proceedings.
k. Child protective services proceedings.
l. Executions.
m. Appeals.
n. Restitution hearings.
o. Diversion proceedings

STRIVING FOR EXCELLENCE

- For those situations in which the Victims' Services Program does not have sufficient staff or volunteers to provide all accompaniments requested by the victim, it will, through its community partnerships, have identified others who are willing and able to provide the service.

ASSESSMENT

CORE STANDARD

Assessment begins at the point of engagement when the victim voluntarily accepts services offered. Assessment consists of the initial and ongoing process whereby the Victims' Services Program staff obtains the necessary information from a victim in order to assist them, identifies the needs arising from the victimization, and provides to the victim information on the services and rights available to meet those needs.

In obtaining assessment information, the Victims' Services Program shall attend to the cultural, language, and/or disability needs of the victim and make the appropriate accommodations.

PROGRAM REQUIREMENTS

1. The Victims' Services Program staff, through personal contact with the victim shall explore the victim's concerns, problems, needs, safety issues and willingness to respond to media requests (see Crisis Intervention Standard).

2. The Victims' Services Program staff shall obtain the necessary demographic information required by their program and/or funders, and information on how to safely contact the victim in the future.

3. The Victims' Services Program staff shall provide the following information to the victim, and document in writing, that it was provided:
    a. Description of the Victims' Services Program, its services and purpose.
    b. Reasonable expectations from the Victims' Services Program and the limits of the program.
    c. Description of the confidentiality afforded the victim and the limits of that confidentiality (see Confidential Communications Standard).
    d. Explanation of Victims Rights in Pennsylvania.
    e. Information on attending proceeding that is likely to be covered by the media (see Media Standard).
    f. How to report victim/witness intimidation.

4. The Victims' Services Program staff shall determine the need for further services from the Victims' Services Program and determine, with the victim, how and when these services will be provided (i.e., letter, brochure, telephone call, in- person accompaniment, etc.). The Victims' Services Program staff will determine the need for additional services not provided by the Victims' Services Program and plan with the victim the most appropriate means to access those services.

PRACTICE TIPS

- Create a checklist to track information given to victims**.**

- Assessment information from the victim may include:
    a. A description of the general nature of the incident which precipitated the victim's contact with the Victims' Services Program. This includes all information given orally and in writing. Assessment documentation should never include verbatim statements made by the victim.
    b. All pertinent demographic information.
    c. A determination of the victim's reading ability and level; where the victim is unable to read, a more frequent review of the information may be necessary or a taped recording provided.
    d. The names of all contact people with whom the victim has given consent for the program to speak.
- Assessing the immediate safety need of the victim to determine:
    a. If the victim or victim's family member is in immediate danger? If so, is there a safe place where he or she can go until the danger passes?
    b. If there is someone that the Victims' Services Program staff can contact for the victim so that the victim will not be alone.
    c. If the victim is in need of immediate medical attention.
- Information for the victim should include:
    a. Examples of what the program can and cannot provide for victims.
    b. Other resources in the community that may be helpful to the victim.
    c. How to obtain case status information where there has been law enforcement involvement.
    d. Maintained records of any actions taken.
        i. Give special consideration to the issue of confidentiality for any statements and information provided by the victim. Any assessment or intake record must remain confidential (see Confidentiality Standard).
        ii. Discuss with the prosecutor discovery issues surrounding the maintenance of victim intake and assessment records.
    e. How to access services.
- Contact the victim when appropriate.
- Provide individual advocacy by speaking with the District Attorney, the juvenile probation staff, or the police to inform them of the victim's concerns or needs obtained during assessment.
- Determine the need for additional services and the most appropriate delivery of these services (i.e., letter, brochure, telephone call, referral, etc.).

STRIVING FOR EXCELLENCE

- Victims' Service Programs shall use standardized, validated assessment instruments.

CAPITAL CASE NOTIFICATION

CORE STANDARD

The Victims' Services Program shall inform victims in death penalty cases of their opportunity to register with the Office of the Victim Advocate to receive information about services and/or be selected to witness the execution as outlined in 61 P.S. § 3005.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall be knowledgeable of the provisions of 61 P.S. § 3005 that outline the victim's opportunity to be selected to witness an execution.

2. The Victims' Services Program shall provide victims with the Office of the Victim Advocate's standard registration card and brochure for notification.

3. The Victims' Services Program shall create an environment supportive of the victim's choices surrounding witnessing executions.

4. The Victims' Services Program shall provide information and referrals to victims on the availability of local counseling services and support groups.

5. The Victims' Services Program shall work in partnership with the Office of the Victim Advocate during the preparation/prebriefing and debriefing stages. Issues regarding the media, rules and regulations of the Department of Corrections and other identified issues shall be considered and addressed.

COLLABORATION WITH COMMUNITY AGENCIES

CORE STANDARD

The Victims' Services Program shall develop and maintain partnerships with other community agencies. The Program shall be familiar with other community agencies within the county that provide services to victims of crime to ensure that victims have the best access to services and to avoid duplication of services.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall maintain a current resource list of community agencies identified as providing victim-sensitive services.

2. The Victims' Services Program shall meet/have contact with community agencies to gain clarity on the services provided.

3. The Victims' Services Program shall establish a referral procedure in cooperation with these community agencies.

4. The Victims' Services Program shall work in coordination with other Victims' Service Programs to develop and provide a continuum of counseling and support services to victims and witnesses.

5. The Victims' Services Program shall serve on local task force groups, policy boards, etc., in order to be able to deal more effectively with countywide issues affecting crime victims.

PRACTICE TIPS

- Maintain Memorandum of Understanding (MOU) for referrals and have a policy for how frequently they are to be reaffirmed/renewed.
- Have a policy on how frequently resource/referral lists are updated that contain a mechanism for collecting feedback from clients regarding the quality of services from the agency to which they were referred.
- Work with other Victims' Services Programs to identify the gaps in the availability of local support groups and work to enhance these services.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall arrange for in-service staff training by representatives from the other community agencies in the county that are providing services to victims of crime.
- The Victims' Services Program shall provide training to the other community agencies on the role of the Victims' Services Program, services provided by the

Program, compensation and the Bill of Rights for Victims/Crime Victim's Bill of Rights.

- The Victims' Services Program shall establish cross-training in collaboration with other community agencies that are providing services to victims of crime.
- The Victims' Services Program shall advocate with the local policy board and others for the development of support services for victims of all crimes within the county.

CONFIDENTIAL COMMUNICATIONS

CORE STANDARD

The confidentiality of client-advocate communication is essential in protecting the safety of victims and ensuring their privacy. Confidentiality is defined as an ethical principle or legal right that a victim service provider will hold secret all personal information relating to a victim unless the victim gives prior consent permitting the disclosure of information. A confidential communication is a statement made under circumstances showing that the speaker intended the statement only for the ears of the person addressed. Communications are confidential whether made by adults or children, and whether to or between staff, volunteers, student interns or board members who have met Pennsylvania's statutory requirements for confidentiality. Victims' Services Programs will rigorously protect all information regarding program participants and their children and will fully comply with the confidentiality provisions set forth in Pennsylvania state and federal law.

PROGRAM REQUIREMENTS

1. Each program shall have a written confidentiality policy that applies to staff, volunteers, board members and student interns. The policy shall hold adult and child victim information exchanged in the course of a counseling relationship as confidential unless there is evidence of child abuse, the victim gives the program permission to release such information or when certain exceptions apply which do not require prior written consent. Staff, volunteers, board members and student interns of the program shall not disclose, or knowingly permit the disclosure, of any information concerning the victim or her/his family, directly or indirectly to any person unauthorized by the victim.

2. The confidentiality policy shall include, but not necessarily be limited to the following:
    - A confidentiality statement;
    - Definitions of confidential communications, observations and information, which includes the distinction between confidentiality in the context of counseling and court accompaniment services;
    - Method of maintenance of records;
    - Who owns the records
    - Who has access to records;
    - Procedures for the retention and destruction of records;
    - Procedure for releasing information with consent of victim; and
    - Exceptions for release of information, which do not require the victim's prior written consent.

3. A program providing counseling services to a victim must meet the highest level of program standards for the services provided.

4. A program must ensure that a victim is making an informed choice in the services she/he seeks. Except in a crisis situation, an initial contact with a victim must include information about confidential communications, the limitations on the confidentiality as between the victim and the individual providing services on behalf of that program, and an appropriate referral to a program that can provide the highest level of confidentiality available. Under circumstances under which it is not appropriate to provide a full explanation of confidentiality during an initial contact, a program shall ensure that information about confidentiality is provided to the victim as soon thereafter as practical.

5. If a program providing counseling services to a victim does not meet the standards that would afford the counselor/advocate statutorily protected confidentiality in communications with the victim, then the program shall make an appropriate referral to a program that can provide statutorily protected confidentiality. It is the victim who shall make the decision about when and where to seek services and under what circumstances confidentiality shall be waived.

6. If a victim is seeking counseling services from a comprehensive victims' services program and has suffered multiple types of crime, the program must clearly explain and document the level of confidentiality and the limitations of that confidentiality that can be provided.

7. Each program providing counseling services shall have written procedures defining how they will respond to the service of legal process, subpoenas, and warrants that may require the release of victim information, including identifying information.

8. Staff, volunteers, student interns and board members will be informed and provided a copy of all policies and procedures related to confidentiality and the application of the policies to their specific role(s) with the program.

9. Each program must develop a written policy directing who is the owner of records containing victim information and shall provide that policy to the victim. The program shall maintain the confidentiality of all victims' counseling case records and identifying information. The program shall secure records, victim files, logs and other written information against loss, tampering, or unauthorized use.

10. Counseling records are to be kept in locked cabinets and/or in password only computer files and maintained in a manner that prevents unauthorized disclosure. The Victims' Services Program shall create a written procedure for retention and destruction of records that preserves confidentiality.

11. The Victims' Services Program shall ensure that statistical data/contact sheets never contain verbatim statements.

12. The Victims' Services Program providing counseling services shall not use the victims' name or any identifying information without seeking the victim's written permission regarding when it can be revealed.

13. The Victims' Services Program shall obtain an informed and voluntary consent from the victim for the disclosure of information contained in the victim counseling records. A copy of the consent form shall be offered to the victim and a copy maintained in the victim's records. The consent shall be in writing and shall include, but not be limited to:

    - The name of the person, agency, organization to whom disclosure is made;
    - The specific information disclosed;
    - The purpose of disclosure;
    - A dated signature of victim or guardian;
    - A dated signature of witness;
    - An expiration date of the consent (generally not to exceed 30 days.) The expiration date shall reflect time, date, event or condition depending upon the nature of the information disclosed;
    - An indication that the consent is revocable at the written request of the person giving consent and that the victim has been informed of this right.

14. Programs shall not accept a third party release of information, unless the third party is serving as a court-appointed guardian or personal representative of the victim.

15. Programs shall not use "blanket release forms." See template for standard release form.

16. Programs shall develop a written policy for the acceptance of a victim's verbal consent to the release of confidential information.

17. Communications with victims shall be made in a private area. Every effort shall be made to ensure that conversations shall not be overheard.

18. The program's policies on confidentiality and regulations protecting the privacy of victims, including their identity, shall be a part of the orientation of all paid or volunteer staff members. These policies shall be made known to governing bodies, outside consultants, other agencies and victims.

PRACTICE TIPS

1. In order to maintain confidential communications, programs should:

A. Inform the victim upon the first contact that it is the policy of the program that all communications are confidential;
B. Discuss what a victim can expect from the program with regard to confidentiality;
C. Describe the varying levels of legal protection regarding confidentiality.
D. Describe the exceptions to confidentiality, such as reporting child abuse.

All domestic violence and sexual assault victims are informed that Pennsylvania law protects their confidentiality in communications with a domestic violence counselor/advocate or a sexual assault counselor/advocate who meets the legal requirements to assert privilege as set forth in Pennsylvania law. The program should not respond to a subpoena without the victim's prior consent. Victims of other types of crime should be informed that there is no Pennsylvania statute protecting their confidentiality, and the program policy to uphold their confidentiality may not hold up under a subpoena.

2. Verbal consent to the release of information should only be obtained when it is not possible to obtain the prior written consent of the victim. In such a case, the verbal consent may be documented by a second program staff and should be followed as soon as possible by the victim's execution of a written confirmation of the consent.
3. Programs should develop written materials that provide an easily understandable description of confidential communications, the level of confidentiality provided to a victim seeking counseling services from that program and a list of referrals to programs that provide the highest level of confidentiality for counseling services. These materials should be provided to every victim seeking counseling services.
4. The Victims' Services Program shall work in collaboration with the District Attorney, Magisterial District Justices, Commonwealth Judges, Probation and Parole Officers, law enforcement, and other criminal and juvenile justice personnel to develop policies and procedures that affirm and protect the confidentiality of victim information.

RELEVANT LEGISLATION

Child Protective Services

Pennsylvania's Child Protective Services Law, 23 Pa.C.S. § 6301, *et seq*., provides an exception to confidential communications as between victims and Victims' Services Programs. Section 6311 identifies which categories of individuals are mandated child abuse reporters. Section 6313 defines under what circumstances a mandated reporter must submit a report, what information must be reported, and related procedures.

Crime Victims Act

The Crime Victims Act, 18 P.S. § 11.211, *et seq*. (2002), provides that the information a victim must provide in order to receive notifications of case and defendant status are confidential and may not be disclosed to any entity other than a law enforcement agency, corrections agency or prosecutor's office without the prior written consent of the victim. Section 11.502 provides that the testimony of the

victim before the PA Board of Probation and Parole shall be confidential, including all personal information of the victim and family members.

Department of Corrections Records
Pennsylvania's Crime Victims Act, 18 P.S. § 11.214(f), provides that all records maintained by the department of corrections, local correctional facility and the board of probation and parole pertaining to a victim shall be kept separate, and a current address, telephone number and any other personal information of the victim and family members shall be deemed confidential.

Domestic Violence
Pennsylvania's Protection From Abuse Act, 23 Pa.C.S. § 6101, *et seq*., provides for confidential communications as between a domestic violence counselor/advocate and a victim of domestic violence. A domestic violence counselor/advocate is someone who works for a program, the primary purpose of which is to provide counseling or services to a victim of domestic violence, and who has undergone 40 hours of training. A domestic violence counselor/advocate is not competent to testify as to any information exchanged in the course of that relationship and only the victim can waive this absolute privilege.

Elder Abuse
The Older Adults Protective Services Act, 35 P.S. § 10225.306, provides that information contained in reports, investigations and service plans shall be considered confidential, except as otherwise provided in the Act or pursuant to Court order. Exceptions include release of information related to criminal conduct perpetrated against an older adult, in the arrangement of services for that individual, and for the purpose of monitoring agency performance.

HIV/AIDS
Pennsylvania's Confidentiality of HIV-Related Information Act, 35 P.S. § 7601, *et seq*., provides that a Victims' Services Program shall not divulge an individual's HIV status without the signed written consent of the individual. Section 7607 provides for confidentiality of records, limitations on disclosure, and exceptions for those to whom certain information can be disclosed.

Sexual Assault
42 Pa.C.S. § 5945.1(b) provides that a sexual assault counselor may not disclose information without the written consent of the victim. To have confidentiality protection, a sexual assault counselor must complete 40 hours of training and be supervised by a direct services supervisor of a rape crisis center.

Witness to Executions
61 P.S. § 3005(c), provides that victims' participation as witnesses to an execution is confidential.

COUNSELING/SUPPORTIVE COUNSELING

CORE STANDARD

Supportive counseling is the provision of information, empathetic listening, feedback, clarification of options and assessment to a victim in response to the effects of victimization. Supportive counseling assists the victim/witness in managing the emotionally significant events resulting from the victimization, and assists the victim utilizing a victim-centered process, in identifying the steps necessary to address his/her concerns related to the victimization and its aftermath.

PROGRAM REQUIREMENTS

1. Any limits to confidentiality of information exchanged between the Victims' Services Program and the victim shall be explained and documented in writing prior to and throughout the provision of this service (see Confidential Communications Standard).

2. The Victims' Services Program, while in contact with a victim, shall continually assess the emotional needs of the victim/witness and/or significant other and provide supportive counseling if necessary and appropriate. The Program shall take active steps to link the victim/witness or significant other with a qualified local victim-centered counseling program(s) whenever the needs of the victim/witness or significant other are beyond the expertise, capacity, or time of the staff, or whenever the victim/witness or significant other requests additional resources or ongoing services (see Collaboration with Community Agencies).

3. The Victims' Services Program shall provide supportive counseling in a secure and safe environment where the victim/witness and/or significant other can be assured of reasonable privacy.

4. Any Victims' Services Program staff providing ongoing counseling or support group counseling shall complete the applicable training for their agency (see Training Standard).

Ongoing Counseling

For programs that choose to provide ongoing individual and/or group counseling, these additional requirements apply:

1. Counseling must be provided in a safe, secure and confidential room that has a door that closes securely and from which normal conversations cannot be overheard outside the space.

2. Each victim's file shall include documentation.

3. The Victims' Services Program shall ensure that those individuals who provide counseling are afforded supervision by a qualified professional. The Victims'

Services Program supervisor shall facilitate the staff's analysis of both successes and difficult situations as pertains to counseling.

Therapy
For the Victims' Services Program that provides therapy, the following additional requirements apply:

1. Therapy is delivered by a licensed therapist who has appropriate educational and experiential knowledge. The Victims' Services Program shall ensure that the therapist maintains a professional license and malpractice insurance. A copy of the therapist's license shall be placed in their personnel file.

2. Each victim's file shall include documentation (see Program Administration- Record Keeping).

3. The Victims' Services Program shall ensure that those individuals who provide therapy are afforded clinical supervision by a qualified professional.

Support Groups
1. The Victims' Services Program shall maintain up-to-date information on support groups for victims and witnesses and make referrals as appropriate (see Collaboration with Community Agencies).

2. The Victims' Services Program shall assess with each of the victims/witnesses the need for a referral to a support group, and actively link the victims/witnesses with the appropriate resource as necessary, or upon the request of the victims/witnesses or significant others.

3. If the Victims' Services Program offers support groups, participants shall sign a confidentiality agreement. This agreement shall be kept in the victim's file.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall utilize process recording as a supervisory tool. Process recording is a clinical supervision tool that includes a report of the whole or portions of the interview with the victim, including what the Victims' Services Program, as well as the victim, contributed. The purpose of using this tool is to identify any obstacles to effective service and analyze victim-counselor interactions.
- The Victims' Services Program shall work in coordination with other Victims' Services Programs to develop a comprehensive range of counseling services for victims of all crimes within the county.

COURT EVENTS

CORE STANDARD

The Victims' Services Program funded to provide procedural services under the Rights and Services Act (RASA) and/or Victims of Juvenile Offenders (VOJO) Programs, shall ensure that victims receive, in formats accessible to them, all notifications and services available to them throughout all appropriate proceedings in the criminal and juvenile justice system.

PROGRAM REQUIREMENTS

Court Notification and Services

1. The Victims' Services Program, in consultation with the prosecutor's office, Juvenile Probation Department and/or other appropriate entities will ensure notification to victims of any significant proceedings throughout the criminal and/or juvenile court process.

2. The Victims' Services Program shall ensure that supportive services are available surrounding the respective notification(s) throughout all significant proceedings in the criminal and /or juvenile court process.

Transfer Hearings

1. The Victims' Services Program shall coordinate with the Criminal and/or Juvenile Court and other appropriate Victims' Services Program that provides services to a victim in criminal proceedings, to ensure that the victim is notified of hearings relating to the transfer of a juvenile offender's case to or from criminal court proceedings.

2. When a petition is filed to transfer a case between Criminal Court and Juvenile Court, the respective office shall notify the victim of the transfer hearing (i.e., certification and decertification hearings).

3. The Victims' Services Program, in consultation with the District Attorney's Office, shall ensure that the victim is informed of the opportunity to provide testimony on the impact of the crime to be considered by the court during the transfer hearings in accordance with 42 Pa C.S. § 6355(a)(4)(iii)(A).

Disposition and Sentencing

1. The Victims' Services Program shall provide notice of the disposition of the case and/or sentencing of the offender. This notification shall include any modifications to the disposition/sentence and the release of the offender from placement/incarceration.

2. The Victims' Services Program shall provide notice, which informs victims of the details of the disposition of the case and/or sentencing of the offender.

3. When a juvenile offender is committed to a facility, the Victims' Services Program shall inform crime victims of their right to be notified by the appropriate county agency and how the victims will register to receive post disposition notification.[1] The Victims' Services Program shall also provide notification services to crime victims regarding the final disposition of a case involving an adult offender.[2]

4. In personal injury crimes, when the District Attorney's Office or Juvenile Probation Office has advance notice of any disposition proceedings, the Victims' Services Program shall make attempts to notify the victim of the time and place of the proceeding. The notice shall inform them that although they are not required to be present, they may be present at the sentencing and/or disposition phase.

5. When the Victims' Services Program knows a victim will be present, they shall inform the District Attorney's Office and/or the Juvenile Probation Department.

6. The Victims' Services Program shall, upon request of the victim, arrange accompaniment for the victim to the dispositional/sentencing hearing (see Accompaniment Standard).

7. In cases where the dispositional hearing/sentencing has been or will be continued, the Victims' Services Program shall ensure that the victim receives notice of all changes as soon as possible.

8. The Victims' Services Program shall work with the District Attorney's Office and/or the Juvenile Probation Department to develop a protocol for prior notification to victims when the offender is scheduled to be released from placement/incarceration.

9. The Victims' Services Program shall develop a notice, which informs victims of the final disposition in their case. This notice shall include a detailed explanation of the offender's disposition/sentence. Documentation that notice was given shall be maintained.

10. In cases where the offender is sentenced to a state correctional institution, local correctional facility or mental health facility, the Victims' Services Program shall ensure that victims are provided notice of their right to enroll in the Office of the Victim Advocate's, Local Correctional Facility's and the Department of Mental Health's release notification programs and will provide the victim with the appropriate enrollment forms.

11. In final correspondence/contact with victims, the Victims' Services Program shall inform victims that services are still available but that they are responsible for informing the Program of any changes regarding victim contact information.

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[1] Pennsylvania Rules of Juvenile Court Procedure adopted by the Supreme Court of Pennsylvania, effective 2005

[2] Pennsylvania Crime Victims Act

Disposition Review Hearing

1. The Victims' Services Program shall inform the victim of the right to present written comment to the court or to present written or oral input into the disposition review hearing. *exceeds the law

2. The Victims' Services Program shall provide assistance to victims to exercise their right to present written and oral input into the disposition review hearing (see Victim Impact Statement).

3. In cases where the disposition review hearing occurs by formal written documentation review or other format, the Victims' Services Program shall ensure that the written comments by victims are forwarded to the court prior to the dispositional review.

4. The Victims' Services Program shall notify victims of the outcomes of disposition review hearings, upon request of the victim.

Victims' Rights in Homicide Trials

1. The Victims' Services Program shall inform victims in homicide cases of their right not to be excluded from the trial process because they will be testifying in the penalty phase pursuant to 42 Pa.C.S. § 9711(a)(2) and of their right to have their victim impact statement considered in the penalty phase of death penalty cases under the same Pennsylvania statute.

Appeal Notification

1. The Victims' Services Program shall have a written appeal notification process which shall provide notice to victims of any significant proceedings related to the offender's appeal of his/her disposition or sentence.

2. The Victims' Services Program shall ensure that supportive services are available to the victim surrounding the respective notification(s) of any significant offender appeal proceedings in the criminal and/or juvenile court process.

Transportation

1. The Victims' Services Program shall identify and coordinate with existing resources, transportation services for victims and witnesses.

2. The Victims' Services Program shall identify and provide appropriate transportation services for individuals with disabilities who need transportation.

3. The Victims' Services Program shall develop a procedure for handling situations involving out-of-town/state/country victims and witnesses.

PRACTICE TIPS

- Work with the District Attorney and Juvenile Probation to create /update processes/procedures

- Details of the disposition of a case and/or sentencing of an offender may include, but are not limited to the following:
  a. Disposition
     i. Explanation of the case disposition process
     ii. Date, time and the location of the disposition
     iii. Opportunity to attend the disposition
     iv. Name and location of placement facility (identifying as secure or non-secure)
     v. Type of probation/supervision
     vi. Participation in community service, treatment programs, counseling, and other programs as ordered by the court
     vii. Costs, fines and restitution amounts ordered and the payment schedule, if any
     viii. Stay away orders
     ix. Other pertinent information as appropriate
  b. Sentencing
     i. Explanation of the sentencing process
     ii. Date, time and the location of sentencing
     iii. Opportunity to attend sentencing
     iv. Name and location of detention facility
     v. Type of probation
     vi. Participation in community service, treatment programs, counseling, and other programs as ordered by the court
     vii. Costs, fines and restitution amounts ordered and the payment schedule, if any
     viii. Stay away orders
     ix. Other pertinent information as appropriate
- In a homicide trial, advocate for a meeting between the victim and the assigned District Attorney to determine: if the victim will be called as a witness during the trial; the possibility of sequestration; and in what order the victim will testify.
- Advocate for the victim's testimony to be taken early in the homicide trial proceedings so that the victim may attend as much of the trial as possible.

COURT ORIENTATION

CORE STANDARD

The Victims' Services Program shall provide basic orientation to the criminal, juvenile, and/or civil justice system (i.e. protection from abuse orders, civil criminal complaints, etc.) for victims, family members or significant others**.**

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall be able to explain to crime victims the various stages and key "players" of the criminal and juvenile justice systems and civil justice process.

2. The Victims' Services Program shall develop a county-specific model for the court orientation process that includes: written materials, courtroom orientation, and logistics of the court (i.e., transportation, safety/security issues, parking, etc.). This court orientation process shall also provide accommodations for individuals having special needs, the age of the victim, and any urban/rural issues.

PRACTICE TIPS

- Examples of such models may include court school for children, videotape of the courtroom, or an on-site courtroom visit.
- Create flow charts or other process diagrams to show victims similarities and differences in the court process.

COURT SECURITY

CORE STANDARD

Recognizing and respecting the victim's need for safety and security, the Victims' Services Program shall ensure that security measures for victims and witnesses are instituted, including but not limited to, a separate waiting area for victims and witnesses of crime.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall meet with the appropriate county personnel to address the issue of victim and staff safety and the identification/location of a separate waiting area.

2. The Victims' Services Program shall identify the county's procedure on escorting victims, their families, other witnesses, and staff to and from the courthouse.

3. The Victims' Services Program shall provide for the physical and emotional needs of the victim by discussing safety concerns with the victim and helping the victim to identify strategies that reduce the victim's level of anxiety while waiting to be called to the courtroom (see Victim/Witness Intimidation Standard).

4. The Victims' Services Program shall have procedures for notifying the sheriff's department of any altercations within the courthouse.

5. The Victims' Services Program shall provide information to all other courthouse personnel on the need for victims to have separate and secure waiting areas where they can be supported by victim advocates or family members and be free from unwanted contact by media, offenders, offender's family or associates.

6. The Victims' Services Program shall ensure that current informational brochures are available for crime victims in the waiting area.

7. The Victims' Services Program staff shall work cooperatively with the District Attorney and Magisterial District Judges to address security issues in relation to bail or release decisions.

PRACTICE TIP

- The waiting area should have secure access routes and rest rooms for victims and witnesses.
- Provide appropriate beverages, newspapers, games and toys for children, etc., and make them available for victims and witnesses in the waiting area as they wait to testify.

STRIVING FOR EXCELLENCE

- The Victims' Services Program staff shall have a procedure with local police departments on escorting victims and witnesses to and from all locations where victims and witnesses are called to testify.
- The Victims' Services Program staff would provide trained volunteers to staff the waiting room.

See Court Orientation

CRIME VICTIM GRIEVANCES

CORE STANDARD

The Victims' Services Program shall have a grievance process by which victims can file complaints regarding the services provided or the violation of their rights outlined in the Crime Victims Act or other relevant victim's rights legislation. The Victims' Services Program shall inform the victim of this process in writing during initial contact.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall have a mission statement or statement of purpose that articulates the philosophy that all victims will be treated with dignity and respect, and that all victims will be afforded, consistent with the law, the ability to choose their level of participation.

2. The Victims' Services Program shall have a written policy on how complaints will be handled in a timely manner within the office.

3. The Victims' Services Program shall attempt to facilitate a resolution of the complaint by advocating a collaborative approach among the key participants to address the victim's complaint.

4. If, as a result of the grievance, the victim elects not to receive services, referrals shall be made to other appropriate agencies to ensure that the victim has access to services.

5. When complaints remain unresolved, the Victims' Services Program shall inform the victim that they may contact PCCD's Office of Victims' Services for further assistance and advocacy and provide them with contact information.

6. The Victims' Services Program shall forward reports of the complaint and other relevant information to PCCD's Office of Victims' Services with permission from the victim.

7. The Victims' Services Program shall forward to PCCD's Office of Victim's Services summaries of complaints regarding violations of victims' rights or failure to provide adequate services.

PRACTICE TIPS

- Include notice of victim's opportunity to file complaints regarding unlawful or inappropriate action in program brochures or initial correspondence.
- Victims should provide in writing a brief summary of the violation of the right(s) or inappropriate action that occurred.
- Address all victim complaints by documenting the source and nature of the complaint.

- At each step of this process, outline realistic outcomes for the victim.
- At any time the Victims' Services Program may make requests to PCCD for support, intervention, or technical assistance, including scheduling a meeting with PCCD to review the complaint.

CRIMINAL OR JUVENILE CASE STATUS

CORE STANDARD

The Victims' Services Program shall provide victims with accurate and up to date information concerning the status of their case.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall have a written procedure in which staff responds to case status inquiries in a timely manner.

2. The Victims' Services Program shall provide information on the process in which cases proceed through the juvenile and criminal justice systems in the county.

3. The Victims' Services Program shall have a system to cross reference the names of victim's and juvenile or adult offenders or defendant's names.

4. The Victims' Services Program shall keep or have access to records or files updated with current case status information.

PRACTICE TIP

- Establish a contact person in each police department, Magisterial District Judge's office, Juvenile Probation, District Attorney and/or have electronic means to access case status information.

CRISIS INTERVENTION

CORE STANDARD

Crisis intervention provides the person in crisis with the tools to manage the crisis and to facilitate movement toward stability. The Victims' Services Program shall provide a range of services, including safety planning, to a victim during any crisis that may occur in the aftermath of a crime.

Examples of Crisis Intervention Services

- Crisis counseling
- Emergency assistance
- Victim orientation and education
- Referral
- Accompaniment
- Advocacy
- Interpretation
- Translation
- Transportation
- Child care
- Temporary housing
- Security measures
- Measures to use to relieve stress

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall provide support, feedback and information (safety planning, validation and ventilation, and prediction and preparation), and the assessment of victim needs in response to a crisis arising from current and/or previous victimization.

2. A preliminary review of the needs of the victim shall be completed and appropriate center services offered. Where the services of the Victims' Services Program are inadequate to meet the needs of the victim, a referral shall be made (see Assessment Standard).

3. The program shall have a written crisis response protocol.

4. All programs shall provide safety planning. Safety Planning involves the following components:
    a. The Victims' Services Program shall assess the immediate safety needs of the victim.
    b. If the victim is in danger, a safety plan addressing the immediate situation shall be developed utilizing strategies for achieving physical safety. Those strategies may include:

- Alternative housing including shelter and/or witness protection program.
- Address Confidentiality Program (ACP).
- Alternative contact plans.
- No contact.
- Where appropriate the referral to a domestic violence or sexual assault program.
- Obtaining a protection from abuse order, or other safety strategies.

c. Once immediate physical safety has been achieved, short-range and long-range plans for physical and emotional safety must be addressed.

5. The Victims' Services Program shall address the immediate safety, emotional physical, and financial needs of the victim. The Victims' Services Program staff shall:
   a. Assess the victim's needs related to the crisis.
   b. Provide appropriate assistance and make referrals as needed.

PRACTICE TIPS

- A written crisis response protocol may include, but is not limited to:
  a. Hotline coverage.
  b. Hospital or police accompaniment.
  c. Nature of interactions with hospital or law enforcement personnel.
  d. Safety planning.
  e. Temporary child care.
  f. Temporary housing.
  g. Security measures.
  h. Follow-up.
  i. Training requirements to provide crisis intervention skills.
  j. Regular review and revision of the protocol.
- If the crisis creates needs that exceed the community's capacity to respond, contact the OVA to request the assistance of KCIT.

INDIVIDUAL ADVOCACY

CORE STANDARD

Individual advocacy is any intervention to obtain information or provide active visible support throughout criminal, juvenile justice, protection orders and enforcement proceedings or situations related to the victimization requested by and on behalf of the victim. The Victims' Services Program shall provide individual advocacy for the victim. Individual advocacy is an active process that can occur any time after victimization. Program staff also acts to address any barriers that can prevent victims from speaking for themselves.

PROGRAM REQUIREMENTS

Advocacy

1. The Victims' Services Program shall ensure that individual advocacy is provided in the wide range of situations that arise for victims.

2. The Victims' Services Program shall advocate for other services that might benefit the crime victim.

3. Victims' Service Program staff shall:
   a. Update assessment as needs change or become apparent.
   b. Link the victim with the resources necessary to address those needs.
   c. Advocate on behalf of the victim. Individual advocacy shall include:
      i. Accepting the victim's decision to discontinue services in a manner that leaves the door open should the victim choose to reconsider.
      ii. Developing congenial relationships with the individuals in those systems most frequently encountered by crime victims.

HIV/AIDS

1. Individual advocacy is provided relative to HIV/AIDS related services when a victim believes the crime has impacted his or her HIV/AIDS status:
   a. The Victims' Services Program shall identify counseling, confidential and anonymous testing options for victims regarding their possible HIV/AIDS status.

Child Care

1. To ensure that individual advocacy is provided for victims where child care needs arise:
   a. The Victims' Services Program shall maintain a list of licensed child care options available in the community.
   b. The Victims' Services Program shall explore with victims available child care options.
   c. The Victims' Services Program shall inform victims of the possibility of reimbursement of child care expenses through the Victims Compensation Assistance Program (VCAP).

PRACTICE TIPS

- Assist victims in speaking for themselves, and helping them to leverage all of the relevant services and resources that are available to them.
- Provide other services within the system by:
    a. Intervening with creditors, landlords and employers.
    b. Intervening with justice system personnel.
    c. Obtaining document replacement.
    d. Supporting the crime victim before, during and after the trial or other criminal/juvenile proceeding.
    e. Orienting the crime victim to the justice system.
    f. Orienting the crime victim to the Victim's Bill of Rights.
    g. Introducing the crime victim to other systems personnel.
    h. Obtaining a Protective Order.
    i. Providing crime-specific information.
    j. Relocating the crime victim in drug or family violence cases.
    k. Planning safety strategies.
    l. Assisting with Victims Compensation.
    m. Composing a Victim Impact Statement.
    n. Post sentencing Victim Input and Notification.
    o. Arranging for property return and/or repair.
    p. Assisting with private insurance claims.
- Programs can contact the Pennsylvania Department of Health for information on HIV/AIDS.

STRIVING FOR EXCELLENCE

- **Assistance in Civil Matters --** The Victims' Services Program shall have available information on the civil justice system including:
    a. List of attorneys
    b. Written materials explaining the difference between criminal and civil justice.
- **Child Care --** The Victims' Services Program Coordinator shall contract for services through licensed local child care programs in the community.

MEDIA

CORE STANDARD

The Victims' Services Program shall create and implement a media policy that educates victims, supports their choices on how to interact with the media, and provides guidance to Victims' Services Program staff regarding media relations.

PROGRAM REQUIREMENTS

Supporting Victims

1. The Victims' Services Program shall make an ongoing assessment of what the victim wants in relation to the possible media involvement in their case, and document in writing their needs accordingly.

2. In incidents where victim/witness intimidation has been disclosed, the Victims' Services Program shall develop written procedures for shielding witnesses from the media (See Victim/Witness Intimidation standard).

3. The Victims' Services Program shall develop a procedure to follow with each victim prior to attending a proceeding that is likely to be covered by the media. This includes:
    a. Identifying the extent that a victim may or may not wish to be shielded from the media and providing the appropriate support.
    b. Identifying the extent that a victim may or may not need a liaison with the media.
    c. Identifying the extent that the victim may or may not desire that the Victims' Services Program act on their behalf in relation to the media and providing the appropriate support.
    d. Providing victims who choose to deal with the media, a copy of the National Center for Victims of Crime Guidelines for Dealing with the Media.

4. Victims' Services Programs shall have a procedure for working with the media that includes:
    a. Prohibitions from releasing any information about an individual victim to the press without their permission.
    b. Exploring the options available to the victim if he/she has a complaint about something the media printed or filmed.
    c. Providing a buffer between the media and victims when requested or necessary.
    d. Information on the agency, victims' rights and common issues facing victims.

Providing Guidance to Staff and Programs

1. The Victims' Services Program shall have a media policy that includes:
    a. Procedures to follow when a reporter calls the Program:

i. The title(s) of the person(s) authorized to speak with the media.
ii. The order in which that authorization is to occur when one or more media-authorized staff are away from the office.
iii. The proper handling of the media at a proceeding.

b. The procedure to follow when:
   i. Issuing a press release.
   ii. Issuing a press information packet.
   iii. Inviting press participation in a center-sponsored event.
   iv. Writing a letter to the Editor.
   v. Filing a complaint against the media.
   vi. Training of staff (those authorized, who can release a press release) that enhances media-authorized Victims' Services Program staff's ability to interact with the media in both positive and negative situations.

2. The Victims' Services Program shall encourage and support a professional relationship with the media to facilitate the dissemination of information about victim's rights and services and advocate for the fair treatment of victims by the media.

3. The Victims' Services Program staff shall be familiar, relevant to the client at hand, with the media policies of the District Attorney's Office, Department of Corrections, PA Board of Probation and Parole and the Juvenile Probation Department.

4. The Victims' Services Program shall ensure that all people, regardless of abilities, are offered and provided assistance in dealing with the media.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall create an annual, proactive media strategy that includes written materials.
- The Victims' Services Program shall offer training and technical assistance on sensitive and ethical reporting of victim issues to the media, police and prosecutors.
- The Victims' Services Program shall develop media packets that can be distributed as necessary that contain background information about the agency, including that services are provided at no cost to the victim, general statistics—local and national, and tips for developing a victim sensitive story.

OUTREACH

CORE STANDARD

Outreach is the process that identifies and establishes contact with victims, provides information about available services, including the Victims Compensation Assistance Program. The Victims' Services Program shall make the community at large aware of its services.

PROGRAM REQUIREMENTS

Victim Outreach

1. The Victims' Service Program shall establish a written process to identify victims and initiate contact with them. The process shall include a time-related benchmark for achieving contact with the victim after the crime has occurred, but no later than 72 hours after being made aware of the victim's information.
    a. For VOJO and RASA programs, the Victims' Services Program shall provide early outreach in all cases of serious personal injury and/or sudden violent death committed by offenders. This would include cases involving homicide, vehicular homicide, DUI homicide, car crashes that are yet to be determined as a criminal or delinquent act, and homicide/suicide regardless of the likelihood of prosecution.

2. The Victims' Services Program shall develop a process to acquire information about the crime at the earliest possible time.

3. The Victims' Services Program shall establish a system with appropriate departments (i.e., police departments, Magisterial District Judge's offices, District Attorney's office and/or the Juvenile Probation Department) to be notified of information such as preliminary hearings, allegations of delinquency, etc.

Community Outreach

1. The Victims' Services Program shall provide community outreach and materials etc. within its service area to aid in:
    a. Sensitizing the community to the issues of victimization and the impact of victimization on the individual and communities.
    b. Expedient referral of victims of crime.
    c. Victims rights
    d. Victims compensation

2. The Victims' Services Program shall collaborate with diverse community groups to develop their own crime prevention strategies and responses to crime.

3. The Victims' Services Program shall develop brochures describing victim services and distribute to all police departments, Juvenile Probation Departments, Magisterial District Judge's offices, hospitals, etc.

4. The Victims' Services Program shall provide local, county, and state police with information explaining the services available to victims, the early outreach effort and the established method for accessing victim assistance.

PRACTICE TIP

- When establishing initial contact:
    a. Address all areas of immediate concern to victims, including, but not limited to: safety and security issues, counseling needs, out-of-pocket losses, orientation to the criminal justice system and/or the juvenile system, and property return.
    b. Ensure that all program staff are sensitive to the safety and privacy issues of victims, the goal of which is to prevent further victimization (see Crisis Intervention Standard).

STRIVING FOR EXCELLENCE

- The countywide plan for facilitating early outreach to all victims shall include on-the-crime-scene response.
- The Victims' Services Program shall meet with all other victim service agencies and/or the local policy board to establish a countywide plan for facilitating early outreach to all personal injury crime victims.
- The Victims' Services Program shall have the ability to develop resources and educational materials. This includes researching, writing and working collaboratively with allied professionals.
- The Victims' Services Program shall create educational materials that translate the dynamics of victimization for allied professional audiences.
- The Victims' Services Program shall create materials that market the program's training and technical assistance capacity to allied professionals.

PRIOR COMMENT

CORE STANDARD

The Victims' Services Program shall have, in conjunction with the District Attorney's Office and the Juvenile Probation Department, a written process for victims to submit prior comment in all juvenile and adult criminal matters concerning, but not limited to, the potential reduction or dropping of a charge, plea agreements, or case diversions including referrals to restorative practices, specialty courts, Accelerated Rehabilitative Disposition (ARD), informal adjustment, or consent decree.

PROGRAM REQUIREMENTS

1. The Victims' Services Program staff shall have a written prior comment policy that includes:
    a. Assuring victims that their comments are given to the District Attorney or Juvenile Probation Department, and explaining that the final decision is that of the District Attorney, Juvenile Probation Department, and/or the court.
    b. Providing information that helps victims understand the final decision of the District Attorney, Juvenile Probation Department, and/or the court.

PRACTICE TIP

- Create a binder or computer file in which the charging policies of the District Attorney or Juvenile Probation Department are kept for staff to use as needed.

PROGRAM ADMINISTRATION

CORE STANDARD

Program administration maintains and regularly reviews plans and processes that allow for successful services to be developed and delivered, identifies funding sources and aligns those resources and services with established program performance measures. Program administration shall provide adequate resource supports and necessary guidance to program staff to effectively support victims of crime**.**

PROGRAM REQUIREMENTS

1. Victims' Services Program administration shall interpret and implement policies into tasks and practices that staff are expected to fulfill. There are six aspects of program administration:

    A. Accessibility.
    B. Fiscal Management.
    C. Governance of Non-Profit Organizations.
    D. Personnel Management.
    E. Program Planning and Evaluation.
    F. Recordkeeping.

A. ACCESSIBILITY

CORE STANDARD

The Victims' Services Program, its services and information shall be accessible to all individuals.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall have written policies that comply with all federal and state statutes prohibiting discrimination including:

    a. Americans with Disabilities Act – (42 U.S.C.S. § 12101, *et seq*.)

    b. Pennsylvania Human Relations Act – (43 P.S. § 951, *et seq*.)

    c. Rehabilitation Act – (29U.S.C.S. § 794)

2. The Program shall have a cooperative relationship and/or Memorandums of Understanding (MOU) with other organizations/institutions that provide specialized services.

3. All Victims' Services Programs shall:

    a. Post non-discrimination notices as required by the Pennsylvania Human Relations Act.
    b. Be fully accessible to people with physical disabilities, including those who use wheelchairs.
    c. Provide auxiliary aids and services for persons with vision, hearing or speaking impairments (e.g., sign language interpreters, brailled texts, TDD, augmented phones or written information) at no cost to the victim to ensure that communications with persons with disabilities are as effective as communications with others.
    d. Make reasonable modifications to policies and practices when necessary to accommodate persons with cognitive, behavioral or other disabilities. (See generally, 28 C.F.R. § 35.101 *et seq*.)
    e. Require signed confidentiality agreements with all who provide interpretation, signing, Braille or taped materials.

4. The Victims' Services Program shall not exclude anyone for services on the basis of race, color, or national origin, as defined in Title VI of the Civil Rights Act, 42 U.S.C.S. § 2000d.

5. The Victims' Services Program must establish and implement policies and procedures for language assistance services that provide persons with LEP with meaningful access.

PRACTICE TIPS

- To accommodate those individuals with physical disabilities, the Victims' Services Program should be located in buildings that are wheelchair accessible/barrier-free. If that is impossible, services must be provided to the individual in an alternate location that meets the confidentiality level of the service(s) provided. If the service is a group service, such as a victims' support group, the group should be relocated to an accessible location to ensure that the individual with a disability has the full benefit of the service as required by the Act.

- To accommodate those individuals with visual disabilities, provide qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

- To accommodate those individuals with hearing disabilities, provide certified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems,

telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), or videotext displays (except under certain exceptional circumstances, the state requires the use of sign language interpreters who are registered with the state pursuant to 63 P.S. § 1725.1, *et seq*.)

- Ensure that the Victims' Services Program provides culturally competent services for its service area.

- Provide meaningful no-cost access to certified translation or interpretation to individuals with Limited English Proficiency (Title VI of the Civil Rights Act of 1964 and Presidential Executive Order 13160). To obtain additional information regarding Limited English Proficiency, visit the following website: www.LEP.gov.

- LEP Policy should include:
  - A process for identifying LEP persons who need language assistance.
  - Information about the available language assistance measures.
  - Training for staff.
  - Notice to LEP persons.
  - Translation of vital documents when 5% or 1,000 (whichever is less) of the population is LEP.
  - Monitoring and updating the LEP policy.
  - Reasonable steps to ensure meaningful access for a LEP person include:

    i. The *number or proportion* of LEP persons served or encountered in the eligible service population.
    ii. The *frequency* with which LEP individuals come in contact with the program.
    iii. The *nature and importance* of the program, activity, or service provided by the program.
    iv. The *resources* available to the recipient.

- Ask the victim how they want to receive the information. (For example: verbally, written or on tape)

- Check the reading level of all materials, brochures, forms, etc for victims. Microsoft Word has a tool under spelling and grammar that displays the reading level of these documents.

- Additional Resources can be found at:

  - National Council on Disability (NCD) –Visit the following website www.ncd.gov/newsroom/publications/2007/publications.htm

  - Association of University Centers on Disabilities (AUCD) – Visit the following website - www.aucd.org

- The Victims of Crime with Disabilities Resource Guide – Visit the following website - http://wind.uwyo.edu/resourceguide/about/about.asp
- National Alliance on Mental Illness (NAMI) – Visit the following website www.nami.org
- National Disability Rights Network (NDRN) – Visit the following website www.napas.org
- Georgetown University Center for Child and Human Development, National Center for Cultural Competence – Visit the following website http://www11.georgetown.edu/research/gucchd/nccc/index.html
- OMHSA's Cultural Competence: Clinical/Rehabilitation Standards of Practice available at the Pennsylvania Dept. of Welfare website http://www.dpw.state.pa.us/omap/rfp/hlthchcrfp/hlthchbhappdxcc.asp?print+true
- Institute for Cultural Partnerships – Visit the following website www.culturalpartnerships.org

B. FISCAL MANAGEMENT

CORE STANDARD

The Victims' Services Program shall have financial policies in compliance with all statutes, regulations and requirements of these Standards.

PROGRAM REQUIREMENTS

1. The Victims' Service Program shall comply with the following Audit requirements. There are three separate thresholds based upon the source of a Victims' Services Program's funding. They are as follows:

   a. State funds - If the program expends state funds of $100,000 or more during its fiscal year, the program shall obtain an independent financial and compliance audit. All audits must be conducted in accordance with the standards issued by the Comptroller General of the United States, General Accounting Office (GAO) Government Audit Standards—Standards for Audits of Governmental Organizations, Program, Activities and Functions. In addition, the audit shall comply with generally accepted audit standards established by the American Institute of Certified Public Accountants (AICPA) as well as PCCD audit requirements for program-specific audits.

   b. Federal funds – The program shall comply with all federal and state audit requirements including: the Single Audit Act, as amended, 31 U.S.C. § 7501, *et.*

seq.; Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as amended; and any other applicable law or regulation and any amendment to such other applicable law or regulation which may be enacted or promulgated by the federal government. If the program is a local government or non-profit organization and expends total federal awards of $500,000 or more during its fiscal year (effective for fiscal years ending after December 31, 2003), received either directly from the federal government or indirectly from a recipient of federal funds, the program shall have an audit made in accordance with the provisions of OMB Circular A-133.

c. If the program expends total federal awards of less than $500,000 during its fiscal year (effective for fiscal years ending after December 31, 2003), it is exempt from these audit requirements, but shall maintain auditable records of federal awards and any state matching funds which supplement such awards.

2. The Victims' Services Program or county government or state government shall maintain a full or modified accrual accounting system and fiscal records current to within 30 days. These fiscal records shall:
   a. Maintain a cash disbursements and cash receipts journal.
   b. Maintain a general ledger, including all income and expenses.
   c. Maintain an accounts receivable ledger.
   d. Maintain an accounts payable ledger.
   e. Maintain a payroll journal.
   f. Maintain receipts for all expenditures with proper authorization for payment.
   g. Make all tax and benefit payments on time.
   h. Maintain salary and benefits records for all employees including:
      i. Hire date
      ii. Salary and salary changes
      iii. Time and leave documentation
      iv. Changes in status
      v. Benefits afforded the employee
      vi. Time sheets for all employees whose salary is partially allocated to a grant.
   i. Create an annual line-item budget including anticipated income and expenses.
   j. Prepare financial reports not less than four times per year.
   k. Maintain accurate records.
   l. Maintain a fiscal policy that covers segregations of financial duties.

3. The Victims' Services Program shall maintain a risk management policy to protect its assets from erosion or loss of property, income and reputation. The policy should include a disaster recovery plan in the event of fire, flood or other disasters that prohibit the program from operating at its current location.

4. The Victims' Services Program shall maintain an employee dishonesty insurance policy for 30% of the funds requested or 10% of the organization's budget,

whichever is greater. Also, the program must maintain fire, theft, building (excluding building liability), professional liability and worker compensation insurance for employees.

5. The Victims' Services Program shall have a fundraising policy that addresses registration with the Department of State, required language in solicitations, acknowledgement of donations and donor privacy.

PRACTICE TIPS:

- There are a variety of resources that can provide additional information including: Handbook for Charitable Nonprofit Organizations by the Pennsylvania Office of Attorney General; Pennsylvania Nonprofit Handbook by Gary Grobman, www.nonprofitrisk.org, www.give.org/standards, and www.pano.org.

- The following are two resources that provide information specifically on disaster planning: Emergency Management Guide for Business and Industry by the Federal Emergency Management Agency (http://www.fema.org); Disaster Preparedness Planning Guide for Facilities and Evacuation Planning and Implementation Guidebook both by the Pennsylvania Emergency Management Agency (http://www.pema.state.pa.us).

STRIVING FOR EXCELLENCE

- Establish a fund raising policy that addresses the proportion of money that will be spent to raise money. For instance, the Pennsylvania Association of Nonprofit Organizations requires a five-year average fund raising ration greater that three to one in its Standards for Excellence program. This means that for every three dollars earned in fund raising activities such as letters, events, raffles, the cost to do all fundraising activities would be not more than one dollar. For example, the total costs to the agency for a direct mail campaign, special event and raffle is $1,500. Total money raised $5,000. The ratio is 3.3. The amount raised is divided by the total cost.
- Establish a means for employees to report suspected financial impropriety or misuse of organizational resources.
- Establish written policies on investments of assets and the use of reserve funds.

C. GOVERNANCE OF NON-PROFIT ORGANIZATIONS

CORE STANDARD

Non-profit Victims' Services Programs shall be governed by a Board that is consistent with Pennsylvania law and these standards, or those of MADD, PCADV or PCAR.

PROGRAM REQUIREMENTS

By-laws

1. The governing body shall create by-laws that include provisions for:
    a. The operation of the Victims' Services Program's board of directors.
    b. Conflict of interest.
    c. Indemnification.
    d. Regularly scheduled meetings.
    e. Calling and conducting special meetings.
    f. Taking and transcribing of minutes.
    g. Quorum requirements.
    h. Selection, succession and duties of chairperson and officers.
    i. Size and duties of Board membership, including selection, terms of office and removal of members.
    j. The participation of the chief executive of the Victims' Services Program.
    k. Fiduciary oversight.
    l. Appointing a Chief Executive.
    m. Conducting an annual performance evaluation of the Chief Executive.

Board Members

1. The Victims' Services Program shall require its board members to be responsible for adhering to the agency's mission and maintaining the fiscal and programmatic vitality of the Program.

2. In cases in which the Victims' Services Program resides within a larger organization, the Victims' Services Program shall have an Advisory Board. The Advisory Board shall adhere to the board member standards, be a functioning committee of the Board of Directors and have at least one voting member from the Board of Directors on the committee.

PRACTICE TIPS:

The Victims' Services Program should require its board members to:

a. Be representative of the community, its strengths, diversities, challenges and opportunities.
b. Be representative of victims and survivors of crime.
c. Demonstrate a commitment to base all policy decisions on the core values of these standards and the mission of the agency.
d. Attend an initial orientation that includes:
    i. The history of the development of victim services in Pennsylvania.
    ii. A review of the core values and philosophical framework of victim services and the mission of the agency.
    iii. An introduction to state and national networks.

iv. Training on the dynamics of victimization.

An overview of the Victims' Services Program that includes the role of board members, history, philosophy, mission and services, structure and organization, goals, objectives, challenges and opportunities, and finances.

e. Receive an annual update of critical issues for victim services in the county or community.

f. Comply with a statement of fiduciary responsibility.

D. PERSONNEL MANAGEMENT

CORE STANDARDS

The Victims' Services Program shall have written personnel and volunteer policies in compliance with all statutory and regulatory requirements and requirements of these standards.

PROGRAM REQUIREMENTS

1. All Victims' Services Program employees shall be governed by personnel policies adopted by their respective hiring authority.

2. The Victims' Services Program shall have a written policy regarding the ongoing supervision of each program employee and conduct annual performance evaluations for all employees and volunteers, including supervisors and program administrators.

3. Victims' Services Program employees shall be selected from a field of eligible applicants. Candidates shall be hired according to the personnel policies of the organization.

4. Victims' Services Program employees shall be paid a salary and provided with benefits commensurate with training, experience, ability and responsibility which reflect the high level of expertise required for this position.

5. The Victims' Services Program shall have a written policy to periodically evaluate compensation and employee benefits.

6. Personnel records for paid employees shall include:
    a. Date of hire.
    b. Salary history.
    c. Receipt of employee manual or personnel policy information.
    d. Job description: including a general description of the position; who the employee reports to and/or supervises; and a list of specific responsibilities, expectations and functions.
    e. Act 33 and Act 34 Clearances for all employees who have direct contact with clients.
    f. Tax forms.

g. I-9 Employment Eligibility Verification (visit http://uscis.gov/graphics/formsfee/forms//i-9.htm for additional information).
h. Résumé and/or application.
i. Training information.
j. Probationary and annual evaluations.
k. Disciplinary and/or grievance proceedings.
l. Date of termination.
m. Signed statement attesting that the employee has received and read the Victims' Services Code of Ethics

7. Each position shall have a written job description that contains essential functions and qualifications.

8. The Victims' Services Program shall have a policy on how job descriptions are created, revised and approved. Each employee, or volunteer, shall receive a copy of his/her job description and have an opportunity to review it with his/her supervisor prior to beginning work, and when revisions are made.

9. Job announcements shall be prepared and posted in locations/advertised in designated areas likely to reach a diverse pool of potential candidates. All job announcements will contain the necessary equal opportunity employment (EOE) provision.

10. When a Victims' Services Program uses volunteers, it shall have a written volunteer policy that addresses: recruitment, selection, screening; training, confidentiality, work rules, supervision, evaluations, grievance procedures and dismissal.

11. The Victims' Services Program shall meet the provisions of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, Titles I and V and the Pennsylvania Human Relations Act (PHRA) which prohibit unlawful discriminatory practices in employment.

12. The Victims' Services Program shall have a written policy to assist employees who are experiencing vicarious trauma, disclose victimization and are requesting assistance.

PRACTICE TIPS

Job Hiring and Interviews

- The Victims' Services Program should prepare job announcements that contain the following information: position title, essential functions, qualifications, employment location, how to apply and response deadline. Listing of the salary/salary range in the job announcement is at the discretion of the Victims' Services Program or the County.

- The Victims' Services Program should have a policy on the recruitment of individuals who are reflective of the cultural composition of the community.

- The appropriate authority should screen the most qualified candidates from the list of applicants based upon the qualifications contained in the job description in this section.

- For guidance on lawful questions to ask candidates during an interview, consult *Pre-employment Inquiries* from the Pennsylvania Human Relations Commission.

- Verify resume or interview information.

- Provide a written job offer.

Employee Supervision

- Supervision with Victims' Services Program employees should include the review of cases and related victim services work. These reviews should allow for discussing successes, difficulties, challenges and the identification that personal feelings have in enhancing or interfering with provide effective victim-centered services.

- Explore methodology(ies) that builds on identified strengths and reduce obstacles toward making progress and accomplishing work plan goals and objectives.

- Provide meaningful opportunities for employees to have input into the work and services offered through the Program; document the outcomes of each meeting and utilize the information in the employee's annual performance evaluation.

- Provide supervisors with HR resources.

- Have Supervisor meetings to discuss HR issues.

- Collaborate with other Victim Service programs to hold annual, mandatory HR training.

Performance Evaluations – Employees

- The annual performance evaluation should cover:
  - Reviewing and updating employee's job description.
  - The employee's ability to complete required paperwork and manage workload effectively.
- The employee's ability to work cooperatively with others, thus providing effective services to victims and achieving objectives contained within annual work plans
  - The employee's ability to make ethical decisions.
  - Maintaining professional integrity
  - Utilizing resources to manage stress
  - The impact that training opportunities and ongoing education has made.
  - Identifying training needs in the upcoming year.

Performance Evaluations – Supervisors/Administrators

- The Victims' Services Program should conduct annual supervisor/administrator performance evaluations, which measure the supervisor's ability to manage employees under their supervision and fulfill the requirements of the position (e.g., complete necessary paperwork; manage workload; achieve objectives contained within the Programs annual work plan).

- The performance evaluation for supervisors and administrators would evaluate the individual's ability to work cooperatively within the Victims' Services Program and externally with community services and partners.

- The performance evaluation should review the supervisor's/administrator's ability to make sound, ethical decisions and maintain professional health by utilizing stress management and vicarious trauma resources.

- The supervisor/administrator should regularly demonstrate the transference of knowledge acquired from ongoing training, educational opportunities and innovative field practices back into the workplace.

Personnel Policies

The Victims' Services Program should have in place personnel policies that include, but are not limited to, the following:

- Recruitment
- Selection
- Employment Classifications
- Diversity
- Orientation
- Transfer
- Promotion
- Benefits
- Discipline
- Grievance Procedures
- Annual Performance Evaluations
- Layoff Procedures
- Termination Procedures
- Training
- Supervision

STRIVING FOR EXCELLENCE

- The Victim Services Program shall strive to advance the professionalism of its staff, including the provision of staff development and training programs, salaries, benefits and other supports appropriate to a professional workforce

E. PROGRAM PLANNING AND EVALUATION

CORE STANDARD

The Victims' Services Program shall regularly plan and evaluate their program services to establish core performance measures, determine effective and efficient delivery of services and identify future programmatic, personnel, technological or fiscal needs.

PROGRAM REQUIREMENTS

Annual Work Plans

1. The Victims' Services Program shall complete an annual work plan with a set of performance measures that evaluates program services and builds program accountability.

2. The annual work plan will also include:
    a. A delineation of the Victims' Services Program's activities for the year.
    b. The tasks each Victims' Services Program staff is expected to fulfill.
    c. The procedure for feedback on the accomplishments of the work plan.
    d. Procedure for suggesting amendments, improvements or deletions to the next annual work plan.
    e. An annual report that compiles all of the feedback from the annual work plan.
    f. Utilization of annual feedback for the creation of the next year's annual strategic work plan.

3. Annually, the Victims' Services Program shall update the list of its needs including volunteers, supplies and equipment and potential sources to fund or meet these needs.

4. The Victims' Services Program shall have a mechanism to collect feedback from clients.

STRIVING FOR EXCELLENCE

- **Strategic Planning**
  Create a strategic plan within the philosophical framework of these standards and consistent with the mission of the Victims' Services Program that will:
    a. Re-examine the goals and objectives of the agency.
    b. Engage in a thorough analysis of trends in crime and victimization nationally and locally.
    c. Based upon the outcome of the re-examination, analysis and needs assessment:
        i. Strengthen those services that prove most effective and most needed by the community.

ii. Amend or eliminate those services that have lost their effectiveness or do not serve the needs of the community.
iii. Utilize current research and input from the community to create and implement innovative practices that promise to offer effective intervention and prevention.

d. Establish a procedure to suggest amendments, improvements or deletions to the next strategic plan.

- **Needs Assessment**
  Conducting local needs assessments are an integral part of developing an effective strategic plan for the Victims' Services Program. A local needs assessment is designed to:
  a. Evaluate the current work of the Victims' Services Program;
  b. Determine the areas requiring the most attention;
  c. Elicit input from clients and the community-at-large to assess program effectiveness and guide program planning;
  d. Compare the work of the Victims' Services Program with the needs of the community; and
  e. Determine how well the program or service is working over time.

F. RECORD KEEPING

CORE STANDARDS

The Victims' Services Program shall utilize a record keeping system that provides effective documentation of all service provision to victims and grant management data. The Program shall submit all reports required by funders in an accurate and timely manner.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall maintain a record-keeping system that documents, organizes and stores the results of intake assessment, service planning data and the writing and submission of required reports.

2. The Victims' Services Program shall review and update all active client files at least once every six months.

3. The Victims' Services Program shall have a written policy on providing client access to records.

4. The Victims' Services Program shall implement a policy for the retention and destruction of all closed and inactive client files.

5. The Victims' Services Program shall ensure that any statistical information maintained for fulfilling requirements is treated in a confidential manner.

6. The Victims' Services Program shall have a process to collect victim's complaints about victims' rights violations and forward to PCCD's Office of Victims' Services.

7. The Victim Services' Program shall retain all records concerning a PCCD-funded project including financial, statistical, property and participant, and supporting documentation for at least three (3) years after completion of the project. If any litigation, negotiation, audit or other action involving the records has been started before the end of the three-year period, the records shall be maintained until completion of the action and resolution of all issues arising from it.

PROPERTY RETURN

CORE STANDARD

The Victims' Services Program shall advocate for the expeditious return of property taken as evidence to the victim.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall ensure that the victim is informed of the opportunity to receive released property, its potential impact on future court proceedings and advocate that the victim's decision is honored.

2. Upon request of the victim, and in cases of returning the property prior to adjudication trial, the Victims' Services Program shall:
    a. Identify the property to be returned,
    b. Find out the property's location, including who seized the property and why,
    c. Determine the status of the case in the justice system,
    d. Advocate for the return of the property.

3. If property has been photographed and returned to the victim before the final disposition of the case, the Victims' Services Program shall inform the victim of any and all rules and regulations regarding the maintenance of the property for possible future use as evidence.

4. When the property cannot be released to the victim prior to final disposition of the case, the Victims' Services Program shall provide information to the victim as to when the property will likely be returned and the procedures for the return of their property.

PRACTICE TIP

- If the property cannot be returned to the victim, advocate that the evidence is maintained in a secure fashion.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall work with the District Attorney and law enforcement officers to establish uniform cross-system procedures for the management and prompt return of property.

RELEASE, TRANSFER AND ESCAPE NOTIFICATION

CORE STANDARD

The Victims' Services Program shall notify personal injury crime victims of their right to receive notification, if requested, of the transfer, discharge, death, escape, home passes or release of an offender in custody.

PROGRAM REQUIREMENTS

County Correctional Facility

1. If a Victims' Services Program is responsible for basic victim rights under the Crime Victims Act:
    a. The Victims' Services Program shall have a system to provide notification to crime victims of their right to receive inmate release notification from the county correctional facility and work release, furlough, parole, release from a boot camp or community treatment center placement.
    b. The Victims' Services Program shall maintain a supply of county correctional facility registration forms.
    c. The Victims' Services Program shall include in the notification system, notification to victims whose offender is serving a state sentence in a county correctional facility (Dual registration is required with the Office of Victim Advocate [OVA] and the county correctional facility).

2. If a Victims' Services Program does not provide notification services to victims under the Crime Victims Act:
    a. The Victims' Services Program shall provide victims with information on the notification services available through programs and agencies.
    b. The Victims' Services Program shall offer direction, assistance and support in helping victims enroll in notification programs and services. This includes providing direct assistance in helping victims register with the OVA's Notification Program and with other programs and agencies considered appropriate.

State Correctional Facility

1. If a Victims' Services Program is responsible for basic victim rights under the Crime Victims Act:
    a. The Victims' Services Program shall have training on the sentencing and post-sentencing rights of crime victims.
    b. The Victims' Services Program shall maintain a supply of the Office of the Victim Advocate (OVA) registration brochures and provide all eligible victims with the OVA registration brochure.
    c. The Victims' Services Program shall provide all eligible victims with the OVA registration brochure.

* exceeds the law

d. The Victims' Services Program shall notify all eligible victims of their post sentencing rights. These rights include the right to receive notification of and to provide input into the release decisions made by the Department of Corrections and the Board of Probation and Parole through the OVA.
e. The Victims' Services Program shall provide notification to victims whose offender is serving a state sentence in a county jail. These victims will be provided with both the local correctional facility's enrollment brochure as well as the OVA's enrollment brochure. (Dual registration is required with the OVA and the county jail.)
f. The Victims' Services Program shall upon request of the victim, provide assistance in preparing the victim's written or oral statements.
g. The Victims' Services Program shall upon request of the victim, provide accompaniment when the victim is providing oral testimony to the Board of Probation and Parole

Escape and Re-Apprehension (Pre- and Post –Adjudication)

1. The Victims' Services Program, in conjunction with the District Attorney's Office and/or Juvenile Probation Department, shall develop a policy to provide all victims,* immediate notice of an escape and re-apprehension of an adult or juvenile.

2. The Victims' Services Program shall establish a system with the Juvenile Probation Department to be notified of all escapes (including failure to return from temporary leave and home passes). This system shall include:
    a. How the responsible party for the notification will receive and disseminate information.
    b. How the Victims' Services Program will receive information about the escape.
    c. How the Program will be informed that the victim received notification.
    d. A timeline for when the victim will receive the escape and re-apprehension notification.

Release and Transfer Notification

1. The Victims' Services Program, in conjunction with the District Attorney's Office and the Juvenile Probation Department, shall develop a system to notify personal injury crime victims of their right to receive notification, if requested, of a juvenile's post-adjudication transfer or release from a detention center, shelter facility, or residential placement facility, including temporary leaves and home passes.
    a. The Victims' Services Program shall provide information on notifications available to crime victims.
    b. The Victims' Services Program shall offer direction, assistance and support to victims enrolling in notification processes.
    c. The Victims' Services Program shall have training on the pre-adjudication and post-adjudication rights to notification of crime victims.

Mental Health

1. The Victims' Services Program shall notify each eligible victim of his/her sentencing rights, including the right to receive notification regarding mental health hospital transfer, discharge, death and escape notification from the Pennsylvania Department of Public Welfare.

2. If a Program is responsible for providing basic victim rights under the Crime Victims Act:
    a. The Victims' Services Program shall provide all eligible victims with the Pennsylvania Department of Public Welfare, Office of Mental Health Victim Notification Program's enrollment brochure and the Office of Victim Advocate and Mental Health Notification brochures.

*exceeds law

PRACTICE TIP

- The Department of Public Welfare and Office of the Victim Advocate brochures are available on their web pages.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall advocate for all crime victims to be eligible to receive post-sentencing release notification from the county correctional facility.
- The Victims' Services Program shall develop a mechanism to ensure that victims have an avenue through which their concerns regarding conditions of release can be considered prior to county parole release.

RESTITUTION

CORE STANDARD

The Victims' Services Program shall inform and advocate, on behalf of victims, regarding their right to restitution under Pennsylvania law and advocate on behalf of the victim(s) for the necessity and collection of restitution.

PROGRAM REQUIREMENTS

1. The Victims' Services Programs shall have training on all restitution laws, statutes, applicable court cases in Pennsylvania, and the county's restitution collection process.

2. The Victims' Services Programs shall have a victim sensitive process for gathering required information that will determine the amount of restitution that is due and owed to the victim.

3. The Victims' Services Program shall advocate, on behalf of the victim, for the victim to receive full restitution for their losses.

4. The Victims' Services Program shall inform all victims of their obligation to reimburse the Pennsylvania Commission on Crime and Delinquency's (PCCD) Victims Compensation Assistance Program (VCAP) if they receive restitution for losses that the VCAP has already covered through direct reimbursement to the victim(s).

5. The Victims' Services Program shall work/advocate with the District Attorney's Office, the court and the probation departments to ensure that the victim's restitution is being or has been paid in full. In cases where restitution has not been paid in full, the Victims' Services Program shall advocate for the collection of restitution and inform the victims of other avenues of restitution recovery.

6. Those Victims' Services Programs that are providing the prosecutor's or chief juvenile probation officer's responsibilities under the Crime Victims Act, shall advocate for the development of a procedure for restitution to be paid in full before the offender is released from jurisdiction, regardless of the presence or involvement of insurance companies.

7. The Victims' Services Program shall make available information on options for pursuing civil remedies against offenders.

PRACTICE TIP

- When providing assistance or advocacy with restitution issues, the following should be considered:

a. How information will be made available to the prosecutor, juvenile probation officers/pre-sentence investigator and/or the court when crime victims compensation has been paid to the victim(s).
b. How the crime victim(s) will be afforded ample time and opportunity to assess their restitution needs.
c. How restitution information will be forwarded to the prosecutor, juvenile probation officer, court, and if appropriate, to the treatment facility and/or/ to the pre-sentence investigator.
d. How restitution information from the victim(s) will be forwarded to the assigned District Attorney.
e. How information from the Victims Compensation Assistance Program (VCAP) awards, payments by other governmental agencies and/or insurance company payments shall be forwarded to the court system.
f. How to conceal victim name and address from the defense when filing restitution.

- The Program staff shall work with the District Attorney to develop a system to amend restitution orders.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall take the lead in developing educational materials on the subject of restitution by creating training opportunities and facilitating a county collection effort.
- The Victims' Services Program shall oversee the development of a brochure that provides information to the victim(s) on the collection process, varying dispositions/payment mechanisms for offenders serving various types of state and county sentences and liability, payment mechanisms, etc., for parents of juvenile offenders.

RESTORATIVE JUSTICE

CORE STANDARD

Restorative justice, with roots in many cultural traditions, provides a way to meet victims' needs for safety, restitution, answers, truth-telling and empowerment. The Victims' Services Program shall provide information on the principles of restorative justice and the types of restorative justice available to the victim. It is based on the philosophy that crime equals harm and all of the stakeholders engage in the response.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall inform and provide contact information to the victims of restorative justice options.
2. Before referring a victim to a restorative justice program, the Victims' Services Program shall determine whether that program's services are victim sensitive.
3. The Victims' Services Program, in conjunction with the District Attorney, Chief Juvenile Probation Officer, Defense Bar, and/or the Court, shall create a written policy for the delivery of apologies to victims that includes:
    a. Determining and documenting in writing the victim's willingness to receive a written apology.
    b. Delineating its role in delivering written apologies.
    c. Informing victims of their choice to receive the written apology and advocating that the victim's decision is honored.
    d. Screening written apologies for appropriateness.
    e. Providing support to the victim upon receipt of an apology.

PRACTICE TIP

- Information for victims should include the principles of restorative justice and opportunities for restorative justice such as:
    a. Victim communication with offender.
        i. victim/offender conferencing.
        ii. family group conferencing.
        iii. peacemaking circles.
        iv. indirect dialogue.
    b. Community service.
    c. Restitution.
    d. Letters of apology.
    e. Impact of crime classes.
    f. Victim impact panels.
    g. Community justice panels.
    h. Making victim aware that the judge may order the defendant to make a verbal apology.
    i. Request to review or have input in the curriculums of restorative justice programs.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall be available to participate in the evaluation of any restorative justice practices within their community. It is based on the philosophy that crime equals harm and all of the stakeholders engage in the response.

SYSTEMS ADVOCACY

CORE STANDARD

Systems Advocacy are activities designed to affect policy and procedural changes for the improvement of system-wide responses to crime victims. Opportunities for system advocacy can arise when working with any of the following entities:

- Justice Systems
- Healthcare
- Mental Health/Mental Retardation
- Education
- Business
- Religious Community
- Social Service Programs

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall identify and participate in activities that promote systems advocacy, collaboration and the enhancement of victim rights and services.

PRACTICE TIP

- Participate in the following:
  a. Coalition building;
  b. Collaborative efforts;
  c. Community organizing efforts;
  d. Policy development, implementation and review;
  e. State, national or local boards related to victim services; and
  f. Restorative justice initiatives and opportunities.
- Become familiar with information and strategies for being a successful Agent of Change.

TRAINING

CORE STANDARD

Training is essential to the ability of victim service professionals to carry out their responsibilities. Training gives victim service program staff the skills to react instantly and wisely in difficult situations and deal with urgent human problems by utilizing independent professional judgment. Training is an ongoing process that helps advocates stay current in their skills in order to respond to the changing needs of victims.

PROGRAM REQUIRMENTS

1. The initial and annual training shall be competency-based with an emphasis on building the individual skill level of the Victims' Services Program staff member. The Victims' Services Program shall ensure that all members of its staff receive initial training in a victim-sensitive approach. This training shall be completed within six months from the date of hire and documentation of completion of training placed in the Staff's personnel file.
    a. The number of hours of required training for Victims' Services Program staff and the parameters for training compliance shall be as follows:
        i. Employees and volunteers must attend an 8 hour orientation to the agency, which includes general information about mission and operation of the program, crisis response and the specific services provided.
        ii. Volunteers of VOCA funded programs not affiliated with State Coalitions or Chapters and having direct contact with victims, shall complete an additional 32 hours of training. The following topics must be covered:
            - Advocacy skills
            - Communication
            - Counseling skills
            - Crisis Intervention
            - Mandated Reporting
            - Disabilities
            - Diversity and Cultural Competence
            - Ethics in Victim Services
            - Overview of the Criminal, Juvenile and Civil Justice system including the appeal process
            - Select trainings of types of victims served through the Victims' Services Program
            - Self Care
            - Values clarification
            - Confidentiality

        iii. New staff of Victims' Services Programs providing the prosecutor's or chief juvenile probation officer's responsibilities under the Crime

Victim's Act and/or providing VOCA funded services at Victim Service programs not affiliated with *State Coalitions or Chapters shall provide documentation of completion of PCCD's Foundational Academy or attend PCCD's Foundational Academy within six months of hire if providing direct services to victims. For staff hired before the existence of the Foundational Academy, documentation of attendance at PCCD's "Orientation for New Victim Service Providers" or 32 hours of training covering the following topics must be provided:

- Advocacy skills
- Communication
- Counseling skills
- Crisis Intervention
- Mandated Reporting
- Disabilities
- Diversity and Cultural Competence
- Ethics in Victim Services
- Overview of the Criminal, Juvenile and Civil Justice system including the appeal process
- Select trainings of types of victims served through the Victims' Services Program
- Self Care
- Values clarification

iv. Additional training is required for Victims' Services Program staff who provide the following specialized services:

i. NOVA Community Crisis Response training and/or KCIT training is required for crime scene response; community crisis intervention; death notification; and debriefing.

ii. Crime Victim Compensation training is required for staff providing filing assistance.

iii. Minimum Licensed Therapist is required to provide therapy (see Counseling/Supportive Counseling standard).

2. All employees whose role consists primarily of direct client contact or supervision of employees having direct client contact must attend 10 hours of annual training included under the above mentioned list of eligible topics. Annual training hours are based on the calendar year (January to December) and documentation of training should be part of the personnel file. The annual training hour requirement for the employee or volunteer's first year will be based on the date of employment or the beginning of volunteer service at the program.

   a. Up to 2.5 hours of annual training can consist of administrative trainings such as technology, or supervision/management topics that enhance the operational efficiencies of the program.

   b. Employees who exceed the required 10 hours of annual training will be allowed to carry-over a maximum of 3.5 hours of training into the next year. Training hours not carried forward expire after one year. (For

example, if an employee obtains 15 hours of approved training the first year, he/she may carry forward 3.5 hours into the second year; the remaining 1.5 hours may not be carried forward and will expire at the end of the second year. New training hours earned in the second year may be carried forward to the third year to a maximum of 3.5 hours, and so on).

3. Volunteers having direct contact with clients shall complete 10 hours of formal and/or informal training per year. Formal training includes preparation and orientation, in-service, and other defined educational opportunities, while informal training would encompass reading, lectures, supervision, etc.

4. The Victims' Services Program staff shall also receive training on the following: Appeal process and the related policies of the District Attorney and Juvenile Probation Departments regarding appeal notification within (2 years of hire).

   The Victims' Services Program shall have training on the pre-adjudication and post-adjudication rights to notification of crime victims. Please see the Release, Transfer and Escape Notification Standard.

   The Victims' Services Programs shall have training on all restitution laws, statutes, applicable court cases in Pennsylvania, and the county's restitution collection process. Please see the Restitution Standard.

   Receive basic training, and remain current on subsequent changes to VCAP in Pennsylvania and compensation procedures in the local service area. Please see the Victims Compensation Assistance standard.

   The Victims' Services Program shall have training on the sentencing and post-sentencing rights of crime victims. Please see the Release, Transfer and Escape Notification Standard.

*PCADV, PCAR, MADD and National Children's Alliance.

PRACTICE TIP

- Trainings offered by State Coalitions and/or Chapters or other local trainings supported by, or approved by PCCD can be used to meet annual training requirements.
- PCCD offers training programs to assist programs in meeting the Training Standard requirements. Since many Victims' Services Programs cannot afford to wait for months to have new staff trained and ready to serve victims, other resources must sometimes be used. Some options are developing in-house training for staff, collaborating with other local or regional Victims' Services Programs to offer the training, hosting qualified outside trainers or sending staff to other programs for training. Any of these options are acceptable, as long as the content of the training covers all time and content requirements.

- Create mutual agreements with other local or regional Victims' Services Programs to share training opportunities or access to that agency's in-service training.
- Determine when new staff can begin interacting with victims and accessing victim information. Crisis intervention and other complex direct services should only be handled by Program staff that has completed initial training.
- In a Victim Services Program that is staffed by one individual, contact PCCD for suggestions on how to obtain the training.

ADDITIONAL INITIAL TRAINING TOPICS

- Balanced and Restorative Justice.
- Communication
- Office of the Victim Advocate
- Role of the Victim Advocate.
- Understanding of the Dynamics of Victimization.
- Victims Compensation Assistance including DAVE System.
- Victim/Witness Intimidation
- HIV/AIDS and its impact on crime victims.
- Mandated Reporting.
- Safety Planning.
- Restitution
- Act 28 of 1997 (right not to be excluded from trial).
- Act 22 of 1995 (right to have victim impact statement considered in penalty phase of death penalty cases).

SUGGESTED ANNUAL TRAINING TOPICS

- Collaborative/Community Building Skills.
- Communication Skills.
- Crisis Intervention.
- Victims Compensation Assistance.
- Cultural Competency and Anti-Oppression Skills.
- Empowerment

STRIVING FOR EXCELLENCE

- Allow opportunities for Victims' Services Program staff to attend state and/or national conferences.
- Subscribe to professional journals.
- Recognize the value of education and training in improving services to victims. Encourage staff to obtain more than the 10 hour minimum of annual ongoing education and training.

VICTIM IMPACT STATEMENTS

CORE STANDARD

A Victim Impact Statement details the physical, psychological and economic effects of the crime on the victim and the victim's family. Prior to disposition, the Victims' Services Program shall provide assistance to crime victims to exercise their right, under the Crime Victims Act, to offer a written and oral victim impact statement. 18 P.S. § 11.201.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall make available written guidance to the victim in completing victim impact statements (see Resource Section - "Impact Statement: A Victim's Right to Speak, a Nation's Responsibility to Listen" from the National Center for Victims of Crime).

2. The Victims' Services Program shall have a written procedure detailing the submission of written and oral victim impact statement.

3. The Victims' Services Program shall ensure that any written impact statement is included in any pre-disposition report submitted to the court.

4. The Victims' Services Program shall, upon request, provide all victims with the opportunity to receive in-person assistance in preparing their victim impact statement.

5. The Victims' Services Program shall provide each victim choosing to make an oral victim impact statement with information on the possibility of cross-examination by the attorney for the defense.

6. The Victims' Services Program shall ensure the availability of age appropriate assistance for child victims preparing victim impact statements.

PRACTICE TIPS

- Issues of discovery should be discussed when preparing victim impact statements. Victim impact statements may be considered discoverable if completed prior to the trial or actual conviction of the defendant.
- The ideal time for receipt of a victim impact statement is after adjudication of the case and after a reasonable period of time from the incident.
- Statements should be made by the victim of the crime, or in cases of homicide, a surviving family member.
- Statements may include:
  - Why do you need restitution?
  - Were you injured? Explain your injuries.

- How much have you paid in medical bills? Include copies of the bills.
- Is it likely that you will continue to require medical attention? If possible, include a copy of a statement from your doctor.
- Do you or your family still fear for your life? If so, why?
- Has the offender, or anyone associated with the offender, done anything to threaten or intimidate you?
- Do you have any reason to believe that if the offender were released on probation he/she would harm you or your family? While committing the criminal act, was the offender particularly vicious or cruel?
- Have you had to attend counseling to help you deal with the crime? Are you likely to continue to need counseling?
- Did you lose any property as a result of the crime? If so, what was its value?

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall ensure that home visits or other sites are an option in the preparation of victim impact statements to victims who are unable to come into the office for assistance.

VICTIM/WITNESS INTIMIDATION

CORE STANDARD

Victim/Witness intimidation includes actions on the part of the offender, offender's family or offender's associates that cause a victim or witness to feel threatened, intimidated, harassed or in fear for their safety and well-being. The Victim's Services Program shall have a written policy to address victim/witness intimidation.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall have a written policy for handling complaints of threats, intimidation or harassment to victims and witnesses that includes:
    a. How confidentiality will be maintained in accordance with the Confidential Communications Standard.
    b. Who will receive information, i.e., detective, Assistant District Attorney, Juvenile Probation Officer.

2. The Victims' Services Program shall engage in safety planning with the victim and/or witness when intimidation has been disclosed.

3. The Victims' Services Program shall provide written notification to the assigned Assistant District Attorney or Juvenile Probation Officer of any complaint of threats, intimidation and harassment.

4. The Victims' Services Program shall provide feedback to the victim or witness on the handling of the matter and what actions will be taken.

5. The Victims' Services Program shall provide training to all victim service staff on the policy for handling complaints of threats, intimidation and harassment.

6. The Victims' Services Program shall have knowledge of the resources to relocate victims and witnesses when necessary.

PRACTICE TIP

- A standardized intake information sheet to gather all pertinent victim/witness intimidation information, which may include, but is not limited to the following:
    a. Who is the intimidator?
    b. What is the type of intimidating conduct?
    c. When did the act of intimidation occur?
    d. Where did the act of intimidation occur?
    e. Is the victim/witness acquainted with the intimidator?

f. Is the victim/witness able to identify the perpetrator?
g. Is there an open case in the system?
h. If so, what is the defendant's name, case number and where and when is the case listed?

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall be familiar with the offender's condition of supervision and sanctions that could occur if the offender would violate these conditions.

VICTIMS COMPENSATION ASSISTANCE

CORE STANDARD

The Victims Compensation Assistance Program (VCAP) is a financial resource available to victims of crime in Pennsylvania that helps victims and their families ease the financial burdens they may face as a result of crime. The Victims' Services Program shall provide information to the victim about Victims Compensation Assistance and assist, directly or indirectly, in the preparation, filing and follow-up of any claim for Victims Compensation Assistance.

PROGRAM REQUIREMENTS

1. All Victims' Service Programs shall:
    a. Receive basic training, and remain current on subsequent changes to VCAP in Pennsylvania and compensation procedures in the local service area.
    b. Include an explanation of the VCAP in the initial contact or letter to victims.
    c. Provide information to all potentially eligible clients about VCAP eligibility, benefits, and filing deadlines.
    d. Engage in an initial and ongoing assessment of eligibility for VCAP.
    e. Cooperate with VCAP and the Attorney General's office when there is a determination of probable criminal activity associated with a VCAP claim.

2. In order to preserve confidentiality, the program shall have in place the following procedure:

    Once the claim number has been received from VCAP, which confirms that the claim has been filed, the Program shall return all supporting documents to the victim.

    Exceptions: 1) the program is statutorily protected, or 2) the victim has signed a consent form expressing consent and understanding of the level of confidentiality that may be afforded to those records.

3. All Victims' Services Programs in the county shall collaboratively create a document identifying all the victim service programs in the county, identifying those that provide assistance in preparing, filing and following-up on VCAP claims and those that refer victims to another agency for assistance. The information on this document shall be reviewed and updated annually.

4. For agencies that file claims directly, the following applies:
    a. The Victims' Services Program shall maintain VCAP claim forms and other victims' compensation materials for victims and referral agencies.

b. The Victims' Services Program shall ensure that assistance is available to the victims in the preparation of, submission of, and follow-up on, crime victims compensation claims by:
   i. Informing victims of the deadline(s) for filing a claim.
   ii. Assisting victims in contacting police, medical providers, insurance providers, billing agents, Social Security Administration, etc., for information/documentation needed to facilitate the claims process.
   iii. Providing off-site visits, where and when appropriate, for victims who cannot visit the center to prepare the VCAP application.
   iv. Advising victims that if they receive restitution for bills paid by compensation or a civil suit settlement as a direct result of the crime in which they filed a claim, then the VCAP is to be reimbursed for awards made on behalf of the victim.

c. The Victims' Services Program shall advocate on behalf of the victim when obstacles arise in the compensation process in order to facilitate the award of a compensation claim throughout the determination, award and appeal processes.

d. The Victims' Services Program shall develop a relationship with police departments to:
   i. Ensure that they have information on VCAP to provide to potential claimants (arrest and non-arrest cases).
   ii. Provide assistance in meeting mandatory obligations to inform all potential claimants of VCAP as required by law. This may be accomplished through:
      - Distribution of the Rights and Services brochure by law enforcement officers,
      - Distribution of claim forms and other materials by record clerks, and
      - Training of all officers on VCAP.

5. For agencies that refer victims to other agencies for assistance in completing VCAP Claims:
   a. The Victims' Services Program shall maintain claim forms and other victims compensation-related materials for victims and referral agencies.
   b. The Victims' Services Program shall inform victims of the deadline(s) for filing a claim.

STRIVING FOR EXCELLENCE

- The Victims' Services Program has a formal presentation and prepared materials to train and educate the public, media, local organizations and law enforcement agencies about Victims Compensation Assistance.
- The Victims' Services Program should provide staff the opportunity to attend training on and use the statewide automated claims processing system, Dependable Access for Victimization Expenses (DAVE) to file claims

electronically, check on claim status and access statistical data concerning their program.

- The Victims' Services Program should follow up with police in regard to personal injury and non-arrest cases to determine if victims compensation information was made available to the victim.
- The Victims' Services Program shall contact, by letter, any service provider and/or creditor to explain the compensation program and intervene on behalf of the victim when needed (see Individual Advocacy Standard).

RELEVANT LEGISLATION

- 18 Pa.C.S. § 1106(c)(1)(i): The court shall not reduce a restitution award by any amount that the victim has received from the Crime Victims' Compensation or any other designated account when the claim involves a government agency in addition to or in place of the above. Section 1106(c)(1)(ii) of this statute also provides that if restitution to more that one person is set at the same time, the court shall set the following priorities of payment: a.) the victim, b) the Crime Victims' Compensation Board, c) any other government agency which has provided reimbursement to the victim as a result of the defendant's criminal conduct, and d) any insurance company which has provided reimbursement to the victim as a result of the defendant's criminal conduct.

- 18 P.S. § 11.701 *et seq.*: Persons eligible for compensation under the Crime Victims Act.

VICTIMS' RIGHTS NOTIFICATION

CORE STANDARD

The Victims' Services Program shall provide all victims with timely information of their rights under the Crime Victims Act and other relevant victims' rights laws, those rights automatically granted under the law and those related to victim requests for services.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall develop informational material that outlines the rights of the victim to include receiving all notifications, having opportunities for input, and providing instructions on how the victim may participate in the justice system.

2. The Victims' Services Program shall provide information on services that require victim requests and shall make available instructions on how to contact services of interest.

3. The Victims' Services Program shall develop a system of notification in consultation with the appropriate entities, and also others as appropriate including the Pennsylvania Board of Pardons (see Capital Case Notification and Release Notification Standards).

4. The Victims' Services Program shall respond to requests for additional information and provide appropriate support and follow-up to the victim.

WITNESS MANAGEMENT

CORE STANDARD

In conjunction with the District Attorney's Office and Juvenile Probation Department, the Victims' Services Program shall notify victims and witnesses as far in advance as possible of upcoming court proceedings and provide advance notification when possible if their appearance is not required.

PROGRAM REQUIREMENTS

1. The Victims' Services Program shall work with the Court Administrator's Office, District Attorney's Office, Juvenile Probation Department, and other appropriate offices to develop a system for notification of victims and witnesses subpoenaed for cases. The system shall include notification to victims and witnesses when it is later determined they are not needed to appear for the case or the case is continued.

2. The Victims' Services Program shall obtain a list of the scheduled cases (including names, addresses and telephone numbers of victims and witnesses) prior to the court proceeding. The Victims' Services Program shall obtain information from the victim on how he/she can be contacted during the court proceeding and the travel time required.

3. The Victims' Services Program shall attend or obtain information from the pretrial conference/proceeding to verify case status. In the event there is not a pretrial conference, the Victims' Services Program shall make contact with the prosecutor assigned to the case to determine case status.

4. The Victims' Services Program shall address any problems that the victims or witnesses have in relation to court appearances and make any necessary referrals or arrangements.

5. The Victims' Services Program shall inform the victim of their responsibility to keep the Victims' Services Program notified of any changes to their contact information, as well as changes to their work schedule or daily routines that could affect their availability for court appearances.

PRACTICE TIP

- For counties that have on-call systems, the Victims' Services Program should confer with the District Attorney prior to any hearing to determine the possible disposition of cases and identification of any victims that may be eligible for on-call status.

- The Victims' Services Program should inform all victims and witnesses subpoenaed by the District Attorney of the option to be placed on-call if they fall within the established criteria.
- Funding prohibits work on the issuance of subpoenas.

STRIVING FOR EXCELLENCE

- The Victims' Services Program shall advocate for the design of a flexible court schedule, including evening sessions designed to minimize the inconvenience of spending unnecessary time in the courthouse.

GLOSSARY OF LEGAL TERMS AND PHRASES

Accelerated Rehabilitative Disposition (ARD): A pre-trial diversionary program established and run by the district attorney of each county. A voluntary program for non-violent offenders involving the concept of probation supervision without conviction. The suspension of criminal prosecution for a set period of time by the prosecutor, in exchange for the defendant's successful completion of rehabilitation program. Upon successful completion of the program, the defendant's criminal record is expunged or erased.

Accused: A person or persons formally charged but not yet tried for committing a crime.

Acquittal: A judgment of a judge or jury that the defendant is not guilty of the offense(s) for which he has been charged and tried.

Actus Reus: The wrongful deed or act. That part of a crime when combined with the mens rea makes the complete crime.

Adjudication: The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction, or dismissal of the case.

Admissible: Evidence, including testimony or physical objects, which may be legally used at trial to prove a material issue of fact or an element of a crime. Inadmissible evidence may be important to prove a material issue of fact or an element of a crime, but may not be used due to some legal defect. For example, hearsay is a statement or action, which is made outside of court and offered for the truth of the matter asserted at trial. Courts do not allow such evidence to be admitted at trial based on long-standing policy concerns regarding the veracity of such evidence. Hearsay is not admissible.

Adult: A person who by virtue of his age, 18 or older, is within the jurisdiction of criminal court.

Advocate: (1) n.- One who represents and supports the victim of domestic violence. (2) v.- To assist or argue for another. (3) n.- As alluded to in the Crime Victims Bill of Rights, 18 P.S. § 11.201, one who may accompany a victim at all public criminal proceedings.

Affiant: Someone who makes or files an affidavit. Usually the arresting or investigating officer in cases of reported domestic violence. However, it may also be a person who signs and acknowledges that the facts contained within an affidavit are true and correct under penalty of the law. Such as in cases where a private criminal complaint is filed.

Affirm: To declare the judgment, order, or decree of a lower court valid.

Affidavit: A written, sworn statement in which the writer swears that the information stated therein is true and correct to the best of his knowledge.

Aggravated Range Sentence: A sentence that departs from the standard range sentence

by a greater number than the standard range sentence by a specified period of months.

Aggregate Sentence: The sum total of all consecutive or partially concurrent sentences currently being served by a convict.
Alleged: The term used to modify any fact or charge not yet proven true.

Alibi: A defense claim that the defendant did not commit a crime because he was not physically present at the location and time when the crime occurred. An alibi defense must be disproved by the Commonwealth beyond a reasonable doubt once placed at issue by the defendant.

Alternate Issuing Authority: An issuing authority appointed by order of the court of common pleas to temporarily preside over a criminal matter arising out of a different magisterial district or jurisdiction.

Alternate Jurors: A reasonable even number of jurors in addition to the principal jurors that may be impaneled to sit as alternate jurors. Only twelve persons may deliberate and render a verdict in Pennsylvania. Alternates are selected in most cases as a safety precaution in case one of the principal jurors can not sit and deliberate for the entire case.

Allocatur: A legal term used to describe a petition for allowance of an appeal to the Pennsylvania Supreme Court.

Appeal: A petition to a higher court for a reversal or modification of the judgment of a lower court.

Appellant: The person or entity taking an appeal from a judgment or order.

Appellee: The adverse party to an appeal from a judgment or order. The party who is opposing the appellant.

Arraignment: Generally means an accused person's appearance in a court at which the court may inform him of the charges against him, advise him of his rights, appoint a lawyer for him, and/or hear his plea.

Arrest: The taking into custody of a person suspected of a crime for the purpose of charging him with committing a specific offense.

Arrest Warrant: A document issued by a judicial officer, which directs a law enforcement officer to arrest a person who has been accused of an offense. See **"Warrant"**, supra.

Apprehension: See Arrest.

Assailant: The batterer, suspect, or defendant.

Assault: A threat or attempt to inflict offensive physical contact or bodily harm on a person that puts the person in immediate danger of or in apprehension or fear of such harm or contact. No physical contact is necessary. An attempt, with unlawful force, to inflict bodily injury upon another, along with the current ability to succeed in the attempt unless prevented from doing so. No physical contact is necessary. An assault could be either a tort or a criminal offense, and therefore a basis for a civil action and/or a criminal prosecution.

Attorney: One who is admitted to the practice of law within his respective state. A lawyer, counselor at law, legal advocate. A district attorney is a lawyer that is statutorily assigned to prosecute criminals.

"Backtime": Legal slang for the remainder of a parole sentence. The period of time that a criminal defendant is released on parole from the expiration of their minimum sentence.

Bail: Money or property promised or given to the court as security when an accused person is released before and during his trial with the agreement that the defendant will return to court when ordered to do so. The purpose of bail is to secure the appearance of the defendant at all subsequent times required and to protect the community and any identified person(s). Bail is forfeited if the defendant fails to return to the court. If someone is "out on bail" that means that they have posted bond, or a portion of their bond. A bail bondsman may post bond for a defendant.

> **ROR- "Released on Own Recognizance."** Nonmonetary bail that requires the signing of the defendant's signature to the general bail conditions. No amount of cash or property need be posted.
> **Nonmonetary Conditions:** Bail without the need for posting of cash or property. A defendant is given a set of conditions in addition to those imposed by ROR bail, above cited. These conditions may include reporting requirements, restrictions on travel, and any other conditions deemed appropriate, such as psychological or drug/alcohol counseling.
> **Unsecured Bail:** A dollar amount that is set by an issuing authority to be paid by the defendant or a surety upon breach of the bail conditions.
> **Nominal Bail:** A minimal amount of cash or property to be posted in order to meet the monetary requirement of bail. Conditions of bail are always present.
> **Monetary Condition:** Also referred to as "release on monetary condition." A bail or issuing authority may require the defendant to post an amount of cash or property in order to be released from a secured facility. Monetary conditions are in addition to mandatory bail conditions, such as refraining from the commission of a new crime.

Bailiff: A uniformed court officer whose function is to keep order in the courtroom.

Bar: A part of the courtroom located in front of the judge's bench.

Battered Woman's Syndrome: The theory that a woman who has been abused by her

partner over a period of time becomes psychologically unable to leave her abuser. Often used in addition to the self-defense theory when a battered woman kills. Not a recognized defense in Pennsylvania. However, a long-standing period of abuse may be admissible evidence to establish a woman's reasonable fear of her husband's attack.

Battery: The infliction of physical contact with force by one person against another. Battery can be against one's body or close to the person's body, for example, clothing, car, or
umbrella.

Bench: Where the judge sits during court proceedings; the term also is often used for referring to the judge.

Bench trial: A trial in which the judge hears the case without a jury and decides whether the accused is guilty. Also referred to as a "waiver trial" or a "non-jury trial."

Bench warrant: A court order which directs that an accused person who has been released before trial and fails to return when ordered to do so be brought to court to appear before the judge.

Beyond a Reasonable Doubt: The degree of proof needed for a jury or judge to convict an accused person of a crime. Not reducible to a mathematical certainty, such as 95%. It is that amount of doubt, which would cause a reasonable person to hesitate before acting in a matter of importance in their own affairs. See **Burden of Proof**, supra.

Bill of Particulars: A more detailed and specific accusation made by the Commonwealth against a criminal defendant. Must be requested within 7 days of formal arraignment.

Bond: Money or property promised or given to the court to insure the presence of the defendant in all future criminal proceedings. Factors the judicial officer considers in setting the amount of bond include whether the defendant is likely to flee, and whether the defendant presents a danger to the community. Bond is forfeited if the defendant fails to return to the court.

> **Personal Recognizance/Release on Recognizance (ROR bond):** The promise of an accused person to the court that he will return to court when ordered to do so which is given in exchange for release before and during his trial.
> **Surety Bond:** Guarantee by a third party to pay the court the amount of bond set in the event that the defendant fails to appear at the next duly set judicial proceeding regarding the defendant's case.
> **Cash Bond:** A sum of money in the amount designated by the court in an order setting bond, posted by a defendant or by another person on behalf of the defendant with the court or other authorized public officer.

Booking: A police administrative action officially recording the arrest and identifying the person, place, time, the arresting authority and the reason for the arrest.

"Bound Over": Legal jargon meaning that a charge presented before an issuing authority for the determination of a prima facie case is found and the charge will be forward by transcript to the trial court.

Burden of Proof: The duty of one party to prove an allegation in order to convince the judge or jury of the truth of that particular allegation. The amount of evidence that one party must present in order to win her or his case. In criminal cases, the burden of proof is "beyond a reasonable doubt"; in civil cases, the burden of proof on the plaintiff is "preponderance of the evidence".

Beyond a Reasonable Doubt- This is the highest standard of proof under the law. The standard that is applicable to the Commonwealth in criminal trials. The amount of doubt that would cause a reasonably prudent person to hesitate before acting in a matter of importance in their own affairs.

Clear and Convincing Evidence- Highly likely, more than a preponderance of the evidence, but less than beyond a reasonable doubt.

Preponderance of the Evidence- Evidence that is of greater weight than the evidence offered in opposition to it; more probable than not; slightly greater than 50%.

Prima Facie- The lowest standard of proof. Evidence which suggests that a crime has occurred and a defendant had some part in the commission of the crime. Common sense application to a set of facts in determination of whether or not a crime may have occurred.

Capias: A bench warrant issued by a judge of the court of common pleas for a defendant's non-compliance with the conditions of bail or other order of court that sets forth a mandate to appear.

Case-In-Chief: The primary presentation of evidence by either the Commonwealth or the defense. The Commonwealth must establish that the elements of the crime have been established to a degree that reasonable minds may differ. The defense may present evidence to prove an affirmative defense such as legal justification, entrapment, or legal insanity or place at issue another matter which may create a reasonable doubt, such as an alibi defense.

Certiorari: A petition for review by the United States Supreme Court.

Challenge for Cause: A motion made by either the defense or the Commonwealth which indicates to a trial court that a prospective juror may not be suitable for a jury due to some pre-existing bias or knowledge about a case and the juror should be removed due to such. Both the defense and the Commonwealth have unlimited challenges based upon cause.

Chambers, Judges: The office of the judge which is sometimes used for private sessions on cases. For example, the prosecutor and the defense attorney may meet the judge in chambers before sentencing in order to make a recommendation.

Charge: A formal allegation that a specific person(s) has committed a specific offense, also referred to as pressing charges.

Charge of the Court: The jury instructions read to the jury by the trial court after the closing arguments of either side.

Circumstantial evidence: Indirect evidence. The proof of certain facts through which a fact finder may infer or deduce that another fact or facts are in existence. For example, it rained last night. I did not see or hear the rain. However, when I awoke the sidewalk, cars, and buildings were all wet. Logically, therefore, I may infer or arrive at the conclusion that it rained last night. Compare **"Direct Evidence"**, supra.

Citation: A written order issued by a law enforcement officer directing an alleged offender to appear in a specific court at a specified time in order to answer a criminal charge.

Clear and Convincing Evidence: See **Burden of Proof**. A standard of proof somewhat greater than a "preponderance of the evidence" but somewhat less than "beyond a reasonable doubt"— sufficient proof for the judge or jury to believe the facts that are sought to be established.

Closing Argument: The final persuasive statements made to the jury from either the defense or the Commonwealth, which may be based upon the facts or reasonable inferences, deduced there from.

Collateral: Cash or a cash equivalent deposited in summary cases, Pa.R.Crim.P. 103.

Collateral Appeal: An appeal by a defendant or petitioner pursuant to the Post Conviction Relief Act
("PCRA"), 42 Pa.C.S. §§ 9541-9546.

Collateral Estoppel: The theory, which allows for a perpetrator's criminal conviction to be accepted as proof of the perpetrator's legal liability in civil cases filed by the victim. See also Res Judicada.

Colloquy: A discussion held between parties. A "guilty plea colloquy" may be given either orally or in writing and outlines or discusses the rights a criminal defendant waives or gives up by pleading guilty or nolo contendre (no contest), the maximum possible penalties for all the crimes charged, and whether the defendant has knowingly, voluntarily and intelligently given up their rights by pleading guilty.

Commitment: The action of a judicial officer ordering that an adjudicated and sentenced adult be admitted into a correctional facility.

Common Law: Law or rules of law established by the courts. Decisional law. Derived from cases decided by the courts of Pennsylvania or from federal courts, which are binding precedent or persuasive authority.

Common Pleas Court: See Court of Common Pleas.

Commonwealth: The State of Pennsylvania. May also refer to one or more of the law enforcement agencies assigned the duty of carrying out the laws of the State.

Commonwealth Court of Pennsylvania: An appellate court in Pennsylvania that hears appeals from State agency and administrative decisions. There is only one Commonwealth Court in Pennsylvania. This Court hears appeals from decisions rendered by the State Board of Probation and Parole.

Commonwealth's Presenter: The entity or individual assigned the responsibility of setting forth and proving the criminal allegations made against a citizen in a court of law. This may include an arresting officer, an affiant, or a district attorney.

Community Correction Center: Commonly referred to as Thalf-way homes," this is a residential facility run by the Pennsylvania Department of Corrections for state prisoners who meet certain eligibility requirements.

Compensation: Remuneration provided to a victim for the loss resulting from another's criminal actions. Restitution for property losses and medical expenses directly caused by criminality must be ordered by the court of common pleas. 18 Pa.C.S. § 1106, 42 Pa.C.S. 9721(c). Compensation for losses suffered by victim or family member may also be recouped through the Crime Victim's Compensation Board. 18 P.S. § 11.707 (37 Pa. Code § 411.1-411.53.) Compensation through the Crime Victim's Compensation Board is paid through a statewide fund for medical and/or funeral expenses, counseling, lost wages, or support made necessary by injuries or death sustained as a result of the criminal behavior of another.

Complainant/Complaining Witness: The person who files a formal criminal complaint or the victim of the crime described in the complaint.

Complaint: A formal written statement filed in court by any person, often a prosecutor or a victim, which accuses a specific person of committing a specific crime.

Concurrent: Sentences that are served either wholly or partially at the same time. Sentences are concurrent if they do not increase the total period of confinement, probation, or intermediate punishment.

Confidential Communication: Any written or oral communication between two or more parties that is the subject of the protected right of one of the parties as a matter of law. The communication may only be divulged by the other party or one of the other parties if the party with the protected right agrees to the communication being divulged to others. Such confidential communications are protected within the relationship of attorney/client, doctor/patient, psychiatrist or psychologist/patient, clergy/other, just to name a few.

As defined by the Protection From Abuse Act with regard to domestic violence counselor or advocate:

"All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship", 23 Pa.C.S. § 6102. The communication will remain confidential unless and until a victim executes a waiver in a signed writing, 23 Pa.C.S. § 6116.

Consciousness of Guilt: Generally speaking, when a crime has been committed and a person thinks he is or may be accused of committing it and he flees or conceals himself such flight or concealment is a circumstance tending to prove the person is conscious of guilt. Such flight or concealment does not necessarily show consciousness of guilt in every case. A person may flee or hide for some other motive and may do so even though innocent. Whether the evidence of flight or concealment in a case should be looked at as tending to prove guilt depends upon the facts and circumstances of a case and especially upon motive which may have prompted the flight or concealment. The judge will tell the jury that they may not find the defendant guilty solely on the basis of evidence of flight or concealment.

Consecutive: Sentences that are not served either wholly or partially at the same time. The total term of supervision or confinement is increased by each respective sentence.

Contempt of Court: An act that is calculated to embarrass, hinder, or obstruct the court in the administration of justice, or that is calculated to lessen the court's authority or dignity. May be either "direct" or "indirect." Direct contempt occurs within the presence of the court or courtroom officials. Indirect contempt occurs outside the courtroom, but in contravention of a court's order. For example, an indirect criminal contempt may occur when a defendant violates a valid protection from abuse order by disregarding all or some of the order's terms.

Continuance: The rescheduling of the hearing on a criminal matter from one date to another for cause shown.

Conviction: A judgment of the court based either on the decision of a jury or a judge or on the guilty plea of the accused, that the defendant is guilty of the crime for which he has been tried.

Corroborate: To give information that supports the statements made by either the victim or the accused.

Count: Each separate offense listed in a complaint, information, or indictment accusing a person of committing a crime.

County Parole Supervision: The parole supervision automatically placed upon a convicted defendant when the maximum term of incarceration does not exceed 24 months when the sentence imposed is a sentence with a minimum and maximum term.

Court: An agency of the judicial branch of the government authorized by law to decide

controversies of law and fact brought before it.

Court of Common Pleas: The trial court in Pennsylvania. There are currently 65 courts of common pleas for the 67 counties in Pennsylvania. The Superior, Commonwealth and Supreme Courts are ranked above the court of common pleas.

Court Case: One or more of the offenses charged in a criminal complaint is a misdemeanor, felony, or murder of the first, second, or third degree. Pa.R.Crim.P. 103.

Court Administrator: An official in charge of the progression of the calendar of the Court of Common Pleas. A court administrator may determine which criminal cases will be heard before other cases.

Court Calendar: The calendar established by the court or other duly designated authority within a county. The calendar determines the timing and duration of all proceedings occurring within the court of common pleas. Proceedings include the scheduling of formal arraignments and trial.

Court reporter: The person employed by a court to record the statements and conversations held before a court. Also referred to as a stenographer. A reporter will make an electronic recording of a statement contemporaneous to its being spoken with a machine similar to a typewriter.

Credibility: The assessment of another's demeanor, manner of speaking, tone of voice, and appearance in determining how much or how little weight to accord his testimony in court. The finder of fact will have to assess the credibility of each witness that comes before it in a determination of the guilt or innocence of an accused.

Crime of Violence: Any crime involving actual or threatened violence against a person. Crimes of violence include, but are not limited to, homicide, voluntary manslaughter, robbery, aggravated assault, rape, kidnapping, burglary, and simple assault.

Crime Victim's Compensation: Compensation awarded to a claimant or victim of a crime through the Bureau of Victims Services in the Pennsylvania Commission on Crime and Delinquency, 18 P.S. § 11.707 (37 Pa. Code § 411.1, *et. seq*.).

Crime Victim's Compensation Board: Administrative agency established by the Pennsylvania Legislature to provide victim's assistance. 37 Pa. Code § 411.1, *et seq*.

Criminal: A person who has been convicted by a court of committing a crime.

Criminal Court: The trial court or the Court of Common Pleas where a criminal trial or other disposition will be heard.

Criminal Record: An individual's prior convictions for penal code offenses. The record may include juvenile adjudications, summary offense convictions, and convictions from

other states/territories. Primarily a criminal record refers to prior convictions for offenses such as misdemeanors and felonies.

Cross Examination: The question asked of a witness by the opposing attorney for more information. Cross-examination questions may be leading. Compare **"Direct Examination,"** supra.

Deadly Weapon Enhancement: An enlargement of the mitigated, standard and aggravated range sentences of the guidelines by a specified period of months based upon the use or possession of a deadly weapon during the commission of an offense. A deadly weapon is any item that is capable of inflicting death or serious bodily injury.

Declarant: One who declares or makes a verbal or written statement. See Com v. Wilson, infra.

Defendant: A person who has been formally charged with committing a crime and against whom a criminal proceeding is pending (criminal); a person who has been sued by the plaintiff (civil).

Defense Attorney: A privately retained or court-appointed lawyer that will prepare and defend an accused's case. Court-appointed attorneys are either Public Defenders or private attorneys who are retained by a county to represent indigent defendants that a Public Defender may not represent due to a conflict of interest. Court-appointed lawyers are paid by the county government to assist indigent or poor defendants. A criminal defendant has the right to be represented free of charge if he cannot otherwise afford legal representation.

Demeanor: One's physical appearance; outward bearing or behavior. Includes, but not limited to, one's tone of voice, evidence of surprise, emotional state, and facial expressions.

De Novo: Literally anew, as in trial de novo — the granting of a new trial.

Deposition: Part of discovery whereby a witness (whether or not a party) is questioned and cross-examined under oath; the testimony is recorded either stenographically or by audio or videotape recording.

Demurrer: The facts alleged do not support or are insufficient to prove the crime(s) charged.

Detention: The legal confinement of a person subject to criminal or juvenile proceedings.

Direct Appeal: An appeal from a judgment or order that is on review for the first time in an appellate court.

Direct Evidence: A type of evidence (testimony, objects, pictures, confessions) that establishes an element of the crime based upon the contemporaneous (occurs at the same time) observation or perception of a physical event. For example, "I saw the defendant hit the victim twice in the shoulder before reaching for the tennis racket." This is testimony from a

witness that establishes what the witness saw or perceived. This is direct evidence of a material element of a crime. It establishes that an action occurred. Another example may be that the defendant confessed to police that he "wanted to make the victim pay for coming home late." This is direct evidence of the defendant's intent to cause harm. The defendant told the police this is what I was thinking when I committed the action. Compare **"Indirect Evidence"** contained herein.

Direct Examination: The questioning of a witness during a case-in-chief. An attorney must ask non-leading questions in order to obtain the desired testimony. Compare **"Cross-Examination,"** supra.

Discovery: A pre-trial procedure which allows each party to get written or oral information from the other party. This includes, among other things, depositions and interrogatories. Discovery is to occur within 14 days of a defendant's formal arraignment.

Dismissal: A decision by a judicial officer to end a case for legal or other reasons without a determination of guilt or innocence.

Disposition: The outcome of a case. The ultimate resolution of a criminal matter. For example, a case may result in a guilty plea or a verdict of guilty. In either event, the disposition of the case is a conviction. Information indicating that criminal proceedings have been concluded. Such dispositions include, but are not limited to, acquittal, acquittal by reason of insanity, pretrial probation, probation without verdict, *nolo contendre* plea, convicted, discharge under the rules of the Pennsylvania Rules of Criminal Procedure, demurrer sustained.

District Attorney: See prosecutor See also Commonwealth's presenter.

District Justice: An elected member of the judiciary. Previously known as "justice of the peace," he hears both certain civil cases and all criminal matters, which arise, within his jurisdiction, known as a "magisterial district." In situations involving court cases, the district justice will determine whether the crime should be "bound over" for the court of common pleas after hearing a presentation of the facts. In certain counties, a district justice will set the defendant's bail at the preliminary arraignment.

Diversion: The official halting or suspension, at any legally prescribed processing point after a recorded justice system entry, of formal criminal proceedings against an alleged offender, and referral of that person to a treatment or care program administered by a non-justice agency, or a private agency, or no referral.

Docket: The list of cases to be heard on a given day, which is posted outside the courtrooms. The cases are listed by the defendant's name, the case number, the charge, the time it is to be heard, and the defense attorney.

Documentation: The recording of facts and evidence in a criminal matter. Facts, which occur both prior to and after a criminal act, should be recorded in writing or through an

electronic system, such as a tape-recorder.

Domestic Violence: Any one of several crimes specifically enumerated by statute. Domestic violence crimes include, but are not limited to the following: Simple Assault, 18 Pa.C.S. § 2701; Aggravated Assault, 18 Pa.C.S. § 2702; Involuntary Manslaughter 18 Pa.C.S. § 2504; Recklessly Endangering Another Person, 18 Pa.C.S. § 2705.

Domestic Violence counselor/advocate: As defined by the Protection From Abuse Act: "An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training." 23 Pa.C.S. § 6102.

Domestic Violence Program: As defined by the Protection From Abuse Act: "A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crises hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance." 23 Pa.C.S. § 6102.

Double Jeopardy: A theory involving punishment twice for the same criminal action. The Fifth Amendment of the U.S. Constitution and Article I, Section 10 of the Pennsylvania Constitution prohibits placing a person in double jeopardy. There are, however, instances whereby a person may be punished both civilly and criminally for the same underlining actions without violating the double jeopardy clause.

Due Process: The guarantee by both the United States Constitution and the Pennsylvania Constitution that certain substantive or procedural safeguards will occur in a criminal matter as a matter of fundamental fairness. A criminal defendant is entitled to procedural due process. This is essentially notice and an opportunity to defend against a criminal charge. A criminal defendant is also entitled to substantive due process. This includes the right to a trial, the presumption of innocence, and the right to testify on his/her own behalf.

Electronic Recording: Documentation of a statement through tape recording, audio/visual recording, or any other method of documenting the words of another. Contemporaneous with their utterance.

Elements: Defined by the Crimes Code, 18 Pa.C.S. § 103. The components of an offense, which make up the entire crime. Most crimes contain an intent element, known as the "mens rea" and an action element, known as the "actus reus." When combined these elements show the entire crime. The Commonwealth must prove each of these elements beyond a reasonable doubt at the time of trial.

Evidence: Testimony and objects used to prove or corroborate the occurrence of the elements of a particular criminal offense. See also **"Circumstantial"** and **"Direct Evidence,"** supra.

Entrapment: The inducement or encouragement of a law enforcement official for another

to engage in criminal activity by either (1) false representations designed to induce belief that such criminal conduct is not prohibited, or (2) employing methods of persuasion or inducement which create a substantial risk that such an offense will be committed by a person other than one who is of a mind to commit the crime. It is the burden of the defendant to prove entrapment by a preponderance of the evidence. See **Burden of Proof**, supra. 18 Pa.C.S. § 313.

Evidence Based Prosecution: Prosecution focused on utilizing evidence (tangible objects and testimony of others) other than the testimony of the victim.

Excited Utterance: An exception to the proscription against hearsay where the availability of the declarant is immaterial. "A statement relating to a startling event made while the declarant was under the stress of excitement caused by the event or condition." Pa.R.Evid. 803(2).

Exclusionary Rule: A legal doctrine which provides that a remedy for the unconstitutional behavior on the part of a government agent may render the unconstitutionally obtained evidence suppressible. E.g.: Evidence obtained through an illegal government search may render such evidence suppressible. This means that the Commonwealth may not be permitted to use the evidence to prove its case during its casein-chief.

Exculpatory Evidence: Any evidence (testimony, tangible objects, forensic evidence) that tends to establish that a particular defendant was less likely to have committed the crime or did not commit the crime. Evidence, which tends to disprove any material element of a crime. See **"Inculpatory Evidence."**

Exhibit: A tangible object that is labeled for identification by a party and admitted as evidence to prove or rebut the existence of a material element of a crime.

Ex Parte: An ex parte judicial proceeding is one brought for the benefit of one party only, without notice to the other party. It refers to an application made by one party to a proceeding in the absence of the other.

Expert (Witness): Any person qualified by special training, education or experience, to render an opinion as to a fact for which he may or may not have personal knowledge. For example, a doctor may state at a trial that a victim suffered a concussion caused by blunt trauma to the side of the head. May also testify to hypothetical questions for which he has no personal knowledge of the facts. For example, the injury sustained to the head may have been caused by a club.

Expunge: The sealing or purging of arrest, and other criminal records. To remove information so that there is no trace or indication that such information existed. Expungement of criminal records is governed by statute. It will occur in the following situations: (1) upon the successful completion of an ARD or other pretrial diversionary program; (2) by petition and order of court when the defendant reaches the age of 70 and has been free of arrest for 10 years following the final release from confinement or supervision, or (3) an individual who has been dead for 3 years. 18 Pa.C.S. § 9122.

Felony: A criminal offense punishable by death or by incarceration in a state or federal confinement facility for a period of which the limit is prescribed by statute. In Pennsylvania, felonies may be of the first, second or third degree. The penalties are as follows: first degree imprisonment up to 20 years; fine to $25,000; second degree imprisonment up to ten years; fine to $25,000; and third degree — imprisonment up to seven years; fine to $15,000.

Finding: The court's or jury's decision on issues of fact. In almost all court orders, the findings of facts precede the actual order of the court.

Formal Arraignment: See **Arraignment,** supra. Formal arraignment occurs at a set time after the criminal charges have been bound over before an issuing authority. Precedes trial.

Furlough: A court or administratively granted period of leave from incarceration or other supervision for a limited period and defined purpose.

Gagnon I Hearing: Also known as a "probable cause hearing." The first of two hearings to determine whether a criminal defendant has violated a term or terms of his probation or parole sentence. The burden is upon the Commonwealth to show probable cause that a violation has occurred. Named for the United States Supreme Court decision in Gagnon v. Scarpelli (see table of cases index).

Gagnon II Hearing: The second of two hearings to determine whether a criminal defendant has violated the term or terms of his probation or parole. The burden is upon the Commonwealth to establish that a violation has occurred by a preponderance of the evidence.

Greater Included Offense: A criminal offense that has a higher statutory classification than a lesser-included offense, possesses the same elements and arises from the same set of facts as a lesser included offense.

Guidelines: A set of standards established by the Pennsylvania Commission on Sentencing to provide uniformity in sentencing across Pennsylvania. The sentencing court must consider the guidelines when imposing its sentence.

Guilty: A verdict of a judge or a jury. The charge has been proven beyond a reasonable doubt.

Guilty But Mentally Ill: A verdict rendered by the trier of fact that a criminal defendant is guilty of a crime, but was mentally ill at the time the offense was committed and was legally

insane when the offense occurred. Mentally ill is defined by the Pennsylvania Crimes Code as "one who as a result of mental disease or defect, lacks substantial capacity either to appreciate the
wrongfulness of his conduct or to conform his conduct to the requirements of the law." 18 Pa.C.S. § 314(c)(1).
Guilty Plea: A formal response by a person accused of committing a specific crime admitting that the charges are true.

Hearing: A legal proceeding in which arguments, witnesses, and/or evidence are heard by a judicial officer or an administrative body.

Hearing Officer/Master: An appointed individual who hears Protection From Abuse petitions.

Hearing, Preliminary: A proceeding before a judicial officer in which arguments, witnesses or evidence is presented and in which it is determined whether there is sufficient cause to hold the accused for trial or whether the case should be dismissed.

Hearsay Evidence: Testimony given by a witness based on what that person has heard from another, rather than on what he/she knows or has seen or experienced. This is not usually admissible as evidence in a trial.

Hearsay Exception: Specified exceptions to the general proscription against the admissibility into evidence of Hearsay Evidence. Such as, present sense impression, excited utterance, and court documents.

Held for Court: See "Bound Over", supra.

Held Over: See "Bound Over", supra.

Homicide: Any killing of one person by another without justification or excuse.

Hung Jury: A jury whose members cannot agree whether the accused is guilty or innocent. If after sufficient deliberation, a trial court may declare a jury "hung" and grant a "mistrial" See **"Mistrial"**, supra.

Immediate Parole: The release of a convicted defendant from custody at the time of sentencing based upon amassed time credit and the expiration of their minimum sentence.

Impeach: To challenge the credibility of a witness, usually by placing in evidence statements made by that witness at another time which contradict what is being sworn to at that time.

Incarceration: The confinement of a defendant to any federal, state, or local penal facility.

Inculpatory Evidence: Evidence that tends to establish that a criminal defendant is more

likely to or did commit a particular crime. Evidence that tends to prove any material element of a crime. See **"Exculpatory Evidence."**

Indictment: A formal written accusation, now referred to as a criminal information filed in a court, alleging that a specific person has committed a specific crime.

Indigent: A party who has been found by the court to be too poor to pay for his own attorney. The court provides an attorney for indigents in criminal cases only.

Information: A formal written accusation made by a prosecutor and filed in a court, alleging that a specified person(s) has committed a specific offense(s). Most criminal actions in Common Pleas Court are initiated this way.

Injunction: A court order of which there are two types; negative injunctive relief (restraining order) and positive injunctive relief (an order requiring a person to take some type of positive action). The restraining order is an order of the court telling a person or persons to "cease and desist" from doing something.

Innocent: 100% not guilty.

Insanity: A defense to the commission of an offense. The defendant must prove by a preponderance of the evidence (see Burden of Proof) that at the time of the commission of the offense he was laboring under such defect of reason, from a disease of the mind, as not to know the nature and quality of the act being done. Or, if the defendant did know the quality of the act, he did not recognize that what he was doing was wrong. 18 Pa.C.S. § 314(c)(2).

Intermediate Punishment: A statutorily provided sentencing scheme for specific crimes in which the sentencing court would otherwise impose a sentence of incarceration.

Interrogation: The questioning of a witness or the accused by the police or by an attorney for the purpose of obtaining information about a crime.

Investigation: The procedure by which the fact and evidence of a crime are collected, processed, and assembled for formal presentation in either a criminal complaint or at a trial.

Judicial Officer: Any judge, hearing officer or magistrate.

Jurisdiction: The territory, subject matter, or person over which lawful authority may be exercised.

Jury: A body of 12 persons sworn to render a verdict or true answer on a question or on criminal charges officially submitted to them. In Circuit Court a jury is chosen by the two attorneys. The defendant has the choice of whether to be tried by the judge alone or a jury of peers. There must be a unanimous verdict of guilty or not guilty among 12 jurors. If a trial results in a "hung" jury, there may be another trial.

Jury Instructions: The legal charge of the court to the jury regarding the relevant law and the manner in which deliberations are to be conducted.

Jury Selection: The process by which the district attorney and the defendant or the defense attorney make challenges for cause or peremptory challenges against a prospective panel of jurors. The outcome of jury selection will be the seating of 12 jurors and possibly a number of alternate jurors to hear the case.

Law Enforcement Agency: A local, state or federal agency charged with the responsibility of carrying out the duties imposed by the penal laws.

Leading Question: A question posed which indicates a suggested response. For example, "The light was red, wasn't it?" is a leading question. "What color was the light?" is a non-leading question. Compare **"Non-leading Question,"** supra

Legal Maximum: The longest imposable sentence for any particular crime.

Legal Insanity: See **Insanity,** supra.

Lesser Included Offense: A crime that possesses the same elements of a greater criminal offense charged and is established by the same set of facts that establish the greater criminal offense.

Magistrate: See District Justice.

Magisterial District: The geographical confines in which a magistrate maintains jurisdiction. A smaller subdivision of a county or legally recognized subdivision of the State.

Mandatory Sentencing: A minimum imposable sentence established by the Pennsylvania Legislature for specific crimes.

Manslaughter: Causing the death of another person either unintentionally but because of recklessness or gross neglect (involuntary or negligent manslaughter) or intentionally but with provocation that a reasonable person would find extreme (voluntary or non-negligent manslaughter).

Medical records: The documented notes, observations, diagnosis, and prognosis of a victim by medical personnel. Includes, but not limited to, doctor's notes, EMT logs from ambulance, triage notes, victim/patient's statements made pursuant to medical treatment, and x-rays. A type of corroborating evidence.

Mens Rea: A guilty mind, the wrongful purpose. The component of a crime that is combined with the actus reus that comprise the entire crime.

Mentally Ill: See **Guilty but Mentally Ill**, supra.

Merger: A legal doctrine, which holds that a lesser-included offense will be subsumed by a larger offense. Crimes do not merge, or become the same crime, unless (1) the crimes have the same elements (are lesser included offenses) and (2) the facts of the case are such that the facts which establish one criminal charge also serve as the basis for the additional criminal charge. A defendant cannot be sentenced for a crime, which merges with another offense.

MIMIC (**M**otive, **I**ntent, lack of **M**istake, **I**dentity, and **C**ommon plan, scheme or design): Attorneys and judges may sometimes refer to this list simply as "MIMIC" to save time. MIMIC is a specific type of evidence, which may be admissible in court to prove that a crime, in fact, occurred. For example, evidence that a defendant used a garden tool to inflict harm on another five times prior to the current instance giving rise to a criminal charge and prosecution may be admissible at a trial to show a common plan, scheme, or design. "Every time the defendant beats me he uses a shovel." Pa.R.Evid. 404(b)(2).

Miranda **Warning:** *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966). A United States Supreme Court decision which establishes the rule that anyone subjected to custodial police interrogation must be advised "in clear and unequivocal terms" of the following four rights:

(1) He has the right to remain silent;
(2) Anything said can and will be used against the individual in court;
(3) He has the right to consult with an attorney and have the attorney present with him during interrogation;
(4) If he cannot afford an attorney, one will be provided free of cost.

Misdemeanor: An offense usually punishable by incarceration in a local confinement facility, for a period of which the upper limit is prescribed by statute. Misdemeanors in Pennsylvania may be of the first, second or third degree. The penalties are as follows: first degree — imprisonment up to five years; fine to $10,000; second degree — imprisonment up to two years; fine to $5,000; and third degree — imprisonment up to one year; fine to $2,500.

Mistrial: A legal determination made within the discretion of a trial court that a material defect has occurred during the course of a trial that would render the ability of the trier of fact to determine a proper verdict improbable or even impossible. In some instances, the declaration of a mistrial may end the criminal process in a particular case forever. In others, it may mean that a new jury or a different judge may have to be convened for a new trial.

Mitigated Range Sentence: A sentence that departs from the standard range sentence by a sentence of less time than the standard range sentence by a specified period of months.

Monetary Condition: See **Bail**, supra.

Motion: A verbal or written request made by a party or a party's attorney before, during, or after a trial that the court issue a rule or an order.

Motion for Judgment of Acquittal: A defense motion made requesting that the court

dismiss the criminal charge(s) based upon the failure of the Commonwealth to produce sufficient evidence of guilt.

Motion for Recusal: See **Recusal**, supra.

Motion to Quash: A request made by a party who has received a subpoena that the court cancel the effect of the subpoena, i.e., to vacate the court's early order contained in the subpoena requiring, for example, release of documents. Used when a subpoena is oppressive or unreasonable.

Motive: A set of circumstances or facts, which may explain a defendant's intent or thoughts when the defendant took a particular action. Motive is not an essential element to prove that a crime occurred. However, it is very helpful to a prosecution to prove a crime occurred.
Murder: Intentionally causing the death of another person without extreme provocation or legal justification or causing the death of another while committing or attempting to commit another crime.

Newly discovered evidence: Evidence discovered after the trial and not discoverable before trial, despite the exercise of due diligence.

No Drop Policy: A policy implemented by police and prosecutors that charges will not be dropped or dismissed by the Commonwealth at a preliminary hearing, despite the victim's failure to cooperate with the prosecution.

Nolo Contendere: A defendant's formal answer in court to the charges in which the defendant states that he does not contest the charges. The nolo contendere plea is not an admission of guilt but carries the same legal consequences as a guilty plea.

Nol Pros: (Nolle Prosequi) a decision by the prosecutor not to pursue the prosecution of a particular charge or case. The literal translation means, "not to prosecute." The entry is also used to indicate that civil cases will not be pursued further.

Nolle prosequi: See **Nol Pros**, supra.

Nominal Bail: See **Bail**, supra.

Non-jury Trial: See **"Bench Trial"**, supra.

Non-leading Question: A question, which does not indicate a suggested answer. For example, "what color was the light at the intersection?" is non-beading. The light at the intersection was red, wasn't it?" is a leading question. Compare **"Leading Question,"** supra.

Nonmonetary Conditions: See **Bail**, supra.

Notes of Testimony: A written transcription of the recorded events of trial.

Not Guilty: The verdict of a court or jury. The charges have not been proven beyond a reasonable doubt.

Not Guilty: A verdict by a judge or a jury that a person accused of a crime did not commit it or that not enough evidence exists to prove beyond a reasonable doubt that the accused committed the crime.

Not Guilty Plea: A formal response by a person accused of committing a specific crime in which she says that the charges are untrue.

Notice: A written order to appear in court at a certain time and place.

Nunc Pro Tunc: Literally, "now for then." A nunc pro tunc order is one used by courts to correct a record. It corrects a previous judgment or order or is used in cases where the court hears a matter but does not issue a written order for some time, thereby making it nunc pro tunc, i.e., effective at the time of the hearing as opposed to the time the judge signed the order.

Objection: An indication made by an attorney before the court that a factual, procedural, evidentiary, or other legal problem exists with testimony, an exhibit, or other evidence, which may prohibit its admission onto the record.

Offender: An adult who has been convicted of a crime.

Offense: A crime; technically, in some jurisdictions, only the most minor crimes are called offenses.

Offense Gravity Score ("OGS"): A predetermined number between 1 and 14 assigned to a particular offense by the Pennsylvania Commission on Sentencing based upon its severity. The "OGS" is used in conjunction with the Prior Record Score ("PRS") to determine the standard, mitigated and aggravated range sentences to be given to a criminal defendant in Pennsylvania. The more severe the crime, the higher the number.

Offense Tracking Number ("OTN"): A number given by a court to each specific case to identify the defendant, the crime charged, and the respective disposition for all law enforcement agencies.

OGS: See **"Offense Gravity Score,"** supra.

Omnibus Pre-Trial Motion: Literally means "all inclusive." See **Pre-Trial Motion**, supra.

Opening Statement: The statement provided by a prosecutor and a defendant or his attorney to a jury prior to the taking of testimony and exhibits. The prosecutor will generally provide a preview of what the evidence will be to establish the elements of the crime(s)

charged in the information. The defense may give an opening statement, but may also choose to waive it.

Overruled: The party making a legal objection is not sustained. The party objecting loses.

Pa.C.S.: See Pennsylvania Consolidated Statutes.

Pa.C.S.A.: See Pennsylvania Consolidated Statutes Annotated.

Parole: The conditional release of a convicted offender from a jail or prison before the end of his sentence based upon requirements for the offender's behavior set and supervised by a parole agency.

Parole Revocation Hearing: Normally a two-step process. The first step consists of a preliminary hearing. At the hearing the parolee may present letters, documents and individuals as evidence of his good behavior during the time of his release. If probable cause is not found, the parolee is released. If probable cause is found, a final revocation hearing is held to evaluate all the facts and to determine if parole should be revoked. Sometimes called probation revocation hearing.

Party: Plaintiff or defendant, petitioner or respondent. The person who sued or is being sued.

Penal Law: Includes all statutes and embodiments of the common law, which establish, create, or define crimes or offenses, including any ordinances, which may provide for imprisonment upon conviction or upon failure to pay a fine or penalty. Pa.R.Crim.P. 103.

Pennsylvania Commission on Sentencing: An administrative agency of the Pennsylvania General Assembly that consists of 11 persons who formulate a set of standard guidelines for the judges of Pennsylvania to use in every criminal case in Pennsylvania. These 11 persons consist of two members of the PA House of Representatives, two PA Senators, four judges, a district
attorney, a defense attorney, and a professor of law or a criminologist. Each member serves for a two year term.

Pennsylvania Consolidated Statutes: Abbreviated "Pa.C.S." Where the crimes code in Pennsylvania is written.

Pennsylvania Consolidated Statutes Annotated: Abbreviated "Pa.C.S.A." Where many statutes are contained. An annotated version provides additional case law cites for the legal propositions and terms contained in the statute.

Pennsylvania Statutes: Abbreviated "P.S." Where the "Victim∗s Bill of Rights" is contained.

Peremptory Challenge: A limited number of challenges that either the defense or the

Commonwealth may use in selecting a jury for any reason whatsoever, except race, ethnic origin, or gender. Each side is given 5 peremptory challenges in a misdemeanor case and 7 in a felony case. In a death penalty case each side is given 20 peremptory challenges.

Perpetrator: Person who has criminally injured the victim. The defendant.

Petitioner: The party or entity that is seeking some specific remedy or order from a court.

Physical Evidence: Any evidence that is tangible or capable of being seen, held, smelled, or touched. Tangible evidence used to prove or rebut the existence of a material element of a crime. See also **"Tangible Evidence,"** supra.

Plaintiff: The person filing the case/claim in a civil proceeding.

Plea: A defendant's formal answer in court to the charge that he committed a crime. In Pennsylvania, a defendant may plead guilty, not guilty, nolo contendere or guilty but mentally ill.

Plea Bargaining: A legal proceeding between the prosecutor and the defense attorney that the defendant will plead guilty to a crime in exchange for some concessions from the State, usually a lesser charge, the dismissal of other pending charges, or a recommendation by the prosecutor for a reduced sentence. The judge is not bound by any agreement between the State and defense, but generally will accept their agreement. Plea bargaining results in a "plea bargain" or "plea negotiation."

Plea Negotiation: The result of a plea bargaining process or the plea bargain itself. See **Plea Bargaining**, supra.

Post Conviction Relief Act: Located in Title 42 Pa.C.S. §9541, *et seq*. Commonly referred to as "PCRA," it is the statutorily provided source of relief for persons convicted of crimes and presently serving a sentence for a crime, which they did not commit, or for persons serving illegal sentences. It is what is known as petitioning for collateral relief. A person who requests this type of relief is known as a "petitioner" under the PCRA.

Precedent: That which came before the present. Case law or common law which are binding or persuasive law for the present situation.

Preliminary Arraignment: Occurs after formal criminal charges have been brought by a law enforcement agency. A defendant is advised of the criminal charges being brought against them through a reading of the complaint by an issuing authority. Bail is set and the defendant is notified of certain rights, including the right to be represented by counsel. A date for a preliminary hearing is thereafter set. Pa.R.Crim.P. 540.

Preliminary Hearing: A legal proceeding before a judicial officer in which arguments, witnesses, and/or evidence are presented to determine if there is sufficient cause to hold the accused for trial. Sometimes called a probable cause hearing or a pretrial hearing. The burden

of proof is on the Commonwealth to show a prima fade case. See **Burden of Proof,** supra.

Preponderance of the Evidence: Standard of proof which convinces the judge or the jury that the issue of fact before it is more probable than not. The evidence offered in court to prove an alleged set of facts must be better in quality and amount, of greater weight, than the evidence in opposition. See **Burden of Proof,** supra.

Presentence Investigative Report: A document which details the past behavior, family circumstances, and personality of a convicted adult offender and gives information about the crime he committed. It is prepared by a probation agency or other authority in order to assist the court in determining the most appropriate sentence. Such a report must be ordered to be conducted for any defendant that will be sentenced to one year or longer of incarceration, unless waived by a defendant.

Pre-Trial Discovery: The transmission and disclosure of specifics known by the prosecutor to the defendant and vice-versa. Pre-Trial discovery is to occur within 14 days of formal arraignment. The prosecution must disclose certain items without fail, including any evidence, which is favorable either to guilt or punishment of the accused. Pa.R.Crim.P.573.

Pre-Trial Motions: Also referred to as "Omnibus Pre-Trial Motions." Any one of several motions that may be made by either the Commonwealth or the defendant prior to trial and within 30 days after formal arraignment. Including a motion for a continuance, severance, joinder, and suppression of evidence.

Principal Jurors: The twelve jurors selected that will hear a criminal case and deliberate on its verdict.

Prior Record Score ("PRS"): A number between 1 and 5 assigned by the Pennsylvania Commission on Sentencing used in conjunction with the Offense Gravity Score ("OGS") to determine the standard, mitigated, and aggravated range sentences for a criminal defendant in Pennsylvania. The severity and total number of prior convictions determines the total Prior Record Score. The higher the number, the more severe the "PRS."

Prima Facie: "Upon first look." The quantity of evidence that must be presented at a preliminary hearing to have the criminal charges bound over for the court of common pleas. It must appear on a common sense level that the specific crime has occurred and that the defendant had some hand in the commission of the crime. See **Burden of Proof,** supra.

Private Criminal Complaint: An accusation of criminal action that one citizen files against another after obtaining approval by a district attorney.

Privileged Communication: Oral, written, or other communications between individuals, which may be statutorily protected from disclosure to outside parties.

Pro-Arrest Policy: The policy of police to treat domestic violence related crimes as they would any other crime. No mediation will be done at the scene.

Probable Cause: The degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime; the evidence must be such that a reasonable person would believe that this specific crime was committed and that it is probable that the person being accused committed it.

Probable Cause Hearing: See **"Preliminary Hearing",** supra.

Probation: Conditional freedom, instead of confinement to jail or prison, granted to an offender by the court after conviction or a guilty plea with requirements for the off ender's behavior set and supervised by the court.

Probation Revocation Hearing: See parole revocation hearing.

Pro Bono: Literally, for the good. When an attorney takes a case, agreeing to represent the party for free.

Prompt Complaint: Prompt reporting to public authority is not required in a prosecution under this chapter: Provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence of the complainant's failure to promptly report the crime if such evidence would be admissible pursuant to the rules of evidence. 18 Pa.C.S. § 3105.

Pro Se: Acting as one's own attorney in any legal proceedings; representing oneself.

Prosecutor: An attorney for the county employed by a government agency to represent the interests of the general public, and to initiate and maintain criminal proceedings on behalf of the government against persons accused of committing criminal offenses.

Protection From Abuse: Commonly referred to as a "PFA. A civil remedy prescribed by Title 23 Chapter 61. A civil remedy in the nature of an injunction prohibiting a respondent from approaching a petitioner. Available to family, household members, sexual or intimate partners or persons who share biological parenthood.

PRS: See "Prior Record Score", supra.

P.S.: See Pennsylvania Statutes.

Public Defender: An attorney employed by a government agency or subdivision, whose official duty is to represent criminal defendants unable to hire their own lawyers.

Purge: The complete removal of arrest, criminal or juvenile record information from a given records system.

Qualified Restrictive Intermediate Punishment: One of three sentencing alternatives under the Intermediate Punishment sentencing scheme. It may include residential inpatient

drug and alcohol treatment, house arrest, and electronic monitoring.

Rape: Usually refers specifically to unlawful sexual intercourse or attempted sexual intercourse by a male with a female by force or without legal or factual consent.

Rap Sheet: The individual's criminal history record.

Reasonable Doubt: See **"Burden of Proof",** supra.

Rebuttal: Evidence or argument used to refute or oppose what has already been said during the case-in-chief.

Recess: A call by the judge for a halt in the proceedings during the court session, as a rest period or a time to deal with certain problems in chambers.

Recidivism: The repetition of criminal behavior; habitual criminality.

Record: The written, documented and historical presentation of each and every aspect of a case. The record may include, but is not limited to, the criminal complaint, probable cause affidavit, bail papers, district justice transcript, preliminary hearing transcript, pre-trial hearing transcript, pre-trial motions, trial transcript, post-trial motions, pleadings, petitions and other documents filed on the behalf of the defendant or the Commonwealth. When we say "it's a part of the record" we mean that the aspect referred to has become a part of the documented history of that particular case. See also **"Criminal record."**

Recusal: The exclusion of a particular judge from a case due to prior knowledge or circumstances, which make the judge unable to remain fair and impartial.

Re-filing: The charges, which have been dismissed before an issuing authority will be recommenced before the same, issuing authority or an alternate issuing authority.

Refresh Recollection or Recollection Refreshed: PA.R.Evid 612 allows for a witness' memory of an incident for which they are testifying to be aided by anything. This includes a prior statement made by the witness.

Respondent: The party or entity that is answering or defending against the request or claim made by a petitioner to the court.

Restitution: A monetary or non-monetary commitment on the part of the offender pursuant to a court order or other agreement whereby the victim or community is compensated for a loss arising out of the actions of the offender. Restitution is a mandatory component of every sentence.

Restorative Sanctions (RS): Non-confinement sentencing alternatives. Includes mandatory restitution, fines, probation, and determination of guilt without further penalty. 204 Pa.Code § 303.9(f).

Restraining Order: See **"Injunction"**.

Restrictive Intermediate Punishment: Programs used with an intermediate punishment sentencing scheme which may (1) house the defendant full or part time; (2) decrease and restrict the defendant's movement; (3) monitor compliance with the court's sentence; (4) involve a combination of the programs that meet the previously stated standards. 204 Pa. Code § 303.12(a)(4).

Reversed: A decision, judgment or order by a court that is determined to be legally infirm and is set aside by an appellate court.

Revocation Hearing: See **"Parole Revocation Hearing."**

ROR: Stands for "Released on Own Recognizance." See **Bail,** supra.

Search Warrant: A document issued by a judicial officer which directs a law enforcement officer to conduct a search for specified property or persons at a specific location, to seize the property or persons, if found, and to account for the results. The items identified in the warrant must have been used in the commission of a crime.

Sentence: The punishment or penalty imposed by the court on a person convicted of a crime. May include probation, fines, incarceration and/or restitution.

Sentencing: The announcement of a sentence on the record by a court. Sentencing is to occur within 60 days of a finding of guilt, absent cause.

Sequester: Witnesses in trials and jurors may be sequestered. Witnesses are only brought into the courtroom to testify and cannot hear other testimony or the general proceedings. Jurors are not allowed to hear news reports or information on the case outside of the trial.

Sequestration Order: See **Sequester**, supra. The court's order directing material witnesses to be removed from the courtroom during the course of another material witness∗ testimony.

Sexual Assault: Broadly, any sexual act or attempted sexual act in which the victim is forced to participate by the threat or use of force.

Sidebar: A conference between the lawyers and the judge held in a courtroom outside the earshot of a jury. A "sidebar" typically occurs at the judge's bench.

Sovereign Immunity: A legal theory, which prevents the filing of a civil suit against the government (or any government agency) without its consent if the injury was caused by the government acting in its capacity as the government.

Standard Range Sentence: Referring to a predetermined range of months to be given a convicted criminal defendant in the minimum by a sentencing court. The standard range is computed by calculating the prior record score, determining the offense gravity score of the

current offense and cross indexing these two numbers on a standard sentencing matrix to arrive a set range of months to be given a convict in the minimum.

State's Attorney: See prosecutor**.**

State Parole Supervision: The parole supervision placed upon a defendant when the maximum term of incarceration meets or exceeds 24 months.

Statute of Limitations: A period of time, set by law, after which civil cases and criminal prosecutions cannot be brought.

Stay: A halt in a judicial proceeding where, by its order, all judicial action ceases until some specific event occurs.

Stenographer: See **"Court Reporter,"** supra.

Subpoena: A written order by a judicial officer requiring a named individual to appear in a designated court at a specific time and place in order to serve as a witness in a case or to bring material to the court. (If the witness is to bring material, it is usually called a "subpoena duces tecum".)

Sufficiency: Adequate, enough. A legal term used to describe the amount of evidence necessary to sustain a burden of proof. For example, in order to sustain a verdict of guilty, the Commonwealth must produce enough evidence such that a trier of fact may find each element of every offense has been proven beyond a reasonable doubt.

Summons: A written order issued by a judicial officer requiring a person accused of a criminal offense to appear in a designated court at a specified time to answer to the charge(s).

Superior Court: The first level appellate court in Pennsylvania. The Superior Court has judges that sit on panels in three areas in the Commonwealth- Eastern, Middle, and Western districts. The Superior Court handles appeals from judgments or orders from the court of common pleas.

Suppression of Evidence: A legal determination made by a judge of the court of common pleas that a particular statement, physical evidence, or other inculpatory item, will not be admissible during the Commonwealth's case-in-chief as a remedy for some illegal or unconstitutional action on behalf of a member of a law enforcement agency.

Supreme Court: The highest-level appellate court in Pennsylvania. The Supreme Court has 9 justices that hear cases on appeal from the Superior Court and direct appeals in death penalty cases from the courts of common pleas.

Surrebuttal: Testimony or evidence introduced to refute evidence introduced during rebuttal.

Suspect: A person who is believed by criminal justice officials to have committed a specific crime but who has not been arrested or formally charged.

Suspended Sentence: A court decision to postpone the pronouncement of sentence on a convicted person or to postpone the execution of a sentence that has been pronounced by the court.

Sustained: The legal objection made by a party is upheld. The party objecting wins.

Tangible Objects: See **"Physical Evidence,"** supra.

Temporary Restraining Order: See Injunction.

Testimony: Statements made in court by witnesses or parties who have sworn to tell the truth.

"Time Served": The granting of time credit for an offense.

Tort: A private wrong, which may be the basis of a civil suit filed by the victim (or her estate) against the perpetrator.

Transcript: The certified record of all relevant matters occurring in court. The transcript from an issuing authority includes a copy of the criminal complaint, bail matters, summons or arrest warrant and its return, and all affidavits. The transcript from a court of common pleas will additionally include a stenographic recording of all matters contained on the record.

Trial: A hearing before a judge, or a judge and jury where issues of fact and law and evidence are presented to determine whether an accused person is guilty of committing a specific crime. The trial concludes when a verdict is reached or the case is dismissed.

Trial Court: In Pennsylvania this is the court of common pleas.

Unanimous: All of the same mind. All persons agree. The verdict in a criminal case must be unanimous or all 12 jurors must agree as to the verdict rendered.

United States Supreme Court: The highest court in the United States. There is only one U.S. Supreme Court comprised of 9 justices.

Unsecured Bail: See **Bail** supra.

Vacate: To set aside. An order, which has been vacated, is void.

Venire: A list of persons summoned to appear as prospective jurors.

Venue: The geographical area from which the jury is drawn and in which the trial is held in

a criminal action.

Verdict: The decision made by the jury in a jury trial, or by a judge in a bench trial after full deliberation on the facts. The fact finder may find that a defendant is either "guilty" or "not guilty" of the offense(s) for which they have been tried. In Pennsylvania, judges and juries may also return verdicts of "guilty but mentally ill" or "not guilty by reason of insanity" in cases where the insanity defense has been raised.

Victim: Any person against whom a crime has been committed.

Victim Impact Statement: A written or oral communication provided to a court for consideration as to the appropriate sentence to be imposed to a defendant. A victim is statutorily granted the right to appear before a court and provide such a statement for a court's consideration. 42 Pa.C.S. § 9738.

Victim's Bill of Rights: Established by the Pennsylvania Legislature, cited at 18 P.S. § 11.201.

Voir Dire: A French phrase that means "to see and to say." The method by which the district attorney and the defendant or the defense attorney will ask questions of the prospective jury panel lo determine if any of the jurors have any biases or hostilities toward either party. The ultimate goal is to make sure all jurors seated to hear the case will remain fair and impartial.

Waiver: The surrendering of a legally established right.

Waiver Trial: See **"Bench Trial",** supra.

Warrant: A document issued by a judicial authority, which commands a law enforcement agency to secure the person stated in the document for appearance before the court. An arrest warrant may not be issued unless there is probable cause supported by one or more affidavits sworn before an issuing authority.

Weight of the Evidence: A claim made by a defendant on appeal that the jury's verdict was so contrary to the evidence adduced at trial that it shocks one's sense.

Witness: A person who has directly seen an event, such as a crime, or thing, such as a piece of physical evidence, or who has other knowledge that is related to a court case.

Witness Qualifications: All witnesses are presumed to be competent to testify. Four basic qualifications are necessary for a witness to supply competent testimony: (1) Comprehend the duty to tell the truth; (2) Perception of the events in question; (3) Recall the events in question; (4) Ability to communicate the facts.

Work Release: A sentence imposed by a court, which entails partial confinement in a secure facility from which the defendant may work or attend an educational institution.

Writ of mandamus: An order from a court requiring an official to perform an act which that official is required by law to perform.

GLOSSARY OF CIVIL LITIGATION TERMS

Aiding and Abetting. Similar to civil conspiracy, when someone, not the actual perpetrator, so significantly contributes to the criminal operation as to be considered liable for their actions.

Abscond. To go in a secretive manner out of the jurisdiction of the courts, or to lie concealed, in order to avoid their process.

Answer. Formal written responses to the defendants/perpetrators file in response to plaintiff's complaints. These pleadings may deny some or all of the allegations; they may raise defenses such as self-defense or assumption of risk, or they may allege that even if all of the plaintiff's allegations are true, there is no liability. These pleadings are usually accompanied by legal memoranda and briefs. The names of the pleadings vary from jurisdiction. "Demurrers," "motions for summary judgment," motions to dismiss," and "answers" are all descriptions of a responsive pleading.

Assault. A cause of action for intentionally putting the victim in fear of a battery, coupled with the apparent ability to commit the battery.

Assumption of Risk. A legal doctrine that may relieve perpetrators of liability for injuries to victims if the victim voluntarily entered into a situation knowing that there was a risk of foreseeable injury.

Automobile Insurance. Insurance policies that cover injuries "arising out of the use, operation, or maintenance" of the vehicle.

Battery. The intentional, offensive, unpermitted touching of the victim by the perpetrator.

Burden of Proof. The threshold of evidence that one party must present in order to prevail in his or her case. In criminal cases, the burden of proof is very high: "beyond a reasonable doubt," or generally 99 percent of the evidence. In civil cases, however, the burden of proof on the victim/plaintiff is "a mere preponderance," or more than 50 percent of the evidence.

Causes of Action. The legal basis for a civil lawsuit.

Civil Actions. Lawsuits filed by victims to recover from injuries sustained and damages incurred as a result of the perpetrator's crime.

Civil Conspiracy. See Aiding and Abetting.

Collateral Estoppel. A legal doctrine, which provides that, in some cases, the criminal conviction of perpetrators will be considered proof of those perpetrator's legal liability in civil actions brought by the perpetrator's victims.

Collectability. A general term meaning the extent to which defendants/perpetrators have the financial means to pay judgments from assets on hand, assets reasonably to be expected in the future, or financial assistance from such sources as insurance coverage.

Comparative Negligence. The more prevalent approach to reducing amounts paid to plaintiffs/victims allowing partially negligent plaintiffs/victims to recover damages from defendants/perpetrators, however, reducing the amounts of the award by the applicable percentage of the plaintiff's/victim's own negligence (see also: Contributory Negligence).

Compensation. Monetary reparations made to crime victims by a state or a governmental entity to recover "out-of-pocket" expenses incurred as a result of a crime.

Compensatory Damages. Damages paid to compensate victims for losses caused by the torts of the perpetrator. Such losses include out-of-pocket expenses; loss of income; expenses such as medical bills, therapy, and funeral costs; loss of present and future earning capacity; conscious pain and suffering; financial support; and "consortium," the loss of the affection and society of loved ones.

Complaint. The formal written pleading filed in a civil court alleging that the defendant(s) injured the plaintiff(s), and that the defendant(s) should be liable for damages caused.

Contributory Negligence. A legal doctrine, now modified in most jurisdictions, that any negligence on the part of the plaintiff/victim will bar civil lawsuits against defendant/ perpetrator.

*Criminal Action***.** Cases in which the state prosecutes perpetrators of criminal acts, committed in violation of the state's laws.

Damages. Amounts of money awarded to winning parties in civil suits expressed in a judgment.

*Defendants***.** Parties against whom civil actions are brought.

Defenses. Legal doctrines that relieve defendant/perpetrator of liability for having committed a tort.

Delayed Discovery Rule. A legal doctrine that suspends the running of statutes of limitations during periods of time in which the victims did not discover, or by the exercise of reasonable diligence, could not have discovered, the injuries that would lead to their causes of action against the defendant/perpetrator.

Depositions. Pretrial proceedings in which attorneys for parties in a civil case have the opportunity to examine, under oath, the opposing parties and potential witnesses in the case. Depositions are sworn and reduced to writing. The transcripts may be admissible in evidence at trials if the witnesses are no longer available, or for purposes of impeachment.

First Party Action. Lawsuits brought by victims directly against their perpetrators.

General Liability Insurance. Insurance policies covering whatever losses are enumerated in the policy.

Homeowner's Insurance. Broad-based insurance policy that contracts to protect the insured from enumerated causes of accidental injuries to others. The accidents usually are not confined to acts that happen on the insured's "home" premises but also include accidents that happen elsewhere. Renters of premises can obtain Renter's Insurance.

Insured. The individual who has contracted to receive insurance coverage from the Insurer whose actions are otherwise covered by an insurance policy.

Insurer. The business entity, which has contracted to provide insurance coverage to the insured.

Judgments. The formal recitations of the outcomes of civil cases. They are almost always reduced to writing, and recorded as a part of the file.

Negligence. A legal doctrine providing that one may be liable to another if (1) he or she owes a legal duty to the other; (2) he or she materially breaches that duty; (3) the breach is the proximate cause of the other's injury; and (4) the other person suffers damages.

Negligent Entrustment. A tort in which one or more persons give, lend, or allow someone to use, or should have anticipated that the person would use, a dangerous instrumentality to injure another.

Parental Liability. A legal doctrine that holds parents civilly liable for the torts and crimes of their children.

Perpetrators. Persons who have criminally injured victims.

Plaintiff. Party bringing civil actions. In the case of victim civil remedies, the victim is the plaintiff.

Professional Liability Insurance. Insurance coverage issued to professional persons: doctors, dentists, lawyers, architects, etc., to cover any losses caused by malpractice in the course of their professional services.

Provocation. A legal doctrine that may excuse defendant/perpetrator from the consequences of his/her crime/tort if the plaintiff/victim instigated a confrontation, or otherwise caused or provoked the defendant's actions.

Proximate Cause. The "cause in fact" of injury to victims; a "cause" without which the victim's injuries would not have occurred.

Punitive Damages. Damages awarded to victims against perpetrators, over and above compensatory damages, in order to punish or make an example of perpetrators.

Renters Insurance. See Homeowner's Insurance.

Rescue Doctrine. A legal doctrine that allows one to recover for injuries suffered in coming to the rescue or assistance of others in peril. It is used as a counter to the defense of Assumption of Risk.

Restitution. Court action that requires perpetrators to make financial payments to their victims, usually as a condition of probation or leniency in sentencing.

Self Defense. The legal doctrine which relieves defendants/perpetrators of liability for torts if they acted in the reasonable belief that they had to use force to defend themselves, or others (loved ones, etc.), from death or great bodily harm.

Settlements. Agreements among the parties to lawsuits to end the suits without trial; usually the plaintiff agrees to drop the lawsuit for a fixed sum of monetary damages paid by the defendant.

Statute of Limitations. Periods of time, set by law, after which civil actions cannot be brought.

Third Party Actions. Lawsuits brought against persons whose negligence or gross negligence has facilitated the commission of a tort by a defendant.

Tolling of Statutes of Limitations. The running of statutes of limitations is suspended.

Torts. Civil or private wrongs (as opposed to criminal offenses) committed by perpetrators against victims.

Uninsured or Underinsured Motorists. State law usually makes it compulsory that drivers have enough insurance to cover damages if they, or others defined in the policies, are injured by motorists who have no insurance, or not enough insurance, to cover injuries that they have caused.

Victims. Persons who have been injured by the criminal acts of perpetrators.

Wrongful Death. The civil action for the killing of one human by another, without justification or excuse.