

**NOTES**

**VICTIM/WITNESS  
ASSISTANCE GUIDE**

**RIGHTS AND SERVICES  
AVAILABLE TO VICTIMS OF  
CRIME IN PENNSYLVANIA**



**INCIDENT INVESTIGATION INFORMATION**

Incident No. \_\_\_\_\_ Date: \_\_\_\_\_

Nature of Incident: \_\_\_\_\_

Investigator: \_\_\_\_\_

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Badge No. \_\_\_\_\_ Station: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Should you obtain any information which would aid or relate to an investigation, if you have been intimidated or threatened as a result of an investigation, or if you have any questions, please contact the station at the telephone number above

## **INTRODUCTION**

The Victim/Witness Assistance Guide was designed to ensure that victim/witnesses are informed of their rights and of social services available to them. The Pennsylvania State Police recognizes the importance of treating victims/witnesses with fairness, compassion, and dignity. This guide will enable victims to become more knowledgeable to the laws relating to domestic violence. It also makes reference to the crimes relating to intimidation and retaliation; the procedures relating to prosecution in criminal court cases; and the availability of additional assistance/services, if required, as it pertains to victims/witnesses.

Successful prosecution of a criminal court case is primarily reliant upon the cooperation of the victim/witness. Success of the judicial system is largely dependent upon maintaining a rapport between law enforcement authorities and the concerned citizens of Pennsylvania.

## **VICTIM'S RESPONSIBILITY**

In order for you to receive information and/or notice on matters concerning your case, you must provide a valid address and telephone number to the requesting agency. You are also responsible for providing timely notice of any changes in that information. The information you provide is confidential and may not be disclosed to any person other than a representative of a law enforcement agency, prosecutor's office, or corrections agency without your written prior consent. The victim's responsibility falls to the parent or legal guardian for child victims and to a surviving family member in the case of a homicide.

## **NOTES**

## **VICTIM/WITNESS ASSISTANCE PROGRAMS**

Victim/Witness Assistance Programs exist in nearly every Pennsylvania County. These programs are generally housed with and come under the direction of the District Attorney's Office. The Victim/Witness Assistance Programs endeavor to provide extended victim and witness assistance. The extent of assistance may vary between programs. Available services could include assistance with:

- Obtaining related social services.
- Crime victim compensation.
- Crime victim restitution.
- Crime victim advocacy.
- Crime victim impact statements.
- Court orientation and preparation.
- Input to disposition and release decisions.
- Notification of case status.
- Notification of offender release or escape (available through "PA-SAVIN").
- Return of property used as evidence.
- Intimidation protection.
- Accompaniment to proceedings.

For more information about the services available through your local Victim/Witness Assistance Program, please call the number listed under "Victim/Witness Assistance".

For more information on "PA-SAVIN," visit the website [www.pacrimevictim.state.pa.us](http://www.pacrimevictim.state.pa.us) and click on "PA-SAVIN," or call the Office of the Victim Advocate at 1-00-322-4472.

## **VICTIM/WITNESS SERVICES**

Social service organizations which provide extended assistance to victims and witnesses exist in nearly every county. If these services exist in your area, the telephone number may be obtained from the blue or yellow pages of your telephone directory. "Agencies That Can Assist You" are also listed on the next page.

## **INDIANA COUNTY POLICE AGENCIES**

Blairsville Borough PD	724-459-7555
Cherry Tree Borough PD	814-743-5356
Clymer Borough PD	724-254-0714
Homer City PD	724-479-9190
Indiana Borough PD	724-349-2121
IUP Police Dept	724-357-0200
Saltsburg Borough PD	724-639-9413
Sheriff	724-465-3930
Indiana County Jail	724-471-7500
Indiana PSP	724-357-1960
Greensburg PSP	724-832-3288
Kittanning PSP	724-543-2011
Punxsutawney PSP	814-938-0510
Punxsutawney LCE	814-938-0565
Ebensburg PSP	814-471-6500

## AGENCIES THAT CAN ASSIST YOU

### Victim/Witness Assistance

*Information on victims' rights and services in the criminal justice system and community;*

**DISTRICT ATTORNEY'S OFFICE            724-465-3835**

### Domestic Violence

*Legal advocacy, counseling, shelter and other assistance;*

**ALICE PAUL HOUSE                        724-349-4444  
    800-435-7249**

### Sexual Assault

*Counseling, advocacy and services for adult and child sexual assault victims;*

**ALICE PAUL HOUSE                        724-349-4444  
    800-435-7249**  
  
**CHILDREN & YOUTH                        724-465-3895  
    800-932-0313**

### Drunk Driving

*Counseling, advocacy and services for victims of drunk drivers*

**OPEN DOOR                                    724-465-2605**

### Child Abuse

*Counseling, information and referral service for abused and neglected children;*

**CHILDREN & YOUTH                        724-465-3895  
    800-932-0313**

### Elder Abuse

*Counseling, shelter and protective services for victims age 60 and over;*

**AGING SERVICES                            800-422-8016**

## DOMESTIC VIOLENCE VICTIMS

If you are a victim of domestic violence, you have the right to go to Court and file a petition requesting a Protection From Abuse Order which could include the following:

An Order restraining the abuser from further acts of abuse;

An Order directing the abuser to leave your household;

An Order preventing the abuser from entering your residence, school, business, or place of employment;

An Order awarding you or the other parent temporary custody of, or temporary visitation with, your child or children;

An Order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so;

An Order directing the abuser to refrain from stalking or harassing you or other designated persons.

If you are a victim of domestic violence, sexual assault, or stalking, you may be eligible to enroll in the Address Confidentiality Program (ACP). To apply or learn more about the program, contact a representative from the Domestic Violence or Sexual Assault Programs listed on page 5, or the Office of the Victim Advocate at 1-800-563-6399.

## **FILING A CLAIM FORM DOES NOT MEAN A CLAIM WILL BE PAID.**

Pursuant to Title 18, Crimes Code, Section 11.212, the notification and accompanying Victims Compensation Program Claim Form provides for the following:

“If you have sustained injury as a direct result of a crime, including drunk driving, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime or, in the event of a death caused by a crime you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, or if you have sustained a loss of a primary source of income, you may qualify for indemnification by the Commonwealth of Pennsylvania for the out-of-pocket wages, other out-of-pocket losses and medical or burial expenses which you have incurred as a result of the crime. Claims must be filed with the Bureau of Victims’ Services for the Commonwealth of Pennsylvania. For further information regarding this program, please contact:

### **PENNSYLVANIA COMMISSION ON CRIM AND DELINQUENCY BUREAU OF VICTIMS’ SERVICES, VICTIMS COMPENSATION DIVISION**

Harristown Building #2, Lobby Level  
333 Market Street  
Harrisburg, Pennsylvania 17101  
Toll Free in PA – 1/800-233-2339  
[www.pacrimevictims.state.pa.us](http://www.pacrimevictims.state.pa.us)

**OR**

The local Victim/Witness Agencies provided in the guide.

Important: The statute provides that, absent certain extenuating circumstances, a claimant has one year from the date of the crime to file a claim with the Bureau of Victims’ Services”.

## **CRIME VICTIMS’ COMPENSATION**

You may be eligible for compensation if you or a family member are the innocent victim of a crime in Pennsylvania, or are hurt trying to prevent a crime or trying to apprehend a suspected criminal.

### **TO BE ELIGIBLE, THE FOLLOWING CONDITIONS APPLY:**

1. The crime must be reported to the authorities within 72 hours of its occurrence, unless good cause is shown.
2. The victim must be willing to cooperate with law enforcement agencies and the Courts.
3. The claim must be filed within one year from the date of the crime or the death of a victim. The filing time may be extended to two years from such date, provided that good cause is shown.

In cases of child abuse, filing may be extended to five years after the crime was committed, provided the victim was under 18 years of age at the time of occurrence and if the offender is a parent, a paramour of a parent, or any individual residing in the household, or someone charged with the welfare of the child, e.g., babysitter.

4. The victim did not provoke the incident and was not engaged in illegal activity.
5. The minimum loss requirements are met.

## **COMPENSATION MIGHT PAY FOR**

### **CASH LOSS OF BENEFITS**

If Social Security, pension/retirement, disability, veteran's retirement, or court-ordered child/spousal support is the main source of income the loss occurs through robbery or fraud, you may be compensated for your loss.

### **COUNSELING**

In cases of murder, payment is extended to surviving spouse, children, parents or siblings who, at the time of the crime incident, lived in the same house with the deceased victim. In other crimes, compensation for counseling covers only the victim.

### **FUNERAL EXPENSES**

If you paid or are liable to pay the funeral bill for a deceased victim you may be compensated for your loss, within certain limits.

### **LOSS OF EARNING OR SUPPORT**

If deprived of earnings as a result of injuries received in a crime incident, you may be paid for such loss provided all requirements are met. If deprived of support due to the death of a victim as a result of a crime incident, you may be eligible for compensation.

### **MEDICAL EXPENSES**

Uninsured medical or other non-reimbursable expenses related to the injury (include some transportation costs, home health care, medication, and eyeglasses, canes, prosthetic devices necessary as a result of a crime).

## **COMPENSATION WILL NOT PAY FOR**

Pain and suffering,  
Stolen or damaged property,  
Auto related injuries, unless inflicted in a DUI crash or by a vehicle used as a weapon.

### **MINIMUM LOSS REQUIREMENTS**

If under age 60 – A minimum of \$100 total qualifying out-of-pocket expenses.

If over age 60 - No minimum out-of-pocket loss required.

### **MAXIMUM AWARDS**

\$20,000 – Loss of support in case of death

\$15,000 – Loss of earnings

\$ 2,000 – Funeral and interment (some additional funeral expenses may be considered).

\$35,000 – Total award allowed.

An emergency award up to \$1,000.

For information concerning special emergency circumstances, please contact the Pennsylvania Commission on Crime and Delinquency at the address or toll-free number provided on page 6.

### **CLAIM FORMS**

To obtain additional claim forms:

Write or telephone the Pennsylvania Commission on Crime and Delinquency, Bureau of Victims' Services, Victims Compensation Division.

Visit the website at [www.pacrimvictims.state.pa.us](http://www.pacrimvictims.state.pa.us) and click on "Financial Help".

Stop at your nearest Pennsylvania State Police installation to obtain a claim form.

## DEFINITIONS

**CRIME** Any act which is a crime under Title 18, Crimes Code, The Controlled Substance, Drug, Device & Cosmetic Act, DUI by motor vehicle or watercraft, or federal law.

**INJURY** Any physical or mental damages incurred as a direct result of a crime and aggravation of existing injuries if additional losses can be attributed to the direct result of such crime. Compensation for medical damages shall be limited to expenses incurred for necessary psychological or psychiatric services.

**INTERVENOR** A person who goes to the aid of another and suffers physical or mental injury or death as a direct result of a crime or to lawfully apprehend a person reasonably suspected of having committed such crime, or to aid the victim of such crime.

**VICTIM** An innocent person against whom a crime has been committed and who, as a direct result thereof, suffers physical or mental injury, death, or loss of earnings as defined.

## As a victim of crime in Pennsylvania you have the following rights:

To receive basic information concerning the services to assist you;

To be notified of certain significant actions and proceedings pertaining to your case, including, in personal injury crimes, the arrest of the suspect and escape from police custody;

To be accompanied at all public criminal proceedings by a family member, a victim advocate, or another person;

In cases of personal injury crimes, burglary or driving under the influence involving bodily injury, to submit prior comment to the prosecutor's office on the potential reduction or dropping of any charge or changing of a plea;

To offer prior comment to or submit a written victim impact statement for the judge's consideration at sentencing;

To recover your losses, to the extent possible, through restitution, compensation through the crime victim's compensation program and the return of property which was seized as evidence when it is no longer needed by the prosecutor;

In personal injury crimes where the offender is sentenced to a state prison, to provide prior comment on and to receive notice of release decisions, and to be immediately notified if the offender escapes;

To receive immediate notice of the release of the offender on bail from a local correctional facility when the offender either violates a protection from abuse order or commits a personal injury crime against a victim protected by the order;

To receive notice when an offender is committed to a mental health facility from a state prison and of the discharge, transfer, or escape of the offender from the mental health facility; and

To have assistance in the preparation of, submission of, and follow-up on the financial assistance claims to the Crime Victim's Compensation Board.

## **SUMMARY OF CRIMINAL PROCEDURES**

When a crime is reported, a police investigation is initiated. If the suspect is under 18 years of age, the case will be processed through the juvenile system.

If the suspect is 18 years of age or older and is not arrested, the police investigation may eventually be terminated. When a Complaint is filed and an arrest occurs, the suspect is now referred to as the Defendant. A preliminary hearing is scheduled and held before a District Justice, during which time the victim/witness will be required to testify. The Defendant's guilt is not determined at the preliminary hearing. The District Judge decides to dismiss the case for insufficient evidence/testimony or other legal reasons; or rules that sufficient evidence/testimony has been presented, and binds the case over to Common Pleas Court.

At the Common Pleas Court, a trial date is set. If the Defendant pleads guilty, then the Defendant is sentenced and may be ordered to pay restitution. Sentencing imposed may be fine, probation or incarceration. If the Defendant pleads not guilty, then a trial by Judge or jury is selected. Evidence/testimony will be presented again during the trial. The victim/witness may be required to testify. If the verdict is not guilty, the case is dismissed. If the verdict is guilty, then there may be a post-verdict motion. The Defendant is sentenced and may be ordered to pay restitution. Sentencing imposed may be fines, probation and/or incarceration. The Defendant may also be offered Accelerated Rehabilitative Disposition (ARD). When ARD is offered, innocence or guilt is not determined; however, a probationary period is established and the Defendant may be ordered to pay restitution.

Once a final disposition has been made in a criminal court case, police involvement is terminated.

For a further orientation to criminal procedures, please contact the Victim/Witness Assistance Program.