



## CRIME VICTIMS ACT

Date:

October 18, 2021

By Direction Of:

Lucas M. Miller, State Inspector General

### A. Purpose & Scope.

To establish the Office of State Inspector General’s (OSIG) policy and procedures concerning the Crime Victims Act (18 P.S. § 11.101 et seq.). This policy applies to all OSIG employees. Failure to abide by this policy may result in discipline up to and including termination.

### B. Definitions (as defined in 18 P.S. § 11.103)

The Crime Victims Act provides for victims’ rights, imposes penalties, establishes remedies, establishes the Office of Victim Advocate, the Bureau of Victims’ Services, the Victims’ Services Advisory Committee, and the State Offender Supervision Fund. Victims of crime in Pennsylvania are entitled to certain rights under the Crimes Victims Act.

*Direct Victim* – An individual against whom a crime has been committed or attempted and who as a direct result of the criminal act or attempt suffers physical or mental injury, death or the loss of earnings under this act. The term shall not include the alleged offender. The term includes a resident of this Commonwealth against whom an act has been committed or attempted which otherwise would constitute a crime as defined in this act but for its occurrence in a location other than this Commonwealth and for which the individual would otherwise be compensated by the crime victim compensation program of the location where the act occurred but for the ineligibility of such program under the provisions of the Victims of Crime Act of 1984 (Public Law 98-473, 42 U.S.C. § 10601 et seq.).

*Victim* – The term means the following:

1. A direct victim.
2. A parent or legal guardian of a child who is a direct victim, except when the parent or legal guardian of the child is the alleged offender.
3. A minor child who is a material witness to any of the following crimes and offenses under 18 Pa.C.S.A. (relating to crimes and offenses) committed or attempted against a member of the child’s family:
  - Chapter 25 (relating to criminal homicide).

- Chapter 2702 (relating to aggravated assault).
  - Chapter 3121 (relating to rape).
4. A family member of a homicide victim, including stepbrothers or stepsisters, stepchildren, stepparents or a fiancé, one of whom is to be identified to receive communication as provided for in this act, except where the family member is the alleged offender.

**NOTE:** The Crime Victim's Bill of Rights is located at 18 P.S. § 11.201. The responsibilities of state and local law enforcement agencies are located at 18 P.S. § 11.212 and the responsibilities of prosecutor's offices are listed at 18 P.S. § 11.213.

### **C. Policy.**

It is the policy of the OSIG to ensure that crime victims are afforded all the rights to which they are entitled under the Crime Victims Act. All new OSIG sworn law enforcement staff will receive instruction on this Act including crime victim's compensation (18 P.S. § 11.701) as part of their initial training curriculum.

### **D. Procedures.**

The OIG sworn law enforcement staff assigned to a criminal case are responsible for compliance with the Crime Victims Act. This responsibility will be satisfied by relying upon the Victim/Witness Coordinator of the local District Attorney's Office to provide victim services. The assigned sworn law enforcement staff will ensure the District Attorney's Office is provided with all relevant identification information on all victims/witnesses to assist in offering these services.

### **E. Additional Information.**

Any questions regarding this policy should be directed to your supervisor.

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