



Criminal Justice Reporting Authorities Guidelines

DISCLAIMER: This material is provided for reference only; it is not meant to be legal advice of any kind. All decisions by OVS are based on the information gathered during the investigation of the claim and the law under which it operates. The approval or denial of any claim is determined on a case-by-case basis and meeting the minimum requirements outlined below does not guarantee a positive outcome.

Subsection 631

*For the purposes of this subdivision, "criminal justice agency" shall include, but not be limited to, a **police department**, a **district attorney's office**, and **any other governmental agency having responsibility for the enforcement of the criminal laws of the state** provided, however, that in cases involving such sex offense a criminal justice agency shall also mean a **family court**, a governmental agency responsible for **child and/or adult protective services** pursuant to title six of article six of the social services law and/or title one of article nine-B of the social services law, and any **medical facility** established under the laws of the state that provides a forensic physical examination for victims of rape and sexual assault.*

Examples of Acceptable Criminal Justice Reports:

- Police Report with charges listed
- Family Offense Petition with charges listed **AND** Order-of-Protection
 - To support eligibility, forms must be dated and signed by the claimant and a judge or court clerk (The accusatory instrument must be signed by the claimant.)
- For Human Trafficking claims, receipt of an OTDA/DCJS Confirmation letter, including OTDA Tracking Number
- Domestic Incident Report (DIR) is acceptable if crime(s) are listed **AND** the DIR has its own incident number for reference. (Sometimes we received DIRs but they have no number on them.)

If the police are involved, a police report is **REQUIRED** and supersedes any court papers.

Sexual Assault Claims

If the victim did NOT go to police but went to a hospital or other health care provider for a forensic rape exam (FRE), OVS will accept one of the following as evidence that the crime occurred:

- Proof of completion* of rape kit if one is used which can be:
 - Medical Record Sexual Assault Form – found in kit
 - Authorization for Release of Information and Evidence to Law Enforcement Authorities Form – found in kit
 - A letter from the FRE examiner or medical professional who conducted the exam indicating a sexual assault kit was completed
- Proof of completion* of FRE exam **AND** a diagnosis of a sexual assault if a rape kit was not used which can be:
 - A letter from the FRE examiner or medical professional who conducted the exam indicating that an FRE exam was done **AND** has a sexual assault diagnosis code
 - Medical records indicating FRE performed **AND** sexual assault diagnosis

**An OVS FRE Direct Reimbursement Claim form is not acceptable proof for this purpose.*

When entering this type of claim, select “**FRE/SARA**” from the Police Agency dropdown list in the crime section of the VSP. For the Crime Report Incident number, enter “**FRE**”.

NOTE: if the incident has been reported to a police agency, this report supersedes the FRE and we will require the police agency and incident number. Cooperation with law enforcement will also become a requirement once the victim involves them.

Police Complaint (Crime Report) Number

- Required by police departments to request a report from them
- **NYPD** requires a specific code to comply with our report request:
 - <crime year> - <precinct #> - <incident #> **example: 2016-072-0156**
- Aided Numbers ARE NOT Incident Numbers
- SPRINT Numbers ARE NOT Incident Numbers

We cannot request documents from the courts at this time, so it’s helpful if you provide them.

Police/ADA Information

Please remember, OVS staff is not empowered to decide *whether or not* a crime occurred or *whether or not* the victim is innocent or cooperative. We rely on the determination made by police or district attorney.

Staff is required to call the police or District Attorney any time:

- A weapon is involved
- An emergency award has been requested
- The claimant has multiple claims for similar incidents
- It is not clearly indicated what the criminal offense was on the police report, or in obtaining the full penal law charge with subsections
- The police report indicates the victim contributed to their injuries, was involved in a crime, or was not cooperative
- If the information on the police report is vague and not sufficient to determine whether or not victim contributed or was cooperative

If you have the name and phone number of the police officer, detective or the ADA, please include it in the crime description.