



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT:	CRIME VICTIM / WITNESS RIGHTS & SERVICES	NUMBER:	4.9
SCOPE:	All Sworn Personnel	ISSUED:	09/07/2016
DISTRIBUTION:	Policy & Procedure Manual	REVIEWED:	02/06/2017
REFERENCE:	WI §950.08	<input type="checkbox"/> RESCINDS	
		<input type="checkbox"/> AMENDS	
		WILEAG 4 TH EDITION STANDARDS: 14.1.1, 14.1.2	

INDEX AS: Victim and Witness Rights
Victim and Witness Services
List of Rights
Available Compensation
Services for Victims
Access to Suspect Information
Victim Assistance

PURPOSE: The purpose of this Policy & Procedure is to emphasize the needs of victims of criminal and noncriminal incidents; define the responsibilities of officers to provide support, information, and guidance for these individuals; establish uniform guidelines for victim/witness assistance; and comply with the requirements of Wisconsin Statutes.

This Policy consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. VICTIM/WITNESS BILL OF RIGHTS
- IV. PROCEDURES

I. POLICY

Law enforcement officers are often in a unique position to provide assistance to victims of crime and other traumatic incidents that may have both immediate and long-term impact on the victim's emotional recovery.

Victims who feel that they are understood and shown concern for their hardship and suffering, are more likely to become enthusiastic about cooperating with the investigation and assisting in the prosecution.

Therefore, it is the policy of the Holmen Policy Department to enhance the treatment of victims and survivors of crime and non-criminal crisis situations by providing the assistance and services necessary to speed their physical and emotional recovery; and to support and aid them as they continue to interact with the criminal justice system. In all cases victims will be treated with dignity, respect, courtesy and sensitivity as intended by the State of Wisconsin Victim's Bill of Rights,

II. DEFINITIONS

Crime: Has the meaning specified in WI §950.02(1m)

Victim: Has the meaning specified in WI §950.02(4).

Witness: Has the meaning specified in WI §950.02(5)

III. BILL OF RIGHTS FOR VICTIMS AND WITNESSES (14.1.1)

1. To be treated with fairness, dignity and respect for his or her privacy.
2. To not have personal identifiers including email disclosed/used for a purpose unrelated to the official duties of an agency, employee or official.
3. To have "standing" to assert their rights in a court in the county of the alleged rights violation.
4. To be informed of your rights and how to exercise your rights.
5. To information regarding the offender's release from custody.
6. To be notified of a decision not to prosecute if an arrest has been made.
7. To speak (confer) with the prosecutor upon your request, about the possible outcome of the case, potential plea agreements and sentencing options.
8. To attend court proceedings in the case.
9. To be notified of the time, date and place of upcoming court proceedings, if you so request.
10. To be provided with a waiting area separate from defense witnesses.
11. To a speedy disposition of the criminal case.
12. To have your interest considered when the court is deciding to grant a request for a delay (continuance).
13. To be notified if charges are dismissed.
14. To be accompanied to court by a service representative. This right is limited to specific types of crimes.
15. To ask for assistance with your employer if necessary, resulting from court appearances.
16. To request an order for, and to be given the results of, testing the offender for sexually transmitted diseases or HIV. This right is limited to specific types of crimes
17. To provide a written or oral victim impact statement concerning the economic, physical and psychological effect of the crime upon you to be considered by the court at sentencing.
18. To have the impact of the crime on you included in a presentence investigation.
19. To be provided sentencing or dispositional information upon request.
20. To restitution as allowed by law.

21. To a civil judgment for unpaid restitution.
22. To compensation for certain expenses as allowed by law.
23. To have your property expeditiously returned when it is no longer needed as evidence.
24. To be notified of the offender's eligibility for parole and to have input into the parole making decision.
25. To be notified by the Department of Corrections of specific types of releases, escapes or confinements as provided by law.
26. To be notified of a pardon application to the governor and to make a written statement regarding the pardon application.
27. To contact the Department of Justice about any concerns you may have about your victim rights

B. As provided in §950.04(2w), witnesses of crimes have the following rights:

1. To request information from the district attorney about the final disposition of the case.
2. To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court.
3. To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.
4. To be informed of financial assistance and other social services available as a result of being a witness of a crime, including information on how to apply for the assistance and services.
5. To not have his or her personal identifiers, as defined in §85.103 (1) and including an electronic mail address, used or disclosed by a public official, employee, or agency for a purpose that is unrelated to the official responsibilities of the official, employee, or agency.
6. To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.
7. To be provided a waiting area under §938.2965 and §967.10.
8. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed shall be returned to the person within 10 days of being taken.
9. To be provided with appropriate intercession services to ensure that employers of witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
10. To be entitled to a speedy disposition of the case in which they are involved as a witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

IV. PROCEDURES

A. Safety and Security

1. Officers are responsible for securing the crime or incident scene to protect lives, minimize damage to property and ensure safety of the scene.
2. Officers shall render emergency aid to individuals who have suffered physical injuries, and shall as soon as possible, summon any necessary medical assistance.
3. Where physical injuries are not apparent, victims shall be asked if they are injured and whether medical attention is required.
4. In order to reduce fear and promote victim communication, victims should be informed as soon as appropriate that they are no longer in immediate danger.
5. Recognizing that victims often suffer physical and/or emotional shock, officers shall assist them in making decisions and keep them informed of police actions and requirements.
6. Whenever possible, police officers should not leave a distraught victim alone. Arrangements should be made to have a relative, friend, family or clergy member join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member or other appropriate service provider.

B. Emotional Support to Victim

1. In order to calm and assist the victim in regaining composure, officers shall:
 - a) Allow the victim a reasonable period of time in which to express feelings and emotions while describing what happened during the incident.
 - b) Express empathy for the victim and recognition and understanding for emotional reactions.
 - c) Provide reassurance that the victim's feelings are normal and understandable.
 - d) Not be overtly judgmental of the victim's feelings and emotions or the apparent lack thereof, or of victim judgments or actions related to the incident.
 - e) Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator.
 - f) Emphasize your commitment and that of the department to assist and work with the victim.

C. (14.1.2.5) Information and Referral to the Victim

1. Before leaving the scene, the investigating officer shall take the steps necessary to meet the victim's need for support and information. These include:
 - a) Make a reasonable attempt to provide the crime victim with written information concerning their rights as a crime victim no later than 24 hours after initial contact with the victim per §950.08(2g). This will be done by completing and issuing the appropriate Victim Information Form.

- b) The completed Victim Information Form shall include the investigating officer's name, the incident number, the police department's telephone number, the offender's name (if known), as well as pertinent information required by §950.08(2g) regarding the victim's rights, available compensation, various services and assistance, and how to access suspect information; including the phone numbers of those and related agencies for future contact relating to the incident.
 - c) (14.1.2.4) The address and telephone number of the custodial agency that the victim may contact to obtain information concerning the taking into custody or arrest of a suspect in connection with the crime of which he or she is a victim.
 - d) (14.1.2.3) The address and telephone number of the intake worker, corporation counsel or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings under Wisc. Stat. Sec. 938.27(4m) and (6), 938.273(2), 938.299(1)(am) and 938.335(3m)(b) or Wisc. Stat. Sec. 971.095(3) and 972.14(3)(b), whichever is applicable, and to request the opportunity to confer under Wis. Stat. Sec. 938.245(1m), 938.265 or 938.32(1)(am) or 971.095(2), whichever is applicable.
 - c) Provide a brief overview of what actions will be taken shortly thereafter, and answer questions the victim may have concerning the investigation.
 - d) Encourage the victim to contact the department to report any additional information about the incident or to request further information or assistance.
- D. Follow-up with the Victim
1. (14.1.2.7) Lack of information about case status is one of the greatest sources of dissatisfaction among victims of crime and victim's survivors. The primary investigating officer handling the criminal case shall notify victims/witnesses of the status of the investigation; make routine call backs in order to determine whether the victim has new information concerning the case; ascertain whether the victim is in need of assistance from outside sources or the department; and to relay information relating to such matters as:
 - a) The status of stolen, recovered, or removed property;
 - b) The arrest and detention of suspects, and their pre-trial release status;
 - c) (14.1.2.2) The victim's eligibility for victim compensation;
 - d) Availability of court restraining orders, if appropriate;
 - e) (14.1.2.6) Information on procedures to use if threats or intimidation occurs as a result of their involvement in the complaint.
 - f) Potential court proceedings; and the operations of the Department and the criminal justice system.
 - g) When the charging decision by the District Attorney's Office on a referred criminal case is that the DA's Office declines to charge, the investigating officer will be notified. That officer will notify the victim of the current status

of the case. The investigating officer will then determine if the case will be documented as “Exceptionally Cleared” or referred to Municipal Court for prosecution. The victim will be notified of this decision.

- h) Procedures for recovering property and an estimated time frame for the release of property as deemed by the District Attorney.

E. Information Provided to Witness

1. The following information shall be provided to witnesses in criminal cases handled by the Holmen Police Department;
 - a) A brief summation or overview of where the investigation stands, and the reason(s) for the particular status of the investigation. When possible, the witness will be notified when the suspect has been taken into custody. This shall not be done if release of this information in any way harms or interferes with an investigation.
 - b) Information to prepare them for their potential involvement in criminal court will be handled by the District Attorney’s Victim/Witness Coordinator.
 - c) Appropriate referral information pertaining to the District Attorney’s Victim/Witness Coordinator. All names, addresses, and phone numbers can be located on the Victim Information Form.
 - d) Information on procedures to use if threats or intimidation occurs as a result of their involvement in the complaint.

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 02/06/2017