

# GENERAL ORDER

## PORT WASHINGTON POLICE DEPARTMENT

SUBJECT: <b>VICTIM AND WITNESS RIGHTS AND SERVICES</b>		NUMBER:	14.1.1
		ISSUED:	7/24/09
SCOPE:	All Police Personnel	EFFECTIVE:	7/24/09
DISTRIBUTION:	General Orders Manual, and All Police Personnel	<input checked="" type="checkbox"/> RESCINDS	F-7-98
		<input type="checkbox"/> AMENDS	
REFERENCE:	WI State Statute 950.08(2g)(2s)	WILEAG STANDARDS 3 <sup>rd</sup> EDITON: 14.1.1, 14.1.2	

**INDEX AS:** Crime Victim Assistance  
Victim Assistance  
Witness Assistance

**PURPOSE:** The purpose of this policy 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 Order consists of the following numbered sections:

- I. POLICY
  - II. DEFINITIONS
  - III. VICTIM/WITNESS BILL OF RIGHTS
  - IV. PROCEDURES
- I. POLICY
- A. 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 treated with understanding and concern for their hardship and suffering more frequently become enthusiastic about cooperating with the investigation and assisting in the prosecution. Therefore, it is the policy of this 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.

## II. DEFINITIONS

- A. "Victim " means any of the following;
1. A person against whom a crime has been committed.
  2. If the person specified in 1. is a child, a parent, guardian or legal custodian of the child.
  3. If a person specified in 1. is physically or emotionally unable to exercise the rights granted under s. 950.04 or article I, section 9m, of the Wisconsin Constitution, a person designated by the person specified in 1., or a family member of the person specified in 1.
  4. If a person specified in 1. is deceased, any of the following:
    - a) A family member of the person who is deceased.
    - b) A person who resided with the person who is deceased.
  5. If a person specified in 1. has been determined to be incompetent under ch. 880, the guardian of the person appointed under ch. 880.
    - a) "Victim" does not include the person charged with or alleged to have committed the crime.

## III. BILL OF RIGHTS FOR VICTIMS AND WITNESSES

- A. Victims of crimes have the following rights:
1. To have his or her interest considered when the court is deciding whether to grant a continuance in the case.
  2. To attend court proceedings in the case, subject to ss. 906.15 and 938.299(1).
  3. To be provided with appropriate intercession services to ensure that employers of victims 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.
  4. To be accompanied by a service representative as provided under s. 895.73
  5. To request an order for and to be given the results of testing to determine the presence of a communicable disease, as provided under ss. 938.296 or 968.38.
  6. To have his or her interest considered by the court in determining whether to exclude persons from a preliminary hearing.

7. To have the parole commission make a reasonable attempt to notify the victim of application for parole.
8. To have reasonable attempts made to notify the victim of hearings or court proceedings.
9. To have reasonable attempts made to notify the victim of petitions for sentence adjustment.
10. To have, at his or her request, the opportunity to consult with the intake worker, district attorney, and corporation counsel in cases.
11. To have, at his or her request, the opportunity to consult with the prosecution in a case brought in court of criminal jurisdiction.
12. To a speedy disposition of the case in which they are involved as a victim in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.
13. To have the district attorney or corporation counsel, whichever is applicable, make a reasonable attempt to contact the victim concerning the victim's right to make a statement.
14. To provide statements concerning sentencing, dispositions or parole,
15. To have direct input in the parole decision-making process.
16. To attend parole interviews or hearings and make statements.
17. To attend a hearing on a petition for modification of a bifurcated sentence and provide a statement concerning modification of the bifurcated sentence.
18. To have information concerning the impact of a delinquent act on the victim included in a court report; and to have the person preparing the court report attempt to contact the victim.
19. To have the person preparing a pre-sentence investigation, make a reasonable attempt to contact the victim.
20. To have the court provided with information pertaining to the economic, physical, and psychological effect of the crime upon the victim and have the information considered by the court.
21. To restitution.
22. To a judgment for unpaid restitution.
23. To compensation, as provided under ch. 949.

24. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence, subject to s. 968.205. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, property subject to preservation under s. 968.205, and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.
25. To receive information from law enforcement agencies, as provided under s. 950.08 (2g).
26. To receive information from district attorneys, as provided under s. 950.08(2r)
27. To have district attorneys make a reasonable attempt to notify the victim regarding conditional releases.
28. To have the department of corrections make a reasonable attempt to notify the victim regarding community residential confinements, escapes, release upon expiration of certain sentences, extended supervision and parole releases, and escape of a juvenile from correctional custody.
29. To have the appropriate clerk of court send the victim a copy of an inmate's petition for extended supervision and notification of the hearing on the petition.
30. To have the department of corrections make a reasonable attempt to notify the victim regarding leave granted to inmates.
31. To have the Department of Health and Family Services make a reasonable attempt to notify the victim regarding termination or discharge or home visits.
32. To have the department of health and family services make a reasonable attempt to notify the victim regarding supervised release and discharge.
33. To have reasonable attempts made to notify the victim concerning actions taken in a juvenile proceeding.
34. To have the appropriate clerk of court make a reasonable attempt to send the victim a copy of a motion made for post-conviction deoxyribonucleic acid testing of certain evidence and notification of any hearing on that motion.
35. To have the governor make a reasonable attempt to notify the victim of a pardon application.
36. To make a written statement concerning pardon application.
37. To request information from a district attorney concerning the disposition of a case involving a crime of which he or she was a victim.

38. To complain to the department of justice concerning the treatment of crime victims, and to request review by the crime victims rights board of the complaint.

B. Rights of Witnesses

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 be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.
6. To be provided with a waiting area.
7. 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.
8. 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.
9. 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 and ensure safety.

2. Officer 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. Providing Emotional Support

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. Information and Referral

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 State Statute 950.08(2g). This will be done by supplying the victim with the Department's Crime Victim Resources pamphlet.
- b) Provide a brief overview of what actions will be taken shortly thereafter, and answer questions the victim may have concerning the investigation.
- c) 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

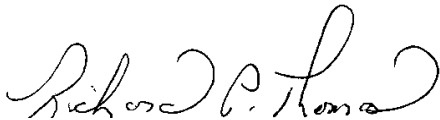
1. Lack of information about case status is one of the greatest sources of dissatisfaction among victims of crime and victim's survivors. The primary investigating officer handling the criminal case shall notify victims/witnesses of the status of their investigation; make routine call backs in order 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) The victim's possible eligibility for victim compensation; court restraining orders;
  - d) Court proceedings and schedules and; the operations of the department and the criminal justice system.
2. When the charging decision by the District Attorney's Office on a referred criminal case is not to charge, the investigating officer will be notified; and the 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 "Closed Administratively" or referred to municipal court for prosecution. This contact may be made by phone, letter, or in person.

E. Information Provided to Victim/Witness

1. The following information shall be provided to victims and witnesses in criminal cases handled by the 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 victim/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) Procedures for recovering property and an estimated time frame for the release of property as deemed by the District Attorney.
- d) Appropriate referral information pertaining to the District Attorney's Victim/Witness Coordinator. All names, addresses, and phone numbers can be located on the Victim Rights form.
- e) The completed "Crime Victim Resources" form will be provided within 24 hours of the initial contact and shall include the investigating officer's name, the incident number, and the police department's phone number, as well as related agency phone numbers for future contacts while dealing with the incident.
- f) Information on procedures to use if threats or intimidation occurs as a result of their involvement in the complaint.

**APPROVED:**



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Chief Richard P. Thomas

**DATE:**

7/24/09

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