

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: January 3, 2020

HISTORY: November 13, 1999

SUBJECT: Victim Notification

POLICY NUMBER: 99-038

I. PURPOSE

The purpose of this policy is to establish uniform guidelines of ensuring that victim/witness assistance programs are implemented and adhered to through the appropriate services.

II. POLICY

The policy of the City of Oconomowoc Police Department is to ensure that officers are sensitive to the fears, concerns, and apprehensions of crime victims. Efforts will be directed at alleviating these concerns to include informing victims and complainants of the status of investigations in which they are involved, or making referrals to existing community resources. This policy also establishes uniform guidelines for meeting the statutory requirements for crime victims set forth, in chapters 949 and 950 of the Wisconsin State Statutes.

III. DISCUSSION

The City of Oconomowoc Police Department is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs. Departmental personnel recognize the rights of victims/witnesses and will make every effort to ensure that they will be treated with fairness, compassion, and dignity.

IV. DEFINITIONS

- A. Victim - includes every person who suffers a personal injury as a result of a crime or preventing or attempting to prevent the commission of a crime.
1. Chapter 950 Wisconsin State Statutes: "Rights of Victims and Witnesses of Crime," provides in part that victims and witnesses who have reported crimes to law enforcement authorities have the right, "To be informed of financial assistance and other services available as a result of being a witness or a victim of a crime, including information on how to apply for assistance and services."
 2. Chapter 949 Wisconsin State Statutes "Awards for the Victims of Crime," provides, in part, that the law enforcement agency investigating a crime shall provide forms to each person who may be eligible to file a claim.

V. VICTIM/WITNESS RIGHTS

- A. Appropriate assistance will be provided to victims/witnesses who, in the judgement of the department, express specific credible reasons for fearing intimidation or further victimization. The assistance provided will be on a case by case basis. The assistance given should be commensurate with the danger faced.
- B. Officers may consider the following resources when assisting victims/witnesses:
1. Referrals for medical/psychological assistance.
 2. The District Attorney Victim/witness coordinators will provide, crime victims/witnesses with information concerning their rights in accordance with Chapters 949 and 950 of the State Statutes once a criminal complaint has been issued by the District Attorney's Office.

3. Human Services provides 24 hour services and should be utilized when a victim/witness needs immediate counseling or related services.
4. Crime victim/witness information, including specific brochures describing services, resources and compensation, is available on a 24-hour basis in the lobby of the Police Department. Officers shall personally provide victims of crimes the Victim Information brochure. Upon request by the victim, officers may supply the victim with a copy of the 1997 Wisconsin Act 181 which details all the victims' rights.
5. When dealing with sensitive crimes such as sexual assaults, crimes against children, and elderly abuse are received, appropriate victim/witness information will be provided, and victims/witnesses are to be directed to the District Attorney's Victim/Witness Coordinators. Waukesha County Health and Human Services, Woman's Shelter, and Juvenile Division should be notified on scene or as soon as possible for care management.

VI. VICTIM/WITNESS SERVICE COORDINATOR

- A. The City of Oconomowoc Police Department Captain of Police shall be responsible for administering and coordinating the department's role in victim/witness assistance.
- B. The Captain or designee shall complete an analysis of victim/witness assistance needs and available services based on the District Attorney's Victim/Witness Coordinator's information at least every two years the analysis will include:
 1. Identification of the needs of victims/witnesses that are not being met and ways to meet those needs. The City of Oconomowoc Police Department will work very closely with the District Attorney's Office Victim/Witness Coordinators to ensure that all victim/witness rights and needs are met.

VII. VICTIM/COMPLAINANT NOTIFICATION

- A. It is the duty of the primary investigating officer handling the criminal case to notify victims/witness of the status of their investigation.
- B. When a criminal complaint is issued by the District Attorney's Office, the District Attorney Victim/Witness Coordinator is notified and all necessary victim/witness documents, compensation forms, bill of rights, and court information is mailed with a formal letter, explaining the duties of the Victim/Witness Coordinator to all victims and/or witness involved in the criminal case.
- C. When a referred criminal case has not been accepted by the District Attorney's Office, the investigating officer will be notified, and the officer will notify the victim of the current status of the case. The investigating officer will determine if the case will be documented as inactive or referred to municipal court for prosecution. This contact may be made by phone, letter or in person.
- D. The primary investigating officer is to ensure the confidentiality of the victim/witness and their role in case development to the extent consistent with the law.

VIII. GENERAL GUIDELINES

- A. If, in the opinion of the investigating officer, the impact of a crime has been unusually severe, the investigating officer should attempt to work with a victim advocate during follow-up investigations. If feasible, the victim/witness should be re-contacted by the investigating officer to determine whether their needs are being met. Generally, this shall be accomplished through the detective bureau.
- B. If feasible, lineups, interviews and other required appearances should be scheduled at the convenience of the victim/witness.

- C. Officers making notifications shall exercise good judgement and diplomacy in determining the type of information to be released to the victim/witness.

IX. INFORMATION PROVIDED TO VICTIM/WITNESS

- A. The following information shall be provided to victims and witnesses in criminal cases handled by the City of Oconomowoc Police Department:
 - 1. A brief summation or overview of where the investigation stands and the reason(s) for the particular status of the investigation. When possible, notify the victim/witness when the suspect has been taken into custody, or released.
 - 2. Information to prepare them for their potential involvement in criminal court will be handled by the District Attorney Victim/Witness Coordinator.
 - 3. Procedures for recovering property and an estimated time frame for the release of the property as deemed by the District Attorney. Property that may be released shall be returned within 10 days of the incident.
 - 4. Appropriate referral information for state and local victim programs and medical services. Also, appropriate information pertaining to the District Attorney's Victim/Witness Coordinators. All name, addresses and phone numbers can be located on the Victim Information brochure.
 - 5. The Victim Information brochure will provide the officers name, badge number, incident number, and the 24 hour police department phone number as a reference for future contacts dealing with the incident.
 - 6. Suggestions to deter future similar incidents, along with information on procedures to use if threats or intimidation occur from their complaint.
 - 7. The release of additional information shall follow the guidelines established in the policy "Release of Records Policy."

X. DEPARTMENTAL VICTIM/WITNESS TRAINING

- A. Officers shall be trained in victim/witness rights and needs and the role law enforcement plays in meeting those rights and needs.
- B. All recently hired non-sworn employees shall be informed about the existing agency and community victim/witness assistance programs.

XI. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict

WISCONSIN'S VICTIM'S BILL OF RIGHTS

This state shall treat crime victims, as defined by law, with fairness, dignity and respect for their privacy. This state shall ensure that crime victims have all of the following privileges and protection as provided by law:

- * timely disposition of the case;
- * the opportunity to attend court proceedings unless the trial court finds sequestration is necessary to ensure a fair trial for the defendant;
- * reasonable protection from the accused throughout the criminal justice process;
- * notification of court proceedings;
- * the opportunity to confer with the prosecution;
- * the opportunity to make a statement to the court at the disposition;
- * restitution;
- * compensation;
- * information about the outcome of the case and the release of the accused.

The legislature shall provide remedies for violation of this section. Nothing in this section, or in any statute enacted pursuant to this section, shall limit any right of the accused which may be provided by law.