



# University of Wisconsin–Madison Police

## Policy: 55.1

**SUBJECT: VICTIM & WITNESS ASSISTANCE**

**EFFECTIVE DATE: 06/01/10**

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**STANDARD: CALEA 55.1.1 – 55.2.6 IACLEA 13.3.1, 13.3.2 WILEAG 14.1.1, 14.1.2**

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### POLICY:

The University of Wisconsin–Madison Police Department is committed to providing adequate victim/witness assistance or referrals for assistance. Policies and procedures shall outline the rights of victims and witnesses, provide for review of available services, and establish the Departmental role in victim/witness assistance.

### DEFINITIONS:

“Victim” as defined in Wisconsin State Statute Chapter 950, refers to a person against whom a crime has been committed; a parent, guardian, or legal custodian of a child against whom a crime has been committed; or a family member or person who has resided with a person against whom a crime has been committed and who is deceased.

“Victim advocate” refers to a person authorized to assist victims in specified ways. Such advocates may be Department employees, volunteers, or other professionals.

“Witness”, as defined in Wisconsin State Statute Chapter 950, refers to a person who has been or is expected to be summoned to testify for the prosecution or who by reason of having relevant information is subject or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet to be commenced.

### PROCEDURE:

#### 55.1.1 RIGHTS OF VICTIMS AND WITNESSES

The following provides a summary of victim/witness rights:

- A. Department personnel will treat victims and witnesses with respect, fairness, compassion, and dignity.
- B. The rights of victims and witnesses of crimes are clearly established in Wisconsin State Statute Chapter 950, specifically ss.950.04, the basic bill of rights for victims and witnesses. The statutory rights for which law enforcement has a specific responsibility include:
  - 1. The right of victims and witnesses to receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts.
  - 2. The right to have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of disputed ownership, should be returned within ten days of being taken.
  - 3. The right of a victim to receive pertinent information from law enforcement within 24 hours of initial law enforcement contact with the victim. The Department shall make a reasonable effort to provide written information which includes a list of rights of crime victims under Wisconsin State Statute 950.04(1)(v), crime victim compensation information, suggested procedures to follow if the victim is subjected to threat or intimidation, and addresses and phone numbers of the district attorney’s office responsible for prosecuting the case, the law enforcement agency responsible for investigating the case, the law enforcement agency responsible for maintaining custody of the defendant, and local victim assistance agencies.

4. If a person with standing to file a complaint for an officer-involved death, as defined in s. 175.47 (1) (c), the department shall provide information about the process by which he or she may file a complaint under s. 968.02 or 968.26 (2) and about the process of an inquest under s. 979.05.

#### **55.1.2 REVIEW OF VICTIM/WITNESS SERVICES**

The following shall establish procedures governing the analysis of victim/witness assistance needs and available services within the Department's service area:

- A. The Department shall complete a review of victim/witness assistance needs and available services within the Department service area annually. The Field Services Captain or designee shall be responsible for conducting documented review. Such reports shall be forwarded to the Chief of Police for review, action, and appropriate dissemination.
- B. Reviews should include measuring the extent and major types of victimization, developing an inventory of general and special information and service needs, determining the availability of victim assistance and related community services, and identifying unfulfilled needs. Outside agency surveys may be utilized for review if they are current, comprehensive, and meet all previously identified needs. Answers to survey questions, if utilized, should ultimately result in a list of victim/witness services that the Department can provide without duplicating the effort of other organizational services within the service area.

#### **55.1.3 ROLE IN VICTIM/WITNESS ASSISTANCE**

The following shall describe the Department's role in victim/witness assistance:

- A. The role of the Department in victim/witness assistance shall include offering appropriate services and referrals upon initial contact. Officers assigned to follow up on cases shall also offer appropriate services and referrals, as required.
- B. The confidentiality of the identity of victims and witnesses and their role in case development shall be maintained to the extent consistent with applicable state statutes.
- C. Efforts shall be taken to inform the public and media about the victim/witness assistance services. Such information may be disseminated via media releases, brochures, pamphlets, newsletters, prominent postings, personal contact, and websites.
- D. The Department shall maintain a close working relationship with other agencies and organizations providing victim/witness assistance efforts. Agencies providing victim/witness services may include the Dane County District Attorney's Office, the Dane County Victim/Witness Unit, the Dean of Students Office, and University Health Services. The purposes of establishing and maintaining relationships with outside sources include ensuring that referrals of victims and witnesses to outside sources are based on accurate and current knowledge of the services provided, to maintain an ongoing channel of communication, and to foster interdepartmental cooperation.

#### **55.1.4 TWENTY-FOUR HOUR VICTIM/WITNESS ASSISTANCE**

The following shall define the level of victim/witness assistance information provided by the Department directly or on a cooperative basis with other agencies:

- A. Because they are available 24 hours a day, on-duty communications center personnel shall serve as a single point of contact regarding victim/witness assistance services. Communications center personnel shall provide pertinent information to victims and/or witnesses regarding assistance directly supplied by the Department.
- B. Communications center personnel shall provide referral information regarding services offered in the Department's jurisdiction by other government or private sector organizations for victims and witnesses in need of medical attention, counseling, shelter services, or emergency financial assistance.

#### **55.1.5 ASSISTANCE TO THREATENED VICTIMS AND WITNESSES**

The following shall establish procedures for providing appropriate assistance to victims and witnesses who may be subjected to threatening situations:

- A. The Department shall provide immediate and appropriate assistance to victims and witnesses who have been threatened, or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization.
- B. Appropriate assistance to victims and witnesses who are subject to threatening situations shall be determined on a case-by-case basis, commensurate with the perceived and actual danger. Assistance may include providing a victim or witness protective services, facilitating changes of addresses or telephone numbers, conducting transports or escorts, notifying affected parties, assessing the threat potential, making referrals to support organizations, and offering support directly.

**55.1.6 PRELIMINARY INVESTIGATION ASSISTANCE**

The following shall define victim/witness assistance services to be rendered by assigned officers during the preliminary investigation:

- A. During the preliminary investigation, the victim/witness shall be given information regarding applicable services, to include counseling, medical attention, compensation programs, and victim advocacy. Such information may be provided via specifically designated brochures or other literature.
- B. The assigned officer should advise the victim/witness of actions to take if the suspect or suspect's companion or family exhibit threatening or intimidating behavior.
- C. Victims / witnesses should be informed of the case number, if known by the Department, and subsequent steps in the processing of the case. Applicable case and telephone numbers may be provided via Department-issued business cards or in a designated brochure.
- D. The assigned officer should provide the victim/witness with a telephone number to call to report additional information about a case or to receive information about the status of the case.

**55.1.7 FOLLOW-UP INVESTIGATION ASSISTANCE**

The following shall define victim/witness assistance services to be provided during assigned follow-up investigation(s):

- A. The victim/witness shall be periodically re-contacted to determine whether or not needs are being met if, in the opinion of investigative personnel, the impact of a crime on the victim/witness has been unusually severe and has triggered an above average need for victim/witness assistance.
- B. Personnel assigned to follow-up on the case shall be responsible for explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in the proceedings, if that explanation is not an endangerment to the successful prosecution of the case.
- C. Line-ups, interviews, and other required appearances shall be scheduled at the convenience of the victim/witness, to the degree possible. Transportation may also be provided to victims/witnesses when deemed feasible.
- D. Property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime) shall be promptly returned to the victim/witness when feasible and where permitted by law or rules of evidence. Prosecutorial officials should be consulted for advice in evidentiary matters when deemed necessary and appropriate.
- E. If available, a victim/witness advocate should be assigned during the follow-up investigation. The Dane County District Attorney's Office should be contacted in a timely manner to facilitate such arrangements.

**55.1.8 ARREST RELATED SERVICES**

The following shall define victim/witness assistance services to be rendered upon arrest and during post-arrest processing of the suspect:

- A. Victims/witnesses shall be notified when suspects are arrested, whenever possible. Such notification shall be made in a timely manner by assigned personnel or prosecutorial officials. Exceptions to notification procedures may be made when suspects are apprehended in another jurisdiction and released on bond before the Department is informed of the

arrest. Such cases required that affected victims / witnesses be notified as soon as assigned case personnel are made aware of the arrest.

- B. An advocate may be assigned to victims/witnesses by the Dane County District Attorney's Office upon arrest of the suspect. Advocates may explain prosecutorial procedures and their role in victim/witness assistance services.

#### **55.1.9 NEXT OF KIN NOTIFICATION**

The following shall establish procedures for notifying next of kin of deceased, seriously injured, or seriously ill persons:

- A. The Department may be called to notify citizens of the death, injury, or serious illness of a family member. The essential details surrounding a person's death, injury, or illness should be gathered and organized before next of kin are notified.
- B. Injury or illness notification may be conducted via personal contact or via telephone depending upon the seriousness of the situation and other pertinent circumstances. The assigned officer should provide only the information which is readily available and known, such as hospital location and method of transportation.
- C. Emergency notification should be delivered in a prompt, straight-forward manner with respect, integrity, compassion, and honor. The assigned officer should spend as much time as necessary to calm and comfort the next of kin and to assist with providing access to support persons or services which may be needed.
- D. In the event of a death notification, such notification should be made in person. The assigned officer should be accompanied by another person whenever possible.