



UW-Madison Police Department

Policy: 55.1

SUBJECT: VICTIM & WITNESS ASSISTANCE

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INDEX:

- 55.1.1 RIGHTS OF VICTIMS AND WITNESSES
- 55.1.2 REVIEW OF VICTIM/WITNESS SERVICES
- 55.1.3 ROLE IN VICTIM/WITNESS ASSISTANCE
- 55.1.4 TWENTY-FOUR HOUR VICTIM/WITNESS ASSISTANCE
- 55.1.5 ASSISTANCE TO THREATENED VICTIMS AND WITNESSES
- 55.1.6 PRELIMINARY INVESTIGATION ASSISTANCE
- 55.1.7 FOLLOW-UP INVESTIGATION ASSISTANCE
- 55.1.8 ARREST RELATED SERVICES
- 55.1.9 NEXT OF KIN NOTIFICATION

POLICY:

The UW-Madison Police Department is committed to providing appropriate 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, per Wisconsin State Statutes Chapter 950 and in the Wisconsin State Constitution, Article I, Section 9m

DEFINITIONS:

“Victim” as defined in Wisconsin State Constitution, Article I, Section 9m is:

1. A person against whom an act is committed that would constitute a crime if committed by a competent adult.
 2. If the person under subd. 1. is deceased or is physically or emotionally unable to exercise his or her rights under this section, the person's spouse, parent or legal guardian, sibling, child, person who resided with the deceased at the time of death, or other lawful representative.
 3. If the person under subd. 1. is a minor, the person's parent, legal guardian or custodian, or other lawful representative.
 4. If the person under subd. 1. is adjudicated incompetent, the person's legal guardian or other lawful representative.
- (b) “Victim” does not include the accused or a person who the court finds would not act in the best interests of a victim who is deceased, incompetent, a minor, or physically or emotionally unable to exercise his or her rights under this section.

“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

- A. Department personnel shall treat victims and witnesses with respect, fairness, courtesy, sensitivity, compassion, and dignity as intended by [ss. 950.01](#).
- B. The rights of victims and witnesses of crimes are established in the Wisconsin State Constitution, Article I, Section 9m and Wisconsin State Statute Chapter 950, specifically [ss.950.04](#), the basic bill of rights for victims and witnesses, and [ss.950.045](#), accompaniment by a victim advocate. The statutory rights for which law enforcement has a specific responsibility shall be followed in accordance with existing state statutes and department directives.

55.1.2 REVIEW OF VICTIM/WITNESS SERVICES

- A. The Department shall complete a review of victim/witness assistance needs and available services within the Department service area biennially. The Investigative Services Captain or designee shall be responsible for conducting this documented review. Such reports shall be forwarded to the Chief of Police for review, action, and appropriate dissemination.

55.1.3 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 by policy or state statute.
- 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, social media, 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

- A. Department staff in contact with victims and/or witnesses shall provide pertinent information to victims and/or witnesses regarding assistance directly supplied by the Department.
- B. Department Staff in contact with victims and/or witnesses 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

- 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 arising from their cooperation with law enforcement and prosecution efforts related to the crime they are the victim of.
- B. Officers shall provide the address and telephone number at which the victim may contact the department or any local agency that provides victim assistance in order to obtain further information about services available for victims, including medical services.
- C. 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/or offering support directly.

55.1.6 PRELIMINARY INVESTIGATION ASSISTANCE

- A. During the preliminary investigation, the victim/witness shall be given information regarding applicable services (including the address and telephone number, if applicable) for services regarding 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, if applicable. Applicable case and telephone numbers may be provided via Department-issued business cards or in a designated brochure.
- D. The assigned officer shall provide the victim the telephone number and address of the district attorney assigned to their case, if known, and inform them they may contact them about obtaining further information concerning the rights of victims and to request notice of court proceedings and the opportunity to confer.
- E. The assigned officer shall 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. If applicable, the victim/witness should be re-contacted within a reasonable time-frame to determine whether or not further assistance is required, 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 applicable, personnel assigned to follow-up on the case shall contact the Dane County District's Attorney Office in a timely manner to facilitate the presence of a victim/witness advocate at the request of the victim/witness for follow-up interviews.
- F. Copies of initial and supplemental reports shall be forwarded to the Dane County District Attorney's Office for potential charging determination, if required.

55.1.8 ARREST RELATED SERVICES

- A. Victims should be notified when suspects are arrested, whenever possible. If necessary, witnesses may be contacted for follow-up investigation purposes.
- B. Officer shall provide victims with the address and telephone number of the custodial agency that the victim may contact to obtain information concerning the arrest and/or custody of a suspect in connection with the crime of which they are a victim.
- C. Officers shall provide the address and telephone number of the custodial agency the victim may contact for information concerning release of a person arrested or taken into custody for the crime of which they are a victim.

D. 55.1.9 NEXT OF KIN NOTIFICATION

- 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 shall 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 shall provide only the information which is readily available, verified, and pertinent to the notification.
- C. In the event of a death notification, such notification should be made in person and shall be documented by an Event ID, at minimum. The assigned officer should be accompanied by another person whenever possible.