



# POLICY & PROCEDURE

## PORTAGE POLICE DEPARTMENT

SUBJECT: **VICTIM/WITNESS SERVICES**

SCOPE: All Department Personnel  
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statutes: Chapter 949,  
Chapter 950

NUMBER: 14.01  
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WILEAG 5<sup>TH</sup> EDITION  
STANDARDS: 14.1.1, 14.1.2

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**PURPOSE:** The purpose of this Policy & Procedure is to emphasize the needs of victims and witnesses of criminal and noncriminal incidents; define the responsibilities of officers of the Portage Police Department 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 & Procedure 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 and witnesses of crime and other traumatic incidents that may have both immediate and long-term impact on the victim or witness's emotional recovery.

Victims or witnesses 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.

- B. Therefore, it is the policy of the Portage Police Department to enhance the treatment of victims, witnesses, and survivors of crime and non-criminal crisis situations by providing the assistance and services necessary to speed their physical and emotional recovery; to support and aid them as they continue to interact with the criminal justice system; and to treat them with dignity, respect, courtesy, and sensitivity.

## 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 Chapter 880, the guardian of the person appointed under Chapter 880.
  - a) "Victim" does not include the person charged with or alleged to have committed the crime.

- B. "Victim and witness office" means an organization or program that provides services for which the county receives reimbursement under this chapter.

- C. "Witness" means any 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 to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.

## III. VICTIM/WITNESS BILL OF RIGHTS

- A. Victims of crimes have the following rights:

1. To have their interest considered when the court is deciding whether to grant a continuance in the case.
2. To attend all 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. 895.45.
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 their 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 their request, the opportunity to consult with the intake worker, district attorney, and corporation counsel in cases.
11. To have, at their 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 Chapter 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 a 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.
39. To be accompanied by a victim advocate at law enforcement interview(s). The advocate may not obstruct or delay the interview(s), shall comply with the victim's requests or instructions, and shall comply with any rule, policy, or requirement established by the law enforcement agency regarding the confidentiality of information relating to an investigation, provided under 2015 Wisconsin Act 351, Wisconsin State Statute 950.045.
40. To be notified of the "Safe at Home Law", Wisconsin State Statute 165.68 to provide for victim address confidentiality when desired and is applicable.
41. To not have their personal identifiers, defined by Wisconsin Statute 85.103(1) as a name, social security number, telephone number, street address, post-office box number, or 9-digit extended zip code, used or disclosed for a purpose that is unrelated to the official responsibilities of the official, employee, or agency involved in their case.

#### 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, 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 s. 950.08(2g). This will be done by supplying the victim with the Department's Crime Victim Resources pamphlet, the "Case Status" insert, and the "The Criminal Court Process" brochure, created and provided by the Columbia County Victim/Witness Assistance Program. Officers are encouraged to provide information on VINELINK, which is available on the bulletin board in the front lobby of the Department or a separate 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; when possible 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.

E. Information Provided to Victim/Witness

1. The following information shall be provided to victims and witnesses in criminal cases handled by the 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) The address and telephone number of the custodial agency that the victim may contact for information concerning the release of a person arrested or taken into custody for the crime of which they are a victim.
  - c) 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.
  - d) The availability of compensation under WI Chapter 949 and the address and telephone number at which to contact the Department for information concerning said compensation.
  - e) 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.
  - f) Information to prepare them for their potential involvement in criminal court will be handled by the District Attorney's Victim/Witness Coordinator.
  - g) Procedures for recovering property and an estimated time frame for the release of property as deemed by the District Attorney.
  - h) 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.
  - i) The completed "Crime Victim Resources" form will be provided within 24 hours of the initial contact and shall include the investigation 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.

j) Information on procedures to use if threats or intimidation occurs as a result of their involvement in the complaint.

(1) 2015 Wisconsin Act 14 expands the provisions regarding the activities that constitute intimidating a witness/victim, refer to 940.42 and 940.44.

F. Columbia County Victim-Witness Assistance Program:

The Columbia County Victim/Witness Assistance Program is an integral part of the Columbia County District Attorney's Office. Their mission is to provide moral support, information about the criminal court process and referrals and services to victims of crime, witnesses of crime, and their families.

Victim can contact the Victim/ Witness coordinator through the Columbia County District Attorney's Office 608-742-9650.

G. Wisconsin VINE {Victim Information and Notification Everyday}

The Wisconsin Statewide Victim Notification service (WI-VINE) is a free and anonymous telephone and online service that provides victims of crime and the general public with two important features: Information and Notification.

The public can access information about offenders who are in the custody of the County Sheriff and also receive automated notification if the status of the offender changes. Victims and other citizens can register for VINE (Victim Information & Notification Everyday) by calling the toll-free number, 1-888-944-8463 or visiting the Web site at [www.vinelink.com](http://www.vinelink.com).

You will be able to register to receive automated telephone notification and/or email notification when there is a change in the offender's custody status. The WISCONSIN VINE service is anonymous and confidential. This service is designed to empower and protect crime victims, improve public safety, and assist corrections, law enforcement and victim service providers.

Wisconsin VINE is a service provided by the County Sheriff and the Wisconsin Department of Corrections.

Contact information:

Wisconsin VINE {Victim Information and Notification Everyday}  
Available in Columbia County

VINE Service number: 1-888-WI4-VINE (888-944-8463)  
TTY: (866) 847-1298

Website: [www.vinelink.com](http://www.vinelink.com)

Keith J. Klafke  
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

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