

	Whitewater Police Department Policy Manual		
	Text Name: VICWIT		
	Title: Victim/Witness Assistance		
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Special Instructions:		WILEAG Standard: 6.3.9, 14.1.1, 14.1.2, 14.2.1	

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 Whitewater 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 Wis. Stat. chapters 949 and 950.

III. DISCUSSION

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

IV. DEFINITIONS

- A. Victim: includes every person who suffers a personal injury or property loss as a result of a crime, or preventing or attempting to prevent the commission of a crime.
- B. Wis. Stat. chapter 950: "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 social 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."
- C. Wis. Stat. chapter 949: "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."
- D. New Beginnings A.P.F.V.: Association for the Prevention of Family Violence.

V. PROCEDURE

A. Victim/Witness Rights

1. The agency has the statutory and/or constitutional obligation to ensure the following victims' rights:
 - a. To effectuate the expeditious return of a victim's stolen or other personal property when it is no longer needed as evidence per Wis. Stat. 950.04(1v)(s).
 - b. To allow a victim advocate to accompany a victim at a law enforcement interview if requested by a victim of sexual assault, human trafficking, or child sexual abuse, subject to the exceptions listed in Wis. Stat. 950.045(b).
 - c. To provide victims with reasonable and timely information about the status of the investigation upon request.
 - d. That a victim's privacy and safety interests are considered in practices related to the treatment of victim records and information.
2. The agency has the statutory and/or constitutional obligation to ensure the following witness rights:
 - a. Provision of information about the level of protection available from harm and threats of harm arising out of a witness's cooperation with law enforcement and prosecution efforts.
 - b. A witness's right to not have his or her personal identifiers as defined in Wis. Stat. 85.103(1), including an electronic mail address, used or disclosed for a purpose that is unrelated to the official responsibilities of the official, employee, or agency.
 - c. Expeditious return of a witness's property when no longer needed as evidence.
 - d. Entitlement to a speedy disposition of the case in which the person is 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.
3. Officers receiving or investigating a complaint, which is or may be a state crime, must provide each victim and/or witness of a state crime a copy of the **CRIME VICTIM INFORMATION** document no later than 24 hours after initial contact with them.
4. Officers must document in their report that the victim has been notified to include the means (i.e. in person) and time of the notification. The **CRIME VICTIM INFORMATION** document contains the following information:
 - a. List of victim rights under Wis. Stat. 950.04(1v).

- b. Availability of compensation and the address and telephone number at which to contact the Department of Justice for information concerning compensation.
 - c. 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 and the opportunity to confer.
 - d. The address and telephone number of the custodial agency the victim may contact for information concerning the arrest, custody, and/or release of a suspect in connection with the crime of which he or she is a victim.
 - e. 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 he or she is a victim.
 - f. Suggested procedures for the victim to follow if he or she is subject to threats or intimidation arising out of his or her cooperation with law enforcement and prosecution efforts relating to a crime of which he or she is a victim.
 - g. The address and telephone number at which the victim may contact the department or other local agencies that provide victim assistance in order to obtain further information about services, including medical services.
5. Officers investigating a complaint, which is or may be a state crime, must complete the **REQUEST FOR CONTACT INFORMATION** form for each victim of a state crime, including the parent or guardian for minor victims. If a victim declines to provide contact information, a line should be drawn through the form with a notation indicating such. The forms will be provided to the respective District Attorney's Office at the time the criminal referral is sent.
6. In cases where victims assert their right to law enforcement notification of offender release using the **REQUEST FOR CONTACT INFORMATION** form, officers will follow the procedure related to victim notification outlined in section V.L.4 of the **ARREST** policy.
7. Appropriate assistance will be provided to victims/witnesses who, in the judgment 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.
8. Officers may consider the following resources when assisting victims/witnesses:
- a. Referrals for medical/psychological assistance.
 - b. The District Attorney's Victim/Witness coordinators will provide crime

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victims/witnesses with information concerning their rights in accordance with Wis. Stat. chapters 949 and 950 once a criminal complaint has been issued by the District Attorney's Office.

9. Human Services provides 24-hour services and should be utilized when a victim/witness needs immediate counseling or related services.
10. Crime victim/witness information, including specific brochures describing services, resources and compensation, are available on a 24-hour basis in the lobby of the Police Department. Upon request by the victim, officers may supply the victim with a copy of the 1997 Wisconsin Act 181, which details all the victim's rights.
11. When crimes dealing with Sensitive Crimes such as sexual assaults, crimes against children, and elderly abuse are received, a Sensitive Crimes Team Member may be assigned, appropriate victim/witness information provided, and victims directed to the District Attorney's Victim/Witness Coordinators.

B. Victim/Witness Service Coordinator

1. The Whitewater Police Department Patrol Captain or Administrative (Admin) Captain shall be responsible for administering and coordinating the department's role in victim/witness assistance. All reports pertaining to domestic abuse and sensitive crimes will be reviewed by the Patrol Captain or Admin Captain to authorize release to New Beginnings APFV for the purpose of allowing them to reconnect with victims and/or performing Stop-Back visits with the victims of these crimes.
2. The Sensitive Crimes Team Coordinator shall complete an analysis of victim/witness assistance needs and available services based on the District Attorney's Victim/Witness Coordinators information at least every two years. The analysis will include:
 - a. The extent and major types of victimization within Whitewater.
 - b. An inventory of information and service needs of all victims/witnesses, to include homicide, suicide survivors, domestic violence, abuse and neglect, sexual abuse, and drunk driving.
 - c. Victim assistance and related community services available within Whitewater.
 - d. Identification of the needs of victims/witnesses that are not being met and ways to meet those needs. The Whitewater 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.

C. Victim/Complainant Notification

1. It is the duty of the primary investigating officer handling the criminal case to notify victims/witnesses of the status of their investigation.
2. When a criminal complaint is issued by the District Attorney's Office, the District Attorney's 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.
3. 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.
4. 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.

D. General Guidelines:

1. 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 Sensitive Crimes Team.
2. If feasible, line-ups, interviews and other required appearances should be scheduled at the convenience of the victim/witness.
3. Officers making notifications shall exercise good judgment and diplomacy in determining the type of information to be released to the victim/complainant.

E. Information Provided to Victim/Witness

1. The following information shall be provided to victims and witnesses in criminal cases handled by the Whitewater 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, notify the victim/witness when the suspect has been taken into custody.
 - b. If the individual is a victim of an officer-involved death, the victim will be provided with the contact information for the corresponding district attorney's office in which they may pursue the following options:
 - 1) The process by which he or she may file either a complaint charging a person with a crime, if permitted by a judge;

- 2) The process by which he or she may file a complaint under the John Doe investigation proceedings; and
 - 3) The process of an inquest commonly referred to as a “coroner’s inquest.”
- c. A member of the department will make a reasonable attempt to provide the victim of an officer-involved death with the Victim brochure within 24 hours following the incident.
 - d. Information to prepare them for their potential involvement in criminal court will be handed by the District Attorney’s Victim/Witness Coordinator.
 - e. Procedures for recovering property and an estimated timeframe for the release of the property as deemed by the district attorney. Property that may be released shall be returned within ten days of the incident.
 - f. Appropriate referral information for state and local victim programs and medical services. Appropriate information pertaining to the District Attorney's Victim/Witness Coordinators. All names, addresses and phone numbers can be located on the Victim Information brochure.
 - g. The Victim Information brochure will provide the officer’s name, incident number, and the 24-hour police department phone number as a reference for future contacts dealing with the incident.
 - h. Suggestions to deter future similar incidents, along with information on procedures to use if threats or intimidation occurs from their complaint.
 - i. The release of additional information shall follow the guidelines established in the policy "Release of Records Guidelines".

F. Crime Victim Rights Board

1. The Department of Justice Crime Victims’ Rights Board (CVRB) is tasked with investigating violations of victims’ rights.
2. If an employee is contacted by the CVRB, they shall immediately notify the Chief of Police or Admin Captain. Employees are not to answer any questions asked by the CVRB, until they have consulted with the Chief of Police or Admin Captain and have been given permission to do so.

G. Departmental Victim/Witness Training

1. Officers shall be trained (during the FTO Program) in victim/witness rights and needs, and the role law enforcement plays in meeting those rights and needs.
2. All recently hired non-sworn employees shall be informed about the existing agency

and community victim/witness assistance programs.

H. Death Notifications:

1. When providing death notification, it should be carried out in a prompt and considerate manner.
2. If requested by a medical patient, when feasible, the Whitewater Police Department will make contact with family members or friends of seriously injured or ill patients.