

## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance and information available through government and private resources and to meet all related legal mandates.

### 318.2 POLICY

The Grafton Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Grafton Police Department will show compassion and understanding for victims and witnesses and make reasonable efforts to provide the support and information identified in this policy.

### 318.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will serve as the point of contact for individuals requiring further assistance or information from the Grafton Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### 318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm, but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for purpose of compensation or restitution, but may direct him/her to the proper written department material or available victim resources.

#### 318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers shall ensure that the victim information handout is delivered to victims as soon as practicable but not later than 24 hours after initial contact with the victim (Wis. Stat. § 950.08(2g)).

[See attachment: Victim Right Form.pdf](#)

Sex crime victims require additional actions as identified in the Sexual Assault Investigations Policy.

Victims of sexual assault, human trafficking and child sexual abuse have the right to be accompanied by a victim advocate when being interviewed by an officer of the Grafton Police Department or other law enforcement agency. If the victim advocate obstructs or delays the interview, or fails to comply with the Child Abuse Policy and/or Sexual Assault Investigations Policy regarding the confidentiality of information relating to an investigation, he/she may be excluded from the interview and a different victim advocate may be permitted to accompany the victim at the victim's request (Wis. Stat. § 950.045(1)).

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#### 318.4.2 TREATMENT OF VICTIMS

Members shall ensure that all victims of crime are treated with dignity, respect, courtesy, sensitivity, and fairness throughout the criminal and juvenile justice process, as mandated by Article I, section 9m of the Wisconsin Constitution.

Members shall provide victims with reasonable and timely information regarding the status of the investigation upon request.

#### **318.5 VICTIM INFORMATION**

The Administration supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic abuse.
  - 1. The information shall include the availability of shelters and services from lists provided by the Wisconsin Department of Children and Families and the Wisconsin Department of Justice (Wis. Stat. § 968.075).
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime (Wis. Admin. Code § JUS 11.11).
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number, and any applicable case or incident number.
- (k) The mandated notices contained in Wis. Stat. § 950.08(2g) for crime victims, which includes a list of victim's rights under Wis. Stat. § 950.04(1v) and Wis. Const. Article I, § 9m.
- (l) Notice of legal rights and remedies available to domestic abuse victims that includes the statement: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for

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a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction" (Wis. Stat. § 968.075).

- (m) Information on the Wisconsin Department of Justice Address Confidentiality Program for victims of abuse (Wis. Stat. § 165.68).
- (n) Contact information for the inmate 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.
- (o) Contact information for the custodial agency the victim may contact to obtain information concerning the arrest and/or custody, and release of a person in connection with the crime of which they are a victim.
- (p) Suggested procedures for the victim to follow if they are subject to threats or intimidation arising out of their cooperation with law enforcement and prosecution efforts relating to a crime of which they are a victim.
- (q) Contact information for 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.

#### **318.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses expressing fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Officers may provide witnesses with a witness information handout explaining their rights pursuant to Wis. Stat. § 950.04(2w) when appropriate, to include:

- (a) Witness's right to not have their personal identifiers, including an electronic email address, used or disclosed for a purpose that is unrelated to the official responsibilities of the official, employee, or Department.
- (b) Expedient return of a witness's property when no longer needed as evidence.
- (c) Speedy disposition of the case in which they are a witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

#### **318.7 WITNESS INFORMATION**

The Records Bureau supervisor shall ensure that witness handouts are available and current. The handout should include the rights of witnesses contained in Wis. Stat. § 950.04(2w).

## **Attachments**

## **Victim Right Form.pdf**

# INFORMATION FOR VICTIMS OF CRIME IN WISCONSIN

## INVESTIGATING AGENCY



Grafton Police Department  
1981 Washington St  
Grafton, WI 53024  
262-375-5320

**Contact Officer:** Enter Contact Officer  
**Phone:** Enter Phone Number  
**Date:** Enter Date  
**Case #:** Enter Case Number

## CONTACT INFORMATION

### Arrest, custody, or release information:

Adult Offender	Juvenile Offenders
	<b>Arrested-Detained</b>
Ozaukee County Jail	Washington County Jail
	Juvenile Detention Ctr.
1201 S Spring Street	262-335-4410 or
	262-335-4428
Port Washington, WI	<b>Arrested-Not Detained</b>
53074	Ozaukee Dept. of Social
	Services/Juvenile Intake
262-284-8446	262-284-8103

### To request notice of legal proceedings and information about victims' rights or to speak with the prosecutor of the case:

Adult Offender	Juvenile Offenders
Ozaukee Co. District	Ozaukee Dept. of Social
Attorney's Office-	Services/Juvenile Intake
Victim/Witness Unit	
1201 S Spring Street	121 W. Main Street
Port Washington, WI	Port Washington, WI
53074	53074
262-284-8387	262-284-8103

## Wisconsin law provides victims of crime with specific rights

The Wisconsin Constitution (Article I. Section 9m) and Wis. Stat. Chapter 950 give special rights to victims of crime. Some rights are automatic while others must be requested. The Wisconsin Department of Justice Victim Resource Center can provide you with information about victims' rights as well as victim services in your area. call 1-800-446-6564 or access a directory online <http://www.doj.state.wi.us/ocvs>.

**Please note** that it is not always clear to whom victims' rights apply at different stages of a case. Use the information on this form to discuss and clarify your rights with the agencies you are in contact with about the case and to make your interests known.

## If you are the victim of domestic abuse

You may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction.

## Victim Services

Advocates of Ozaukee (Open 24 Hours)  
Crisis Line: 877-375-4035 or 262-284-6902

Office: 262-284-3577  
PO Box 80166  
Saukville, WI 53080

## Important Reminders for Victims of Crime

- If the District Attorney's Office issues charges in this case you will have the right to attend all court proceedings and, upon request, to be heard in court when your rights as a victim are implicated. Contact the Victim Witness Program for information about your rights and about charges, the next court hearing and to provide your input regarding potential protective bail conditions that may be ordered by the court. **By Phone:** 262-284-8387
- If you are threatened or intimidated by anyone because of your cooperation with law enforcement and prosecution in connection with this crime, you should report that to the investigating agency. If you feel you are in immediate danger, call 9-1-1.
- It is very important that you keep agencies informed of any changes to your address, phone number, or email.
- You may be eligible to receive reimbursement for certain expenses related to the crime. It may be helpful to you to keep records of the crime-related expenses such as lost wages, repairs or medical bills because you may be required to provide this information to support your claim. Restitution may be ordered if someone is convicted of the crime against you, or you may be eligible for crime victim compensation even if no one is arrested or convicted. For more information contact the Wisconsin Department of Justice at 1-800-446-6564 or P.O. Box 7951, Madison, WI 53707-7951 or online at: [www.doj.state.wi.us/ocvs](http://www.doj.state.wi.us/ocvs).
- WI-VINE services allow you to register for notification about changes in custody status for offenders who are in a county jail. Find more information at [www.vinelink.com](http://www.vinelink.com) or call 1-888-944-8463.

# CRIME VICTIM' RIGHTS IN WISCONSIN

\* An asterisk (\*) marks those rights which a victim must specifically request.

## VICTIMS' RIGHTS THAT MIGHT APPLY ANY TIME

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- To be treated with fairness, dignity and respect for his or her privacy.
- To receive written information from law enforcement, within 24 hours of contact about rights, who to call for custody information regarding the offender and how to get more information about the case.
- To not have personal identifiers including email disclosed/used for a purpose unrelated to the official duties of an agency, employee or official.
- To contact the Department of Justice concerning a victim's treatment (1-800-446-6564) and to seek a review of a complaint by the Crime Victims Rights Board, as provided by law.
- To notice of a decision not to prosecute, if an arrest has been made.
- If a victim of an officer involved death, to receive information about the process by which he or she may do the following: file a complaint charging a person with a crime, if permitted by a judge; file a complaint under the John Doe investigation proceedings; and the process of an inquest.
- To reasonable protection from the accused throughout the criminal justice process.
- To a speedy disposition of the case.
- To not be compelled to submit to a pretrial interview or deposition by a defendant or his or her attorney.
- To information about the disposition of the case.\*
- To attend court proceedings and to be accompanied by a service representative, as permitted by law.
- To not be the subject of an officer's or district attorney's order, request, or suggestion that the victim submit to a test using a lie detector if the victim reports having been the victim of a sexual assault.
- To the expeditious return of property when it is no longer needed as evidence.
- To file for Crime Victims Compensation, as provided by law.
- To request an order for an offender to submit to a test for sexually transmitted diseases, communicable disease, or HIV test (for certain offenses).
- To notice of a decision to close or dismiss a case or defer prosecution, if the offender is a juvenile.

## VICTIMS' RIGHTS THAT APPLY AFTER AN OFFENDER HAS BEEN CHARGED

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- To receive written information from the district attorney regarding the victim's rights and how to exercise them.
- Upon request, the opportunity to communicate with the prosecutor (or intake worker) about the possible outcome of the case, potential plea agreements and sentencing options.\*
- To be notified of the time, date and place of court proceedings, if requested.\*
- To be provided a waiting area separate from defense witnesses.
- To have the victim's interests considered when the court is deciding whether to grant a continuance or deciding whether to exclude persons from a preliminary hearing.
- To be contacted about the right to make a statement at disposition or sentencing.
- To assistance with an employer about the need to attend court appearances.
- To be notified if charges are dismissed.

## VICTIMS' RIGHTS RELATED TO THE SENTENCING OF THE OFFENDER BY THE COURT

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- To provide a statement to the court, in person or in writing, about the economic, physical and psychological effects of the crime and to have that information considered by the court.
- To be contacted by the person preparing the pre-sentence report (or court report, if the offender is a juvenile) to have the impact on the victim included in the report.
- To restitution from a juvenile offender, as permitted by law.
- To recompense from forfeited bail, as determined by the court.
- To view certain portions of a pre-sentence investigation report.
- To restitution from an adult offender for any crime considered at sentencing.

## VICTIMS' RIGHTS THAT APPLY AFTER SENTENCING

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- To be provided sentencing or dispositional information.\*
- To attend parole interviews or hearings and make statements.
- To be notified of a conditional release.
- To be provided with notice of a petition for a sentence adjustment or reduction and applications for early release.
- To be notified by the Department of Corrections of certain releases, escapes, confinements, leave, release to extended supervision and participation in the intensive sanctions program. If you have questions about receiving notices from the Department of Corrections, call 1-800-947-5777.
- To attend a hearing on a petition for a modification of a sentence and to provide a statement.
- To notification from the Department of Health Services concerning discharge, home visits and supervised release of certain offenders.
- To be notified of applications for parole or release to extended supervision; to provide statements concerning parole.
- To have the clerk of court send: a copy of an inmate's petition for extended supervision and notice of the hearing on that petition; a copy of a motion for post-conviction DNA testing and notice of any related hearing.\*
- To be notified by the governor of a pardon application and to make a written statement about that application.
- To a civil judgment for unpaid restitution.
- To be notified when an offender's release to parole or extended supervision is revoked for violating a condition of release

**Please note:** It is not always clear to whom victims' rights apply at different stages of a case. Use the information on this form to discuss and clarify your rights with the agencies you are in contact with regarding the case.

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*This form is provided in compliance with Wis. Stat. 950.04(1v)(t) and 968.075(3)(a)4*

# VICTIMS OF CRIME CONSTITUTIONAL AMENDMENT RIGHTS

On April 7, 2020, Wisconsin voters ratified an amendment to the Wisconsin State Constitution entitling rights to crime victims. In addition to all other rights previously available to victims, these rights apply to crime victims at the time of their victimization and throughout the criminal and juvenile justice processes. These rights are effective as of May 4, 2020 and apply to all current and future victims.

## VICTIMS' RIGHTS THAT MIGHT APPLY AT ANY TIME

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- To be treated with dignity, respect, courtesy, sensitivity, and fairness.
- To privacy.
- To timely disposition of the case, free from unreasonable delay.
- To reasonable protection from the accused throughout the criminal and juvenile justice process.
- Upon request, to timely notice of any release or escape of the accused or death of the accused if the accused is in custody or on supervision at the time of death.
- To refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused.
- To compensation as provided by law.
- Upon request, to reasonable and timely information about the status of the investigation and the outcome of the case. To timely notice about all rights under this section and all other rights, privileges, or protections of the victim provided by law, including how such rights, privileges, or protections are enforced.

## VICTIMS' RIGHTS THAT APPLY TO PROCEEDINGS

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- To proceedings free from unreasonable delay.
- Upon request, to attend all proceedings involving the case.
- Upon request, to reasonable and timely notification of proceedings.
- Upon request, to be heard in any proceeding during which a right of the victim is implicated, including release, plea, sentencing, disposition, parole, revocation, expungement, or pardon.

## VICTIMS' RIGHTS THAT APPLY AFTER AN ACCUSED HAS BEEN CHARGED AND/OR RELATED TO SENTENCING OF THE ACCUSED

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- Upon request, to confer with the attorney for the government.
- To have information pertaining to the economic, physical, and psychological effect upon the victim of the offense submitted to the authority with jurisdiction over the case and to have that information considered by that authority.
- To full restitution from any person who has been ordered to pay restitution to the victim and to be provided with assistance collecting restitution.

## VICTIMS' RIGHTS ENFORCEMENT

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- To assert and seek in circuit court or before any other authority of competent jurisdiction, enforcement of the rights in this section and any other right, privilege, or protection afforded to the victim by law.
- To obtain review of all adverse decisions concerning their rights as victims by courts or other authorities by filing petitions for supervisory writ in the court of appeals and supreme court.

**Please note:** It is not always clear to whom victims' rights apply at different stages of a case. Use the information on this form to discuss and clarify your rights with the agencies you are in contact with regarding the case.