



DIRECTIVES

Oak Creek Police Department

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December 1, 1998

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May 24, 2023

Title:

CRIME VICTIMS' RIGHTS POLICY

Directive Number:

3-200

Critical Policy

Yes No

Open Record

Yes No

Total Pages:

3

Applicability:

Sworn Officers

I. PURPOSE AND OBJECTIVES

The purpose and objectives of this directive is to establish department-wide guidelines outlining how Oak Creek Police Department officers will provide victims of crime with written information concerning their rights as a crime victim in accordance with Wisconsin State Statute Chapter 950.

II. POLICY STATEMENT

It is the policy of this Department that officers shall, adhere to Wisconsin State Statute Chapter 950 in making a reasonable attempt to provide victims of crime with written information concerning their rights within 24 hours of initial contact.

III. DEFINITIONS

A. *Victim* – Any person against whom a crime was committed. It does not include the person charged or alleged to have committed the crime. For purposes of this policy, a victim is further defined as the following:

1. Parents of the victim whether married, divorced, single, estranged or separated.
2. If a victim is a person under 18 years of age and is a child, a parent, guardian or legal custodian of the child.
3. If the person is physically or emotionally unable to exercise the rights granted under Wisconsin State Statute §950.04, then a person designated by the person specified as a child or a family member of the person.
4. If a victim is under 18 years of age and that person 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 is under the age of 18 has been determined to be incompetent under Chapter 880, the guardian of the person appointed under Chapter 880.

B. *Crime* – Defined under Wisconsin State Statute §939.12 as conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

III. DEFINITIONS - *Continued*

- C. *Crime Victims' Rights Form* – A two-part informational form that fulfills the Department's requirement to inform victims of their rights. This form is adopted from the State of Wisconsin Department of Justice format.

IV. PROCEDURES

- A. No later than 24 hours after an Oak Creek Police officer has initial contact with a victim of a crime, that officer is responsible for making a reasonable attempt to provide the victim with a copy of the Department's *Crime Victims' Rights Form*.
- B. It is imperative that officers are fully aware that an initial contact with a victim is time sensitive. A first or initial contact could occur weeks or even years after the event. In those cases, officers are reminded to provide a copy of the Department's *Crime Victims' Rights Form* per this policy.
- C. It is also imperative that officers are aware that **each** person defined as a victim contacted by that officer must be informed of their victim rights. An officer cannot rely upon a victim's notification and their assurance that they will be informing other victims of their rights. While a victim may inform other family and perhaps other victims, the responsibility cannot be delegated. If, and when, an officer interviews other victims, they must be separately advised of their rights utilizing the *Crime Victims' Rights Form*
1. This form should be given to a victim every time a crime is committed.
 2. This form should be issued to the family of the deceased of an Officer Involved Death when the Oak Creek Police Department has been assigned as the Lead Investigating Agency responsible for investigating the death.
 3. It is not necessary to provide this form to a victim of a municipal violation.
 4. It is not necessary to have a suspect in the investigation—all you need is a victim.
 5. If there is a question as to whether the *Crime Victims' Rights Form* should be given, it is always best to give the form to the victim.
- D. The appropriate information should be filled out on the top of the *Crime Victims' Rights Form* (i.e., date, officer's name and phone number, and case #).
- E. The bottom (pink) copy should be given to the victim.
1. If the victim is a juvenile then the information sheet should be given to a parent or legal guardian.
 2. If the person is physically or emotionally unable to exercise his or her rights under the crime victims' rights law, then the information sheet should be given to a family member specified by the victim or another person specified by the victim.
 3. If the victim is deceased, the information sheet should be given to an immediate family member or a person who resides with the deceased.
 4. If the victim has been determined to be incompetent under Wisconsin Chapter 880, the guardian of the person appointed under Chapter 880 should be given the information.

IV. PROCEDURES – *Continued*

- F. The white copy of the form should be attached to the officer's police report.
- G. It is important to remember that if an arrest is made after the initial contact with the victim, the officer will contact the victim and advise him/her of the arrest and refer them to their copy of the *Crime Victims' Rights Form* (or provide another copy) for further information.
- H. When an officer completes an incident report for a crime, he/she should indicate in the report that a *Crime Victims' Rights Form* was given along with attaching the appropriate copies of the form to the report.

V. DISCLAIMER

The Crime Victims' Rights Policy developed by the Oak Creek Police Department is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of the Crime Victims' Rights Policy can only be the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

REFERENCE:

Wisconsin State Statute Chapter 950
Public Records Policy – #10-200



David R. Stecker
Chief of Police

RAK/tlp

(Attachments)

- *Crime Victims' Rights Form*

Information for Victims of Crime in Wisconsin

CONTACT INFORMATION

Arrest, custody, or release information:

Adult offenders
Milwaukee County Criminal Justice Facility
949 North Ninth Street
Milwaukee, WI 53233
(414) 226-7070

Juvenile Offenders
Milwaukee County Juvenile Detention Center
10201 W. Watertown Plank Rd.
Wauwatosa, WI 53226
(414) 257-7719

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

Adult Offenders
District Attorney's Office
821 West State Street
Milwaukee, WI 53233
(414) 278-4646

Juvenile Offenders
Custody Intake Department
10201 W. Watertown Plank Rd.
Wauwatosa, WI 53226
(414) 257-7719

VICTIM SERVICES:

For Adult Offenders:
Victim Witness Unit
821 West State Street
Milwaukee, WI 53233
(414) 278-4667

For Juvenile Offenders:
Victim Witness Unit
10201 W. Watertown Plank Rd.
Wauwatosa, WI 53226
(414) 257-4527

INVESTIGATING AGENCY

OAK CREEK POLICE DEPARTMENT
301 W. RYAN RD., OAK CREEK, WI 53154
PHONE: (414) 762-8200



Contact Officer: _____ Phone: _____

Date: _____ Case#: _____

Wisconsin law provides victims of crime with special 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 rights are listed on the reverse side of this form.

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 agencies you are in contact with about the case and to make your interests known.

Important Reminders for Victims of Crime:

- The Wisconsin Department of Justice Victim Resource Center can provide you with information about support groups and victim services in your area. Call 1-800-446-6564 or access a directory online www.doj.state.wi.us/cvs.
- If you are threatened or intimidated by anyone because of your cooperation with law enforcement and prosecution in connection with this crime, you should make a report 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 or phone number, and 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.
- Many counties offer the WI-VINE service that will allow you to register with the County Jail for information regarding an offender in the custody of the sheriff, their status and location. Find more information at www.vinelink.com or call 1-888-944-8463.

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.

Information for Victims of Crime in Wisconsin

Crime Victims' Rights in Wisconsin

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

VICTIMS' RIGHTS THAT APPLY ANY TIME:

- To be treated with fairness, dignity and respect for his or her privacy.
- To reasonable protection from the accused throughout the criminal justice process.
- 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 John Doe investigation proceedings; and the process of an inquest.
- 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.

VICTIM'S RIGHTS THAT APPLY AFTER AN OFFENDER HAS BEEN CHARGED:

- 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:

- 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 and to a civil judgment for unpaid restitution.

VICTIMS' RIGHTS THAT APPLY AFTER SENTENCING:

- To be provided sentencing or dispositional information. *
- To attend parole interview or hearing 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 judgement 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 agencies you are in contact with regarding the case.