



# MIDDLETON POLICE DEPARTMENT

DATE  
May 6, 2014

POLICY  
14.1.01

SUBJECT: **Crime Victim Rights**

REVIEWED  
May 27, 2020

Refer to: SS [939.12](#), [950.04](#), [950.08\(2g\)](#), [950.04\(2w\)](#); [968.075\(3\)\(a\)\(4\)](#); 2013 Wisconsin Act 323, [165.68](#)

History: 4/2012, 9/2013, 5/2014, 9/2017, 05/2020

[WILEAG \(5th Ed.\) Standards](#): **14.1.1, 1.4.2** (1.4.2.1, 1.4.2.2, 1.4.2.3, 1.4.2.4, 1.4.2.5, 1.4.2.6, 1.4.2.7)

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## PURPOSE

This policy establishes the Crime Victim Information Form and ensures that Department personnel conduct operations in a manner that recognizes the rights of victims and witnesses as defined in the State of Wisconsin Victim’s Bill of Rights and complies with Statutes relating to Crime Victim’s Rights and the Safe at Home Program.

## POLICY

Department personnel will treat victims and witnesses with dignity, respect, courtesy and sensitivity; provide crime victims with information relating to their rights as required by law; and honor and protect victim and witness rights in a manner no less vigorous than the protections afforded criminal defendants. Department personnel will protect the addresses of participants of the Wisconsin Department of Justice “Safe at Home” Program as required by law. This policy does not impair the right or duty of a police employee to conduct his or her official duties reasonably and in good faith.

## LEGISLATION

Wisconsin ss. 950.08(2g) provides that “No later than 24 hours after a law enforcement agency has initial contact with a victim of a crime that the law enforcement agency is responsible for investigating, the law enforcement agency shall make a reasonable attempt to provide to the victim written information ...” relating to their rights as crime victims.

Wisconsin ss. 165.68 provides that no state or local agency or unit of government may refuse to use a Safe at Home Program participant’s assigned address for any official business, unless a specific statutory duty requires the agency of unit of government to use the participant’s actual address.

## **DEFINITIONS**

***Crime*** means an act committed in this state which, if committed by a competent adult, would constitute a crime, as defined in s. 939.12 – that is “conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture is not a crime.”

***Victim*** means any of the following:

- A. A person against whom an act is committed that would constitute a crime if committed by a competent adult.
- B. If the person 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.
- C. If the person is a minor, the person's parent, legal guardian or custodian, or other lawful representative.
- D. If the person is adjudicated incompetent, the person's legal guardian or other lawful representative.
- E. “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.

***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.

## **CRIME VICTIM INFORMATION FORM PROCEDURE**

### **Reporting Officers**

- A. Officers receiving or investigating a complaint, which is or may be a state crime, must provide each victim of a state crime a copy of the Crime Victim Information Form no later than 24 hours after our initial contact with them. The reporting officer prior to issuing the form, must:
  1. Fill in their last name (badge number is not acceptable).
  2. Fill in the date and incident report number on the front of the form.
  3. Fill in the arrested offender’s name and DOB, if any.

- B. Officers taking complaints over the phone must mail or email, a completed form to all victims within 24 hours of initial contact.
- C. Officers must note on their incident report worksheet subject section that the victim has been notified, by what means (in person, mail, or email), and the time the notification took place. This will cause a statement to that effect to be generated in the incident report.
- D. A supervisor reviewing reports will ensure that the notation is made on the incident report worksheet where necessary in regards to Crime Victim Information forms being given out. Any failure will be brought to the immediate attention of the reporting officer and/or his/her supervisor for correction. Incidents coming to the attention of Records Clerks which appear to require Crime Victim Information notification, but is not reported, will be brought to the immediate attention of a supervisor for correction.

### **Crime Victim Information Form**

- A. The Department has a written Crime Victim Information Form which provides information to be given to victims during the investigation. The form provides:
  - 1. A list of rights of victims under §950.04(1v).
  - 2. The availability of compensation and the address and telephone number at which to contact the department for information concerning compensation.
  - 3. 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.
  - 4. Information regarding who to contact to request information about the status of the investigation and the outcome of the case.
  - 5. 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 he or she is a victim.
  - 6. 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.
  - 7. 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.
  - 8. 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.
  - 9. Phone numbers and links to access information relating to local shelters and services for domestic violence victims, and a statement required by 968.075(3)(a)(4) relating to safety planning and domestic abuse and harassment injunctions.
- B. The Court Officer will act as liaison with the District Attorney's Office and Court system to ensure compliance with related statutes. The Administrative Captain, in conjunction with the Court Officer, will monitor the need for any updates or modifications to the Victim Information Form. (Typically the current state recommended form is customized for MIPD.)

### **Emotional Support**

Officers should balance professional investigatory conduct with an honest effort to empathize with victims. Taking the time to listen to victims, ensuring that support services information is provided, and recognizing the victim's need for safety, information, and voice are appropriate means of projecting empathy and caring. Understanding the victim's feelings and reacting in a supportive way can build rapport and trust with the victim, gain information that can assist the investigation, and demonstrate true professionalism. Victims have indicated that how officers react and what they say to victims can have a positive effect, for example:

- "I am sorry this happened to you."
- "This is not your fault."
- "I want you to be safe."
- "I want your family to be safe."
- "This crime does not define you."

### **Failure to Provide Information**

A civil action forfeiture of up to \$1,000.00 could be brought against any officer who *intentionally* fails to provide all involved crime victims the required information.

### **SAFE AT HOME PROGRAM PROCEDURE**

Effective April 1, 2017, the "Safe at Home" Law, Sec. 165.68, was enacted. This law allows individuals who meet certain criteria, i.e. victims of domestic violence, sexual assault, stalking, human trafficking and any others who fear for their safety, to enroll in this program. The purpose of the program is to assign an address so as not to have the program participant's actual address available to individual(s) they fear will locate them.

### **Program Requirements**

- A. Participants qualify by enrolling and participating in mandatory safety planning with an advocate. They must live at a place not known by the abuser and promise not to disclose that address to the abuser.
- B. Program participants will receive a card issued by the Wisconsin DOJ that contains the DOJ seal, the words "Safe at Home" and the program contact info, as well as the participants name and assigned address. The assigned address for all Safe At Home program participants will be [REDACTED] P.O. Box 7188, Madison, WI 53707-7188. The PO Box will be the address listed on the card.
- C. Participants can use their assigned address in place of their actual address.
- D. If a law enforcement officer asks, the participants will produce their state-issued Safe at Home enrollment card. A participant enrolled in Safe at Home could be a victim, witness or suspect. Regardless of the contact, the Safe at Home address should be used in the report.
- E. Law enforcement officers should be aware that the residential address of the participant, their work address, and the school addresses of the participants or his/her spouse and children should be kept confidential.

- F. Middleton Police Department officers shall indicate in the summary portion of their incident report that a Safe at Home card was presented.
- G. The participant's master record will be flagged as "SH-Safe At Home."
- H. The participant's actual address shall not be disclosed on documents and any reference to Safe at Home will be redacted prior to the release of any records (calls, incident reports, logs, etc.).
- I. If there is a need, the law enforcement officer can contact the Safe at Home program directly at [REDACTED] to get the actual address of the participant if there is a legitimate law enforcement purpose or a court order has been issued for this information