



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

710 – VICTIM / WITNESS RIGHTS AND ASSISTANCE

GENERAL ORDER: 2022-XX
ISSUED: May 10, 2022

EFFECTIVE: May 10, 2022

REVIEWED/APPROVED BY:
Assistant Chief Paul Formolo
DATE: April 8, 2022

ACTION: Amends General Order 2021-32 (November 23, 2021)

WILEAG STANDARD(S): 14.1.1, 14.1.2, 14.1.3, 14.1.4

710.00 PURPOSE (WILEAG 14.1.1)

The purpose of this policy is to ensure that department personnel conduct all department operations in a manner that recognizes the rights of victims and witnesses as defined in [Article 1 Section 9m](#) of the Wisconsin Constitution and the state of Wisconsin Basic Bill of Rights for Victims and Witnesses [Wis. Stat. § 950](#).

710.05 POLICY (WILEAG 14.1.1)

It is the policy of the Milwaukee Police Department that all members, as mandated by [Article 1 Section 9m](#) of the Wisconsin Constitution and the state of Wisconsin Basic Bill of Rights for Victims and Witnesses, [Wis. Stat. § 950.04](#), treat all victims and witnesses of crime with fairness, dignity, respect, courtesy, and sensitivity and in accordance with the Milwaukee Police Department [Code of Conduct \(5.00 Respect\)](#). As first responders, law enforcement personnel provide care and support to victims of crime as required by state and federal laws.

710.10 VICTIM AND WITNESS RIGHTS (WILEAG 14.1.2, 14.2.1)

A. Members investigating a complaint, which is a crime, shall provide each victim with a copy of the *Milwaukee Police Department Crime Victim Resources* (form PV-17) form within 24 hours of initial contact which includes the following:

1. A full list of rights for victims of crimes under [Article 1 Section 9m](#) of the Wisconsin Constitution and [Wis. Stat. § 950.04\(1v\)](#) Basic Bill of Rights for Victims and Witnesses.
(WILEAG 14.1.2.1)
2. Additional referral information regarding services and victim/witness rights including:
 - a. Victim/witness services may be contacted at the Milwaukee County District Attorney's Office, 821 W. State Street, Milwaukee, WI 53233, (414) 278-4667 for a complete list of rights and how to exercise them, including medical services.
(WILEAG 14.1.2.7)
 - b. Compensation may be received by contacting the Crime Victim Compensation

Program at the Wisconsin Department of Justice Crime Victim Compensation Program, P.O. Box 7951, Madison, WI 53707-7951, (800) 446-6564.
(WILEAG 14.1.2.2)

- c. The district attorney contact information to request notice of court proceedings and the opportunity to confer is 821 W. State Street, Room 615, Milwaukee, WI 53233, (414) 278-4667.
(WILEAG 14.1.2.3)
 - d. The address and phone number of the custodial agencies include the Milwaukee County Criminal Justice Facility, 949 N. 9th Street, Milwaukee, WI 53233, (414) 226-7070 and the Vel Phillips Juvenile Justice Center, 10201 W. Watertown Plank Rd., Wauwatosa, WI 53226, (414) 257-7715 for information regarding the arrest, custody or release of a suspect.
(WILEAG 14.1.2.4, 14.1.2.5)
 - e. The procedure for the victim to follow if he/she is the subject of threats or intimidation arising out of cooperation with law enforcement of which he/she is a victim is to contact the Milwaukee Police Department at (414) 933-4444 or if in immediate danger to call 9-1-1.
(WILEAG 14.1.2.6)
- B. Members investigating a complaint, which is a crime, shall provide each witness with a copy of the *Milwaukee Police Department Crime Witness Resources* (form PW-4) form within 24 hours of initial contact which includes the following:
- 1. A full list of rights for witnesses of crimes under [Wis. Stat. § 950.04\(2w\)](#) Basic Bill of Rights for Victims and Witnesses.
 - 2. Additional referral information regarding services and witness rights including:
 - a. Victim/witness services may be contacted at the Milwaukee County District Attorney's Office, 821 W. State Street, Milwaukee, WI 53233, (414) 278-4667 for a complete list of rights and how to exercise them.
 - b. The district attorney contact information to request notice of court proceedings and the opportunity to confer is 821 W. State Street, Room 615, Milwaukee, WI 53233, (414) 278-4667.
 - c. The address and phone number of the custodial agencies include the Milwaukee County Criminal Justice Facility, 949 N. 9th Street, Milwaukee, WI 53233, (414) 226-7070 and the Vel Phillips Juvenile Justice Center, 10201 W. Watertown Plank Rd., Wauwatosa, WI 53226, (414) 257-7715 for information regarding the arrest, custody or release of a suspect.
 - d. 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.

(WILEAG 14.2.1.2)

- e. A witness's right to be entitled 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.

(WILEAG 14.2.1.4)

- f. The procedure for the witness to follow if he/she is the subject of threats or intimidation arising out of cooperation with law enforcement of which he/she is a witness is to contact the Milwaukee Police Department at (414) 933-4444 or if in immediate danger to call 9-1-1.

(WILEAG 14.2.1.1)

710.15 MEMBERS RESPONSIBILITIES DURING INITIAL RESPONSE (WILEAG 14.1.2, 14.1.3, 14.2.1)

- A. The following information shall be provided by department members to victims and witnesses:

1. A brief summary of the status of the investigation including addressing any questions and/or concerns of the victim/witness. Members shall notify the victim/witness if a suspect has been taken into custody when possible. Members shall not release this information if it harms or interferes with an investigation.
2. Provide the victim with the *Milwaukee Police Department Crime Victim Resources* (form PV-17) form within 24 hours of the initial contact. The form shall contain the investigating member's name, the case number and date, the district or division of the investigating member, the member's shift hours, and a contact phone number for the investigating member if the victim/witness has any additional information or questions.
 - a. Provide a *Domestic Violence Referral Notice* (form PD-33) to any victim involved in domestic violence or for any individual who requests restraining order information.
 - b. Provide a *Referral Memo* (form PR-3) to any victims or witnesses required to appear at the district attorney's office.
3. Provide all witnesses with the *Milwaukee Police Department Crime Witness Resources* (form PW-4) within 24 hours of the initial contact. The form shall contain the investigating member's name, the case number and date, the district or division of the investigating member, the member's shift hours, and a contact phone number for the investigating member if the witness has any additional information or questions.

(WILEAG 14.2.1.1, 14.2.1.2, 14.2.1.3, 14.2.1.4)
4. Advise the victim/witness of the procedures to recover any property owned by the victim/witness that is recovered during the initial investigation.

- a. Members shall advise the victim/witness their property will be returned to them as quickly as possible in accordance with department procedures and state law.
 - b. Members shall advise the victim/witness where and when he/she can retrieve his/her property and provide him/her with a completed *Property Receipt* (form PP-33) or *Order for Property* (form PO-5), if necessary, in accordance with SOP 560 Property.
(WILEAG 14.1.3.1, 14.2.1.3)
5. Explanation of the process involved in the prosecution of their case and the victim's or witness' role in the prosecution.
- B. Victims of [Wis. Stat. § 940.22](#) (Sexual Exploitation by Therapist), [Wis. § 940.225](#) (Sexual Assault), [Wis. § 940.302](#) (Human Trafficking), [Wis. § 948.02](#) (Sexual Assault of a Child), [Wis. § 948.025](#) (Engaging in Repeated Acts of Sexual Assault of the Same Child), and [Wis. § 948.05](#) to [948.11](#) have the right to have a victim advocate present with them during police interviews in accordance with [Wis. Stat. 950.045](#).
(WILEAG 14.1.3.2)
- C. Department members shall respect and ensure the privacy and safety of all victims and shall not release the identity, address, or personal information of any victim without their consent except when in accordance with state law or if the victim is in danger.
(WILEAG 14.1.3.4)

710.20 MEMBERS RESPONSIBILITIES DURING FOLLOW UP INVESTIGATIONS (WILEAG 14.1.2)

- A. Members shall be cognizant that a lack of information or communication about the status of an investigation can be a source of great dissatisfaction for victims and witnesses. Members shall provide victims with reasonable and timely information about the status of the investigation upon request by the victim as long as the information does not harm or interfere with the investigation.
(WILEAG 14.1.3.3)
- B. Members conducting follow up investigations shall contact the victim/witness as soon as practical to determine whether the victim has new details concerning the investigation and relay information, when available and appropriate, relating to such matters as:
 1. If a suspect(s) has been taken into custody if this information does not harm or interfere with the investigation.
 2. Court restraining or no-contact orders.
 3. An overview of the court process if a suspect has been taken into custody.
 4. Status of stolen, recovered, or removed property, and the recovery procedures for

any property owned by the victim or witness if the property can be released.

5. Possible eligibility for victim compensation.

6. The time, date, and location of any additional requests of the victim/witness, such as being shown a photo array, attending line-ups, interviews, and other required appearances.

C. The victim/witness should be advised that if he or she is contacted, threatened, or intimidated by the suspect or a third party, he or she should contact the department immediately.

(WILEAG 14.1.2.6, 14.2.1.1)

710.25 SAFE AT HOME PROGRAM (WILEAG 14.1.4)

A. Safe at Home is a statewide address confidentiality program that provides victims of actual or threatened domestic abuse, child abuse, sexual abuse, stalking, trafficking, and those who fear for their physical safety with a legal substitute address to be used for both public and private purposes and is governed by [Wis. Stat. § 165.68](#) and administered by the Department of Justice Office of Crime Victim Services.

B. Applicants approved for the Safe at Home program are assigned an address that is a legal substitute for the participant's actual address, and the participant is assigned a program authorization card, which contains the participant's legal name, assigned address, DOJ seal, and an expiration date.

C. Members coming in contact with a person who is enrolled in the Safe at Home program for any reason (e.g., victim, witness, suspect) shall use the person's Safe at Home program assigned address on any citations or reports.

1. Members shall document in the citation or report narrative that the person's Safe at Home address was used in the report. The legal substitute address for Safe at Home participants is 3902 Milwaukee St., PO Box 7188, Madison, WI 53707-7188.

2. If the person does not have their Safe at Home program card at the time of the contact, the member may contact the Safe at Home program to confirm the person's participation at safeathome@doj.state.wi.us or (608) 266-6613 (Monday – Friday 8:00am – 4:30pm).

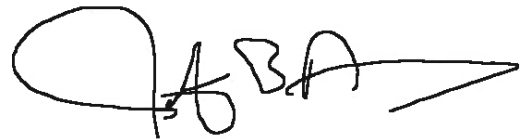
Note: Members shall not use the person's home address, work address, school address, or addresses of the person's spouse or children on any citations or reports under any circumstances. A person who intentionally releases a program participant's actual address information is guilty of a misdemeanor ([Wis. Stat. 165.68\(7\)](#)).

D. REQUESTS FOR PARTICIPANT'S HOME ADDRESS

1. If members need to access a participant's actual home address in conjunction with a welfare check, child welfare investigation, or other investigation, the member

may contact the Safe at Home program during normal business hours at 608-266-6613 or obtain a court order.

2. Members will need to provide why the participant's home address is needed, who will have access to the participant's home address, and a how it will remain as confidential if released to the member.
3. Members shall destroy any correspondence received from Safe at Home in accordance with SOP 680.10(E)(5) as it relates to data protection and security when the information is no longer needed or required. Members shall utilize the person's Safe at Home address in any corresponding reports.

A handwritten signature in black ink, appearing to read 'J.B.N.' with a stylized flourish extending to the right.

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk