

A Message From The District Attorney



As a victim of a crime, you may be experiencing feelings of fear, confusion, anger and frustration. The criminal justice system may seem daunting and overwhelming. Citizens look to the criminal justice system for vindication and justice, but all too often, they find a system that appears dedicated to protecting the rights of the criminal, a system that has forgotten the victim. It is for these reasons that the District Attorney's Victim Witness Assistance Program has been created to help victims and witnesses through the complicated criminal process. We are here to answer your questions, keep you informed, and provide assistance. Our justice system will not work without the valuable cooperation of victims and witnesses. Please contact our Victim Witness Assistance Program and work with us to help make our community a safer place for our families to work and play. We are here to serve you.

With kindest regards-

A handwritten signature in cursive script that reads "Patricia Hanson".

Patricia Hanson
District Attorney
Racine County, Wisconsin

The Victim Witness Assistance Program

We are an integral part of the Racine County District Attorney's Office. Our mission is to provide moral support, information and services to victims of crime, witnesses of crime, and their families. We will try to make your experience with the criminal justice system as comfortable as possible while understanding the tremendous impact that any crime has on the personal life of the victim, witnesses and family members. We are here to help you.

Incident Information

Date _____

Report # _____

Officer _____

Law Enforcement Agencies

(262)886-2300

- Burlington Police, City of
- Racine County Sheriff
- Caledonia Police, Village of
- Mount Pleasant Police, Village of
- Norway Police, Town of
- Racine Police, City of
- Sturtevant Police, Village of
- Waterford Police, Town of
- Waterford Police, Village of
- Wind Point Police, Village of

(262) 785-4700

- Wisconsin State Patrol

Racine County Jail

717 Wisconsin Avenue, Racine, WI 53403
(262) 636-3929

VINE- Victim Information & Notification Everyday

1-888-944-8463

www.vinelink.com

Juvenile Intake and Detention

Youth and Family Division
Human Services Department
1717 Taylor Avenue, Racine, WI 53403
Intake workers: (262) 638-6321 or 211
Detention: (262) 638-6729

Racine County District Attorney's Office

730 Wisconsin Avenue, Racine, WI 53403
General Number: (262) 636-3172
Victim Witness Assistance: (262) 636-3858

Crime Victim Compensation

Wisconsin Department of Justice
P.O. Box 7951, Madison, WI 53707-7951
1-800-446-6564
www.doj.state.wi.us

YOUR RIGHTS

AS A VICTIM OR WITNESS



Victim Witness Assistance Program

**Office of the District Attorney
Racine County Courthouse
2nd Floor**

**730 Wisconsin Avenue
Racine, WI 53403-1274
262-636-3858 • 1-800-924-1506**

**Patricia Hanson
District Attorney**

EMERGENCY 911

The Criminal Justice Process

A crime is defined as a violation of state law punishable by a fine or imprisonment or both. A misdemeanor crime has a maximum penalty of county jail for less than one year. A felony crime has a maximum penalty of 1 year or more in a state prison. A juvenile can be found delinquent if the act committed by the juvenile would constitute either a misdemeanor or a felony crime if committed by an adult.

Investigation When a crime is reported to the police or sheriff, an officer begins an investigation by interviewing witnesses and collecting evidence.

Referral to District Attorney When the police believe that they have sufficient evidence, they may arrest the suspect or refer the incident to the District Attorney's Office for review.

First Appearance If the reviewing attorney believes that the evidence is sufficient to support a finding of guilt beyond a reasonable doubt, a criminal complaint is drafted and the defendant is brought before the court. A defense attorney may be appointed and conditions of bond are set. In misdemeanor cases, the defendant enters a plea to the charges. The entering of the plea is called the arraignment. Usually, the plea is Not Guilty at this initial stage of the process.

Preliminary Hearing In all felony cases, the defendant is entitled to a preliminary hearing where witnesses may be called to testify. Evidence must demonstrate to the court that the defendant probably committed a felony crime. This burden of proof is called probable cause. Generally, this is the first formal contact a victim or witness will have with the court process.

Arraignment If the court finds probable cause, the matter proceeds to arraignment where the defendant enters a formal plea to the charges, and the case is set for pretrial and trial. In misdemeanor cases, the-arraignment generally occurs at the first appearance.

Motions Sometimes there are legal issues that must be settled by the court before a case can proceed to trial. Motions may be brought to challenge the identification of the defendant, to suppress evidence, to change the location (venue) of the trial, or any other number of reasons. Sometimes, motions will require testimony and victims or witnesses will be subpoenaed to testify.

Trial If the State and the defense are unable to reach a reasonable settlement, the case will proceed to a formal trial. Most trials are conducted before a jury of twelve citizens. The State will issue subpoenas to witnesses for the purpose of presenting testimony to the jury. The defense may also subpoena witnesses. Unfortunately, due to the number of cases that may be set for trial on a particular day and because a trial may last for several days, cases are often adjourned. Usually, the oldest cases and the cases where the defendant is in custody are tried first.

Sentencing If during this process the defendant pleads guilty or is found guilty at the trial, the court will sentence the defendant. In misdemeanor cases, the sentencing usually occurs at the same time as the finding of guilt. In felony cases, the sentencing is usually set for a later date in order that an informational report can be prepared for the court.

When the offender is a juvenile, the police refer their apprehension (arrest) to the Racine County Human Services Department (HSD) for an initial review. After the case has been processed by HSD, the police reports may be sent to the District

Attorney's Office for review and preparation of a delinquency petition. The delinquency petition is the juvenile equivalent of a criminal complaint.

Victim Rights

Criminals aren't the only persons who have rights. The State of Wisconsin has declared that victims and witnesses also have many rights. Upon request victims have the following rights:

- Attendance at court proceedings
- Right to be heard at all court proceedings
- Right to privacy
- Reasonably safe and secure waiting area
- Escort by a service representative
- Consideration by the court when excluding persons from hearings
- Consideration by the court when adjourning cases
- Request a court order requiring the defendant to submit to testing for HIV or other sexually transmitted diseases in sexual assault cases
- Discuss the case with a member of the district attorney's staff or juvenile intake worker about proposed deferred prosecutions, juvenile consent decrees, plea negotiations, sentencing recommendations, and other case related matters
- Make a statement or present a letter to the court at sentencing, after a finding of delinquency, before entering into a juvenile consent decree, or for inclusion in a juvenile or adult court report
- Restitution from the defendant if a victim suffered personal injury, property damage or loss
- Judgment for unpaid restitution
- Speedy disposition of the case
- Expeditious return of property when no longer needed as evidence
- Reasonable protection from harm and threats of harm
- Assistance with employer problems
- Information regarding financial assistance and other social services available and how to apply for those services, including witness fees and travel reimbursement for testifying
- Notification if a case is not issued or a petition is not filed, if the case will be handled as a hold-open or juvenile consent decree
- Notification of the date, time and place of court proceedings
- Notification of adjournments, when subpoenaed, to save unnecessary trips to court
- Notification of the final disposition including dismissal or amendment of charges
- Notification of the conditional release of a defendant found not guilty by reason of mental disease or defect
- Notification by the parole commission of applications for parole
- Input in the parole decision-making process
- Apply for crime victim compensation from the State of Wisconsin. The Victim Assistance Office can provide information regarding this program
- Contact the Department of Justice about any concern regarding treatment as a crime victim

Witness Rights

Witnesses have the following rights upon request:

- Assistance with employer problems
- Reasonably safe and secure waiting area
- Speedy disposition of the case
- Expeditious return of property when no longer needed as evidence

- Notification of the final disposition including dismissal or amendment of charges
- Reasonable protection from harm and threats of harm
- Information regarding financial assistance and other social services available and how to apply for those services, including witness fees and travel reimbursement for testifying

If you, as a victim or a witness, wish to exercise any of the above rights or have any questions regarding your case, please contact the Victim Witness Assistance Program listed on the front of this brochure.

Wisconsin Victim Compensation Law

An innocent victim who suffers injury from a crime may apply to the State of Wisconsin for injury or death benefits. Injuries may include medical and mental health expenses, lost wages, loss of financial support, reasonable replacement costs of property being held as evidence and funeral expenses. For more information, the address, phone number and website are listed under **Important Numbers**.

Other Questions

Feel free to call the Victim Witness Office with any questions regarding your case. There are many programs, services and other resources available in the Racine County area for victims, witnesses and their families. These include domestic abuse counseling, family violence counseling, temporary shelters, drug and alcohol abuse programs, health programs, support groups and therapy programs.

Tips for Testifying

- Always tell the truth. If you don't remember or you are unable to answer a question, state that you don't remember or that you are unable to answer the question.
- Listen carefully to the entire question before you answer. If you don't understand the question, ask that the question be explained or clarified.
- Answer only the question that is asked. Don't volunteer information, ramble or stray from the question that is asked.
- Beware of questions involving distances or time. If you make an estimate, make sure that you state that your answer is only an estimate.
- Speak clearly and loudly. The entire jury and the court reporter must be able to hear and understand you.
- Dress conservatively and be courteous. The jury will be judging your believability based on many things including your appearance and behavior in court.
- Do not become upset with or verbally fight with the defense attorney. Remain calm and considerate and answer the defense attorney's questions truthfully.
- If you are asked if you have talked to anybody about this case, admit freely if you have. There is nothing improper about discussing the facts of the case with attorneys, police officers, or other investigators prior to trial.
- If you believe that you have information that the prosecutor may not be aware of, make certain that you inform the prosecutor immediately about your information. If you recall a misstatement, point it out to the prosecutor so that it can be corrected.