

**ASSISTING SURVIVORS
DURING COLD CASE INVESTIGATIONS**

Recommendations for Providing Victim Witness Assistance in Reactivated Cases



Wisconsin Victim Resource Center

*Wisconsin Department of Justice
Office of Crime Victim Services*

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Recommendations for Providing Victim Witness Assistance in Reactivated Cases

Victim specialists play an important role in cold case investigations and prosecutions. The victim specialist provides services to victims and saves time for investigators and prosecutors by serving as a primary contact for survivors and witnesses. The specialist communicates important case developments. The specialist helps survivors with issues that may arise due to renewed activity on a case, providing information and referrals for trauma counseling and other victim services. The specialist provides key criminal justice process information and informs survivors about their rights and how to exercise those rights. In short, the specialist enhances the ability of survivors and witnesses to fully cooperate with the investigation and prosecution of the crime.

◇ Providing Information to Survivors

Ideally, initial contact with a victim of a cold case, whether initiated by law enforcement or a prosecutor, would be made in coordination with a victim service provider. Prior to the involvement of county victim witness, law enforcement may wish to request the assistance of a local victim service provider if the agency does not have a person designated for this function. Unless they are a person of interest, victims (or family members, in homicide cases) should be provided with the following, prior to any information being given to the media:

- Notice that there is new activity on the case;
- Information about the constitutional and statutory rights to which crime victims in Wisconsin are entitled;
- Referral to the Department of Justice cold case web resources for co-victims;
- Information regarding what details of the investigation can/will be shared and what cannot/will not;
- Information about significant case developments as they arise;
- Notice when information about the case has been given to members of the press;
- Information about who to call to get updates about the investigation or prosecution and updated contact information if the case is reassigned to a new investigator/prosecutor;
- Information sufficient to form realistic expectations regarding how often they will receive updates (never, once a month, once a year, only when there is something new to report, etc.).
- The opportunity to designate one or more contact persons for the family, to whom all communication will be directed;
- Notice if all leads have been exhausted and the case will no longer be actively investigated.

◇ **Special Considerations**

Technical Jargon

Survivors may need assistance understanding relevant forensic technology. Providing victims with basic information about cold case and forensic terminology will assist survivors in understanding and better cooperating with the investigation or prosecution. *A glossary of forensic and criminal justice terms is available on the DOJ Cold Case Resources webpage found at www.doj.state.wi.us/cvs (click on “Cold Case Resources” tab).*

Communication & Family Dynamics

Strive to understand the unique communication needs of each victim. Determine who is entitled to receive information and updates about the case (see statutory definition of victim, attached) and create a contact checklist to facilitate consistent communication with the appropriate persons. For example, some victims may not want any contact unless there is an arrest whereas others may want regular contact even if no progress is made. Establishing realistic expectations for the type and frequency of contact is very important.

Crime Victim Compensation Eligibility

Contact the OCVS Crime Victims Compensation (CVC) Program Director (608-266-9497) to determine compensation program eligibility. It is not uncommon for survivors to suffer from prolonged traumatic grief when a case is unresolved over a long period of time. News of renewed activity on an old case may bring forth strong emotions; however, *eligibility for the compensation program may be limited dependent upon several factors*. The Director of the CVC Program will be able to provide specific information regarding any options available to survivors who wish to file for assistance to pay for medical or psychological treatment.

Local Victim Services and Support

Survivors should be connected to local resources whenever possible. Do not assume the survivors have information about local services or support organizations. The case may have occurred prior to victim services being established in the area. Call 608-264-9497 to request referrals and/or access the Office of Crime Victim Services Victim Service Directory online at: www.doj.state.wi.us/cvs (see the red “QuickLinks” box).

Statutory Rights

Do not assume victims have been given information about their statutory rights. The crime may predate enactment of the state’s constitutional and statutory crime victim rights. Provide information about the rights and services available to victims in Wisconsin. The Office of Crime Victim Services has produced a brochure, *Rights and Services for Crime Victims and Witnesses*, which can be obtained online at www.doj.state.us/cvs or by calling 608-266-9497.

Media Attention

Cold case investigations and prosecutions often receive heightened media attention. Survivors should be given the OCVS Media Card and/ or the full *Victims and the Media Resource Packet* (attached) which can also be accessed on the DOJ website www.doj.state.wi.us/cvs (in the red QuickLinks box).

◇ **Victim Service Roles Defined**

Non-governmental Community Victim Advocates and Victim Service Agencies

The community-based victim service organization may provide essential victim services in cold case investigations, offering emotional support for victims and family members throughout the investigation and prosecution and beyond. Survivors may experience a renewed need for services, such as counseling and support groups. Victim advocates and service agencies provide local resources to assist victims long-term.

DOJ Victim Resource Center Victim Specialists

The DOJ Cold Case Unit works directly with DOJ Victim Specialists on its cases. Investigators contact the Victim Resource Center when a cold case has been identified for further investigation so that a specialist is assigned early on in the case. This partnership improves the ability of victims to understand and cooperate with a cold case investigation or prosecution. DOJ Victim Specialists provide victim/witness services during DOJ special investigations and prosecutions and/or upon request when a county needs assistance providing these services. In this role, the DOJ Victim Specialist works with survivors to ensure their statutory rights are preserved and acts as a liaison between the survivors and investigators and/or prosecutors. The victim specialist is available to answer any questions survivors have and to accompany survivors to court proceedings, upon request. The specialist will assist in the identification of resources and act as the primary point of contact for survivors and families seeking updates and information about the case.

District Attorney-Based Victim Witness Staff

County-based victim witness staff work with survivors to ensure their statutory rights are preserved and to act as a liaison between the survivors and the district attorney. Victim/witness staff is available to answer any questions survivors have and to accompany survivors to court proceedings, upon request. Victim/witness will assist in the identification of resources and will act as the primary point of contact for survivors and families seeking updates and information about the case.

◇ **Sample Forms and Resources**

- Hand-out for Survivors: *Investigation Contact Info & Frequently Asked Questions*
- For Victim Witness & Law Enforcement: *Chapter 950 Victim & Witness Definition*
- Managing Contacts: *Victim Contact & Communications*
- Hand-out for Survivors: *Victims and the Media Resource Packet*
- DOJ Cold Case Resources website contains a variety of resources for criminal justice professionals and co-victims related to long-term unsolved homicide reactivations. www.doj.state.wi.us/cvs (Click on the “Cold Case Resources” tab.)

Information for Survivors: Frequently Asked Questions

Case & Contact Information You May Need to Know

Victim Specialist Assigned: _____ Phone: _____

Investigator Assigned: _____ Phone: _____

Prosecutor Assigned: _____ Phone: _____

Case or File Number: _____

What are “cold cases”?

“Cold case” is a term that refers to an unsolved case that is open but no longer under active investigation. With advancements in crime-solving techniques and technologies, sometimes law enforcement agencies have been able to take a fresh look at an older case to reevaluate evidence and re-interview witnesses. DOJ has developed a website with resources related to cold case homicide investigations and prosecutions: www.doj.state.wi.us/cvs (click on “Cold Case Resources” tab).

What is DNA? What is a DNA profile?

DNA stands for deoxyribonucleic acid. It is the material contained in cells. Every person has a unique DNA pattern, which is called a DNA profile. A DNA profile is like a genetic fingerprint and it can be used to *exclude* or *include* individuals as possible sources of biological evidence found at a crime scene.

What is a DNA “hit”?

DNA profiles of convicted offenders can be compared to DNA collected from crime scenes through a computer network known as “CODIS” (Combined DNA Index System). When there is a match between DNA profiles in the database, it is called a “hit.” Even if the perpetrator is not identified through the DNA hit, a match can link cases and provide new leads.

How do most people react when notified when an old case is reactivated?

Survivors feel a range of emotions when a cold case receives renewed attention. Even if the crime occurred many years ago, some people feel as though it just happened yesterday. Sometimes there is excitement at the possibility of solving the case; others feel a sense of dread as details of the case are brought to the forefront. There may be decades of emotion suddenly coming to the surface. Whatever you are feeling, realize you are not alone. There are many services and support groups available throughout the state that may be of interest to you. The Wisconsin Department of Justice has an online victim resource directory at www.doj.state.wi.us/cvs (see the red “QuickLinks” box) or you can call 1-800-446-6564 for referrals to services in your area.

Additional Tips for Survivors

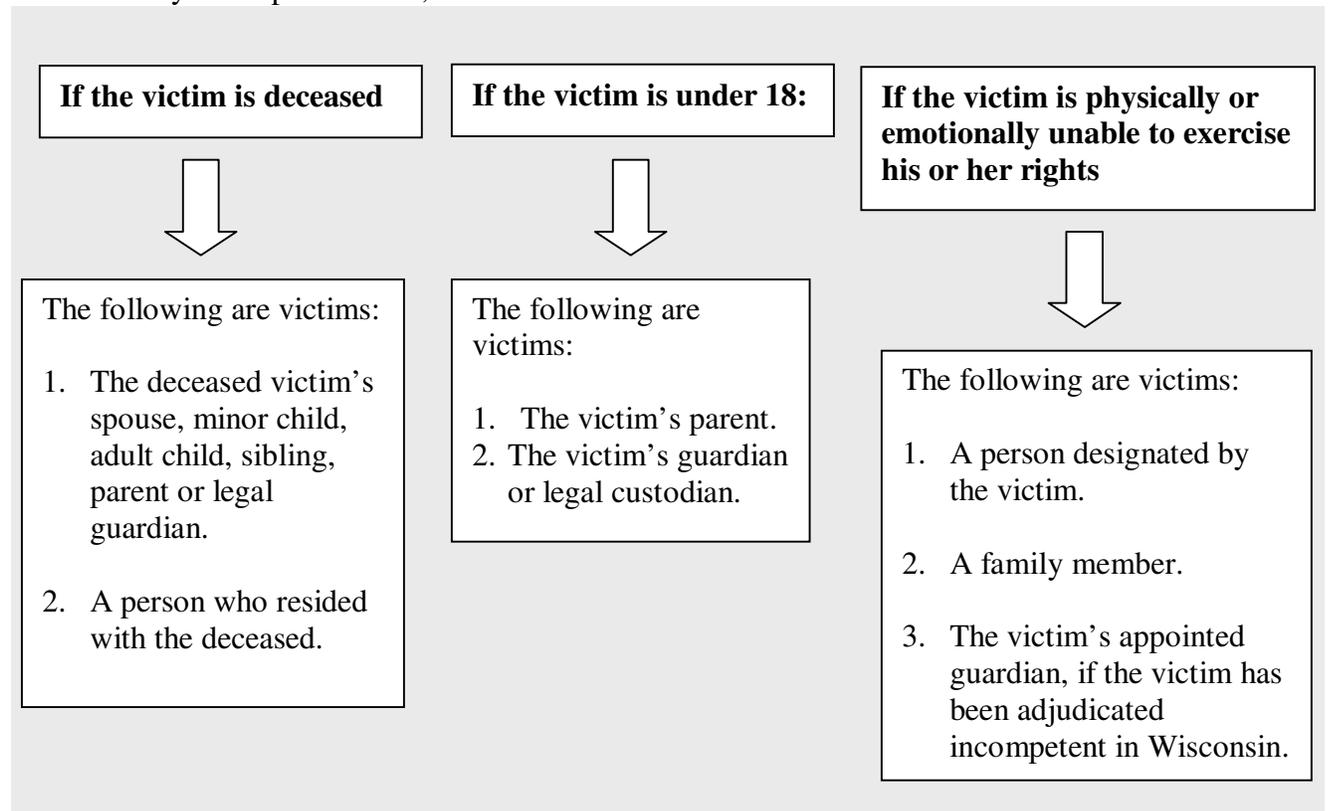
- Let officials know if your address or contact information changes.
- Gather a support system. You may want to consider asking a trusted friend or family member to notify the people in your life that you feel need to know about the case, if you do not want to do so yourself.
- Whether you want to work with the media or are seeking privacy, you will find tips for interacting with the media at www.doj.state.wi.us/cvs (in the red “QuickLinks” box).

Determining “victim” or “witness” status, according to Wisconsin law¹ for the purpose of determining statutory rights and services eligibility

The following illustrates the definition of “victim” and “witness” pursuant to Wis. Stat. Chapter 950 for the sole purpose of determining who is statutorily eligible for the rights and services provided by that chapter. This illustration is not meant to limit services to others.

Victim

A victim is a person against whom a crime is committed *unless that person is charged with or alleged to have committed the crime*. A “crime” is any act committed in Wisconsin which, if committed by a competent adult, would constitute a crime.



Witness

A witness is any person who:

- 1. Has been summoned to testify for the prosecution.**
- 2. Is expected to be summoned to testify for the prosecution.**
- 3. 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.***

¹ Wisconsin Statute Chapter 950.02(4)(a)

Victim Witness Record: Victim Contact & Communications

Case or File # _____

Statutory Duties

- Victim by statutory Ch. 950 Definition
- Witness by statutory Ch. 950 Definition
- Undetermined

- DO NOT CONTACT** (victim/witness does not wish to be contacted, see notes)

Victim Name: _____

If victim is deceased, family member's name: _____

Name of deceased: _____

Relationship to victim: _____

Home Phone: _____ **Work Phone:** _____

Email: _____

Address: _____

Preferred method and hours of contact: _____

Is it okay to leave a message at this number? Yes No

Notes (Include information about how often you will provide updates to victim, whether others in the household prefer not to receive information, etc.):

VICTIMS AND THE MEDIA RESOURCE PACKET

The following materials are available online at:

http://www.doj.state.wi.us/CVS/victims_rights/tips_media.asp

Tips for victims of crime: *working with the media*

The following tips were developed to give crime victims practical advice related to working with the media. Some victims do not want to have contact with the media while others feel the media is an important ally. Whatever you decide, remember: the choice is yours.

Requests for interviews

- You may want to seek advice from law enforcement, victim witness staff and/or prosecutors before speaking with the media to be sure that public comments will not cause problems with the case.
- You can exclude children from interviews and set other conditions for interviews (such as time, location, etc.). If the media will not agree to your terms, you can withdraw from the interview.
- If you do not want to comment to the media, it may be helpful to ask a trusted friend to act as your spokesperson to handle any contacts from the media to help protect your privacy.

Tips for victims of crime: *working with the media*

Getting a message out

You or a spokesperson can issue statements to the press (for example, to ask for privacy, to provide information, to announce a memorial service or to ask for help solving the crime). Tips for formatting and writing press statements are available at the website below.

You have the right to grieve in private

You can refuse permission for reporters and cameras to be present at a funeral, memorial service or burial.

If you have problems with the press

You can request a correction if a report contains inaccurate information. If you feel you are being harassed, you can contact a reporter's employer, talk to your victim service provider or file a report with the police.

Find more detailed information in the red *Quick Links* box at:

<http://www.doj.state.wi.us/cvs>

Interacting with the Media – Tips for Crime Victims

As a victim of crime you may find media attention upsetting or helpful. You might be contacted by the media or perhaps you would like to communicate with the media but are not sure how to do so. The press can be an important ally in some cases. However, for victims seeking privacy, it can be difficult to know how to interact with members of the media. Above all, remember the choice is yours. The following tips were developed to give crime victims practical advice related to working with the media.

- If you do not want direct interaction with the press but find that it is hard to avoid the press, it might be helpful to appoint a spokesperson who will speak on your behalf. A spokesperson can be anyone you trust who is willing to protect your privacy and represent you and your family in a positive way. A spokesperson can release statements at your request, respond to press inquiries or accompany you to interviews if you decide to speak to the press.
- You are entitled to grieve in private. You can refuse permission for reporters and cameras to be present at a funeral or burial.
- You have no obligation to provide an interview, even if you have done so in the past. If you decide to grant an interview, you can try to set conditions for the interview (such as time, location, protection of your identity, etc.). The media may not agree to your terms but if they refuse, you can withdraw.
- You can refuse to answer inappropriate questions.
- You have the right to be treated with dignity, courtesy and respect.
- You can exclude children from interviews.
- You can file a complaint with a reporter's employer, victim service providers or the police if you feel harassed by reporters.
- You can complain and seek a correction if a report contains inaccurate information.
- You can ask that comments be "off the record" (not appear in the story) but be aware that anything you say could potentially be reported.
- You can request that offensive visuals be omitted from a story.
- You can issue your own statement to the press or ask a local official to help you release a statement to the press.

Getting Information to the Media: Tips for Victims of Crime

Victims of crime, or their spokesperson(s), can communicate directly with members of the news media by issuing a press statement or press release. Victims should be mindful of any information that could compromise the criminal investigation or affect trial proceedings. It is a good idea to seek advice from victim witness staff and/or the prosecutor to be sure that public comments will not cause problems with the case.

WHAT IS A PRESS STATEMENT?

A press statement is a brief written document used to communicate with members of the press. It can provide information or make a request. It might announce a memorial service or the establishment of a memorial fund. Some victim press statements make an appeal to the community for information about an unsolved crime and provide the number to call with information, such as Crime Stoppers or local law enforcement. Press statements might thank the community for their support and/or make an appeal for privacy. A press release can be used to announce a press conference or an upcoming event.

HOW DO I GET MY STATEMENT TO THE PRESS?

Press statement can be mailed, faxed or emailed directly to media organizations. Contact information is often available on the news organization's website (on a "Contact Us" page). If it isn't clear who to contact at a particular media source, it may be useful to call the media organization and ask to speak with a news editor. Introduce yourself to the news editor and ask for their suggestion about how to submit a statement. (They are also the people to speak to if there is a mistake or inaccuracy with an article.) Sometimes officials associated with the criminal case, such as prosecutors or victim witness staff, can assist victims with getting their statement to the press.

HOW DO I WRITE IT?

There is a format commonly used by the media that can be followed when submitting a press release/statement. A quick internet search will provide many examples of press releases. The basic format below is a good template to use:

SAMPLE PRESS RELEASE

FOR IMMEDIATE

RELEASE: These words should appear before the body of the text. In this sample they are placed in the left-hand margin, just under the letterhead. Every letter is capitalized.

Headline: One sentence. Use proper title case, capitalizing every word except for the following articles: of, it, the, a, an, from, and, is, by ... Use a boldface type.

Dateline: This should be the city your press release is issued from and the date you are mailing your release.

Contact Information: Skip a line or two after the statement and list the name, title, telephone and fax numbers of your spokesperson. When choosing which contact information to include, keep in mind that reporters often work on deadlines and may try to contact the spokesperson after hours.

NEWS RELEASE

FOR IMMEDIATE RELEASE

[date]

For more information, contact:

[Contact Information]

DOE FAMILY ISSUES STATEMENT

<City>, <State>, <Date> - The family of [victim] issued the following statement today:

[The STATEMENT or body of the text is written here. At the end of the release, indicate that the release is ended. This lets the journalists know they received the entire release.

Type "End" on the first line after your statement is completed. If your statement goes over one page, type "MORE" at the bottom of the first page.]

For additional information: The Doe family will not respond to media inquiries. John Brown is the family's media spokesman. He can be reached at: [include contact information such as phone, cell, fax, email, address].

--END--