



GOVERNING BODY POLICIES AND PROCEDURES
Victim's Rights Policy

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| Policy number: | GB-Muni Court-1 | Effective date: | July 17, 2018 |
| Approved by: | Governing Body | Sunset date: | N/A. |
| Approval date: | July 17, 2018 | Prepared by: | Legal Dept. |
| Repeals/Replaces: | GB08-B | | |
| Statutory authority: | K.S.A. 74-7333 to 74-7338; K.S.A. 8-1019; K.S.A. 12-4509 | | |
| Cross references: | | | |
| Policy purpose: | To ensure fair and compassionate treatment of victims of crime and to increase the effectiveness of the criminal justice system. | | |

1. Purpose

The purpose of this policy is to ensure fair and compassionate treatment of victims of crime and to increase the effectiveness of the municipal court justice system by affording victims of crime certain basic rights and considerations. City employees shall conform to both the letter and spirit of this policy so that victims are treated with courtesy, compassion, and respect. Victims of crime should suffer the minimum necessary inconvenience from their involvement with the municipal court justice system and should receive prompt and fair justice for the harm that they have suffered. The enforcement of this policy shall be the responsibility of the City Attorney, Police Chief, Municipal Court Manager, and Municipal Court Judge.

2. Scope

Consistent with K.S.A. 74-7333(c) and amendments thereto, the following City ordinance violations have been identified as victim crimes:

Assault; Assault on a Law Enforcement Officer; Battery; Battery Against a Law Enforcement Officer; Permitting a Dangerous Animal to be At Large; Mistreatment of a Confined Person; Selling Sexual Relations; Buying Sexual Relations; Furnishing Alcoholic Liquor or Cereal Malt Beverage to a Minor; Unlawful Interference with a Firefighter; Interference with Parental Custody; Interference with Custody of a Committed Person; Lewd and Lascivious Behavior; Unlawfully Hosting Minors; Contributing to a Child's Misconduct; Endangering a Child; Endangerment; and Driving Under the Influence (when it causes serious bodily injury or death).

This Policy applies to all crimes listed above. In addition, the following City ordinance violations are not classified as victim crimes by state statute, but may involve an identifiable victim that could benefit from the provisions of this Policy:

Harassment by Electronic Communication; Theft; Criminal Damage to Property; Criminal Trespass; Denial of Civil Rights; Window Peeping; Breach of Privacy; Unlawful Deprivation of Property; Giving a Worthless Check; Unlawful Use of a Financial Card; and Intimidation of a Witness.

For all crimes listed above, the City will provide victim notification. The City Prosecutors will have discretion to determine whether to provide victim notification pursuant to this Policy for crimes not listed in K.S.A. 74-7333(c) or specifically listed in this policy.

3. Provisions and Procedures

Any municipal court case involving a victim will be so designated by the Municipal Court or City Attorney. The Legal Department or Municipal Court will provide any victim of a crime of the following information:

- A. Information about their right to participate in municipal court proceedings and the scheduling, progress, and disposition of the proceedings.
- B. General information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the crime victims compensation fund, and other remedies and the mechanisms to obtain such remedies.
- C. Information about their right to submit their views and concerns regarding disposition of the case for the City Prosecutor and Municipal Judge to consider when appropriate and consistent with criminal law and procedure.
- D. Information regarding the availability of health, social services, and other relevant assistance that may be available to the victim.

Continuance requests. The Municipal Court Judge has authority to grant or deny continuance requests. The Legal Department will strive to provide notice to victims of any continuance requests as soon as possible.

Restitution. The Municipal Court Judge has the authority to determine what, if any, restitution is ordered as part of a defendant's sentence. The City Prosecutor has sole discretion in determining what, if any, restitution is required as part of a diversion agreement. When determining whether to order restitution, the Municipal Court Judge and City Prosecutor will consider a number of factors including, but not limited to: the facts of the case and crime committed, the indigency of the defendant and his or her ability to pay restitution, the amount of restitution requested, and the other means of recovery available to victim.

4. Definitions

Victim: Any person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime against such person.

Victim's Family: A spouse, surviving spouse, children, parents, legal guardian, siblings, stepparent, or grandparents of a victim.