**Cold Case Resources**

## L1 When an Unsolved Homicide Gets Renewed Attention

Advances in forensic science, especially DNA technology, have given law enforcement and prosecutors new tools with which to approach unsolved cases. So-called “Cold Case Units” have emerged in law enforcement agencies throughout the country to review long-term unsolved homicide cases to determine whether new testing could potentially yield new information about a case. Though the reality remains that many cases will never be solved, some older cases will be investigated and prosecuted based on leads developed by cold case units.

Loved ones suffer greatly when a homicide remains unsolved. Having the case reopened can produce an avalanche of emotions. It is common to have questions and there may be decisions loved ones want to make about their rights as crime victims. This web page was developed by the Wisconsin Crime Victims Council to provide a starting point for victims, particularly the family of homicide victims, who need more information about cold case investigations and prosecutions. It is also meant to be a resource for those who work with the loved ones of homicide victims as well as friends and family who want to be supportive, to help them understand what victims might be going through during this time.

## L1 If You are Contacted for Information

When a case is reactivated you may be contacted by media, law enforcement or people representing the interests of a defendant. Always make sure you know with whom you are talking; you may ask for identification. You can choose not to speak to the person, and you may also ask to have a police officer or prosecutor with you during such conversations. The following tips may be helpful to keep in mind:

* Be sure you know who you are talking to if you are being asked for information about your loved one and/or the case.
* Defendants may hire investigators; they are not law enforcement agents. Investigators should clearly identify themselves and tell you for whom they work. If they are not clear about who they work for, insist on knowing prior to having a conversation. You do not have to talk to the defendant’s private investigators. If you choose to talk with them, consider having a police officer or prosecutor present.
* If you are unsure of whether to talk with someone, check with the investigator assigned to your case.
* Members of the media should clearly identify that they are reporting and that what you say may become part of their story. This is not always the case, however, so if you aren’t sure: ask. Even if a reporter says they will not share your comments, do not say anything you do not want to see printed or reported on the news.
* You have the right to decline media interviews. Additional information can be found on this website in [Tips for Interacting with the Media](#_L1_Tips_for).

## L1 Common Reactions and Managing Expectations

#### Managing Expectations

One of the most challenging aspects of an unsolved case can be the ups and downs of the investigation. News of a lead can make loved ones hopeful only to be disappointed later. During the investigation, especially long-term unsolved cases, loved ones might experience a rollercoaster of optimism and dashed hopes. When an unsolved case is reactivated, it is important to recognize that renewed attention might not yield new results. Talk to the people on the case about the steps and challenges involved in the investigation. Ask for information to help set realistic expectations regarding the timeline and the outcome of the investigation.

#### Common Reactions

When you first hear about a new lead or renewed activity on the case, there may be excitement at the possibility of finally getting some answers. At the same time, you may feel a sense of dread about learning more details. Years of emotion may suddenly rise to the surface. Strong emotional reactions may appear similar to those you felt when the crime first occurred, such as anger and despair at the injustice of the crime. You might experience stress reactions, including:

* **Physical Reactions** such as chills, thirst, upset stomach, lack of energy, sweating, dizziness, headaches, rapid heart rate, weakness, change in sleep patterns
* **Mental Reactions** such as confusion, nightmares, a sudden flood of feelings or images related to the crime, difficulty concentrating or remembering things, difficulty making decisions, disorientation.
* **Emotional Reactions** such as fear, guilt, grief, sadness, panic, denial, anxiety, depression, intense anger, irritability, emotional outbursts, feeling overwhelmed, feeling numb.
* **Behavioral Reactions** such as withdrawal (not wanting to talk with or be around people), change in appetite, inability to sit still, crying, increased drug or alcohol use.

It’s as if a wound has been reopened. It is common to have strong mental, emotional, or physical reactions to that. These reactions may make survivors, family, and friends feel guilty or disloyal and question why something that should be “good news” is causing such anxiety or sadness.

These reactions are a natural response to experiencing trauma. You may be frustrated that you are experiencing stress reactions that you thought you had already worked through. You are not alone. Others in this situation have had similar experiences.

#### What You Can Do

* Talk to a doctor if you are worried or have questions about any of these reactions.
* Take care of your health with good nutrition and rest. If you are having problems sleeping (too little or too much), read the Tips for Sleeping, below.
* Be aware that the misuse of prescription or illegal drugs and alcohol will likely make stress reactions worse.
* Talk about your feelings with a trusted, supportive person.
* Don’t be afraid to seek professional help.
* There are many services available to help victims of crime. Read more in the [Victim Rights and Services](#_L1_Victim_Rights) section of this website.
* If media coverage/interaction is adding to your stress, consider our tips for interacting with the media. For additional information see [Tips for Interacting with the Media](#_L1_Tips_for) on this website.

#### Tips for Sleeping

Sleep disturbances are a common reaction to a stressful or traumatic event. It can be very difficult for survivors to relax enough to fall asleep. Some survivors experience nightmares that make it hard to sleep through the night.

Lack of sleep can affect your overall health, and make the day’s activities seem overwhelming. If you are experiencing sleep disturbances (too much or too little sleep), consider discussing this with your doctor.

* Sleep in a location where you feel most safe.
* Try not to force sleep. Go to bed when you feel ready to sleep.
* Sleep experts recommend a quiet, cool, dark environment to promote sleep. If the dark bothers you, keep the room dimly lit.
* Consider asking a trusted friend or family member to stay nearby if you think it will help you fall asleep.
* Close to bedtime, avoid activities such as watching some television programs, or conversations that make you more mentally or physically alert.
* Do something relaxing at bedtime, such as reading or listening to music.
* Try to keep a regular sleep schedule as often as possible.
* Some survivors have reported that yoga or other relaxation techniques have helped. There are many free sources of information about relaxation exercises and techniques online. If you don’t have internet access, most libraries provide access to free internet service.
* Caffeine, alcohol and nicotine can interfere with your ability to fall asleep and the quality of your sleep.

## L1 If You Have Information About an Unsolved Case

If you know which agency is investigating the case, call and ask to speak with the person assigned to the case. If you do not know which agency to call, you can call your local law enforcement agency for help identifying who you should call to report your information.

#### If You Have Information about the Case Involving Your Loved One

#### You should communicate information about your case directly to the investigator or prosecutor assigned to the case. If you find it difficult to reach him or her, or to find a time when you are both free, you may want to provide the information in writing and call later to follow up and make sure he or she received it.

#### If You Wish To Provide Information about a Crime Anonymously

Crime Stoppers (CS) encourages the reporting of information or leads which can assist law enforcement with solving crimes. You can report to CS anonymously. Be aware that Crime Stoppers is not part of the local police or sheriff's department. Find a [Crime Stoppers](http://www.wicrimestoppers.org/Programs_in_WI/CS_Programs.htm) program near you.

## L1 For Friends and Loved Ones: How to be Supportive

As the friend or loved one of a homicide survivor, you are probably very familiar with the challenges faced by those who must live with the reality of homicide in their lives. When a homicide remains unsolved, the lack of information and lack of an appropriate criminal justice response greatly complicates the process of grieving and living with the homicide. The survivor’s desire to discuss the homicide may come and go or change over the years and it is not always easy to know how to be supportive.

When an unsolved case gets new attention it may seem as if the crime happened yesterday. Old feelings may rush back and memories of the immediate aftermath of the crime may return. The survivor may feel dread, anxiety and sadness. Many survivors find they experience trauma and feelings that they thought they had already resolved. This can cause guilt, as he or she might wonder why something that they thought should be good news is producing difficult feelings. You can help support your loved one by reassuring him or her that this reaction is common to people in this situation. Optimism about a case lead cannot erase years of grief or the experience of trauma that the homicide evokes.

As someone affected by the homicide, you may be feeling the same thing. It can be hard to know what to say or how to help. You might even be frustrated with how your loved one is reacting. There are some things you can do to help.

### What You Can Do

* Be a good listener if your loved one wants to talk. You don’t have to have all the answers. You will make a difference just by making it clear that he or she is not alone.
* Do not criticize or try to manage your friend’s reactions.
* If there is media attention, help your friend identify a person who can act as a representative if he or she does not want to interact with the media. You can educate yourself (and your loved one) by reading [Tips for Interacting with the Media](#_L1_Tips_for) on this website.
* People who have gone through this experience report that focusing on short-term goals and personal strengths helps them cope. Remind your friend of his or her strengths and abilities.
* Realize that one reaction to trauma is difficulty focusing. Be patient. Support your loved one in maintaining a routine and making decisions so he or she can regain a sense of control over daily life.
* Be supportive of any efforts to obtain services or professional help, such as counseling. Offer to help identify sources of support and services.
* Read the [Victims Rights and Services](#_L1_Victim_Rights) section for information.
* Offer to babysit or to take care of pets on days the case requires the survivor to be away from home (such as court hearings, etc.).
* Offer to go with your friend to attend court proceedings. Your loved one will appreciate having someone to help locate the room and to wait with if the proceedings are delayed.
* Take care of yourself, realizing that you have been affected by the homicide, as well. You will be better able to help your loved one if you are dealing with your own feelings in a healthy way.

## L1 Victim Rights and Services

#### Victim and Witness Rights

Victims of crime in Wisconsin have special constitutional and statutory rights. The rights help keep victims aware of what is happening in a case and provide a chance to speak with a prosecutor, to make statements to the court, and to be told when hearings are held. In Wisconsin, a spouse, minor child, adult child, sibling, parent or legal guardian of a homicide victim is considered a victim for the purpose of receiving these special rights and other services. Learn more in the brochure [Rights and Services for Crime Victims and Witnesses](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5Crights%20and%20services%20brochure%20English.pdf) (PDF, 620KB) or call the Department of Justice Office of Crime Victim Services toll free at (800) 446-6564 to learn about rights and services.

#### Restitution and Crime Victims Compensation

In cases in which there is a conviction, victims are entitled to seek a court order for restitution from the offender to pay for expenses related to the crime. Under some circumstances, victims of crime may be also be eligible for assistance to pay for certain expenses (including for medical and psychological services) related to the crime through the [Wisconsin Crime Victims Compensation Program](file:///C%3A%5CUsers%5C2%20Compensation%20for%20Financial%20Losses%5C2%20Compensation%20for%20Financial%20Losses.docx) . There are eligibility requirements which you can learn about by calling the Department of Justice Office of Crime Victim Services toll free at (800) 446-6564.

#### Victim Support Services

There are many services and support groups devoted to assisting victims of crime. Many provide services free of charge. The Wisconsin Department of Justice has an online [victim resource directory](file:///C%3A%5CUsers%5C1%20Find%20Local%20Resources%5C1%20Find%20Local%20Resources.docx) that you can search in order to learn about what is available in your county or nearby.

**For More Information**

Call the Department of Justice Victim Resource Center toll free (800) 446-6564, or visit us [online](file:///C%3A%5CUsers%5C0%20OCVS%20Home%20and%20Outline%5C0%20OCVS%20Home%20and%20Outline.docx).

## L1 Tips for Interacting with the Media

Sometimes victims of crime do not wish to have contact with the media but find themselves thrust into the public eye. Or, victims might seek out the media, viewing media organizations as important allies. Unsolved case investigations tend to create media interest. Unfortunately, sometimes you may be taken by surprise to see your case featured in a media report. If your case was recently reactivated, you may want to ask a trusted friend or family member to act as a media representative. Even if you have not been contacted by media yet, having someone willing and able to manage media contacts is a practical, proactive step you can take to manage this aspect of your case.

Following are some additional tips to help you manage media concerns:

* [Interacting with the Media: What Crime Victims Should Know](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5Ctips_InteractingWithMedia.pdf) (PDF, 24KB)
* [Getting A Message Out: How to Write a Press Release/Statement](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5Ctips_WritingPressRelease.pdf) (PDF, 21KB) includes a sample press statement template that you can follow if you decide to issue your own statement.

## L1 Tips for Interacting with Law Enforcement

Whether you are seeking information or trying to provide information, sometimes it is frustrating to interact with government agencies. The following tips are provided to help save you time and make your communication with law enforcement more fruitful:

* Search the online directory of [Wisconsin Police Departments](http://www.wisconsin.gov/state/core/alphabetical_index_of_wisconsin_police_departments.html)
* Find contact information in the [Directory of Wisconsin Sheriff’s](http://www.wisconsin.gov/state/core/alphabetical_index_of_wisconsin_police_departments.html)
* If you want to request a record (such as a police report or a law enforcement referral to the prosecutor, etc.), call the department’s non-emergency general number. Most departments have a process that they will explain to you for requesting records. The person in charge of determining what the department can legally release to you is called the “records custodian.” You should direct your requests for records to this person who will let you know why a record is withheld, should your request be denied.
* Knowing the case *incident number* or *case number* assigned by the law enforcement agency and the name of the investigator assigned to the case will help you track your case. You may want to use the case number to request documents related to the case or to identify who is assigned to the case if the case is transferred to another investigator. It is also information you can provide if you call to make a report related to the case.
* If you want to speak with someone about information that is being provided to the press by the department, call the general non-emergency number and ask to speak with the *public information office* or *press relations office*. Most agencies have protocol to guide procedures and decisions about what information is provided to the press and when it is provided. Knowing what the protocol is may help address your concerns or answer questions you may have about the release of information.
* Some law enforcement agencies have victim liaisons or victim services offices. It may be helpful to talk with staff in such offices so you have someone at the agency who can help you navigate the agency and agency procedures. If the agency you are working with does not have a victim liaison (most do not) you may find that a community victim advocate from a crime victim support agency is able to provide the same service, usually free of charge. Find [victim service agencies](file:///C%3A%5CUsers%5C1%20Find%20Local%20Resources%5C1%20Find%20Local%20Resources.docx) in your area. You can call the Department of Justice Office of Crime Victim Services toll free at (800) 446-6564 during business hours for assistance.
* Law enforcement is trained to approach an investigation with objectivity. That is, they must consider all possibilities in order to do a thorough investigation. They might need to keep some information about the crime private or refuse to share information until after they question or arrest a suspect or witness. Though this can be frustrating, remember that their goal is to protect the case so that the investigation can be successful.
* You are entitled to ask for information about the case. Though it would be good practice, keep in mind that most agencies do not have a policy that requires investigators to call crime victims at regular intervals; most will not contact you unless they need information or have something new to report. Survivors of crime have reported that this gives the impression that their loved one’s case has been forgotten. It is more often just a reflection of the habits and protocol of the agency and/or investigator. You may find it helpful to tell the investigator how often you would like an update or plan to check in at certain intervals. Often, communication can be improved if victims and investigators have a conversation about what is expected and what is possible.

## L1 Tips for Interacting with the District Attorney's Office

When law enforcement finishes its investigation, information is sent to the district attorney’s office for a charging decision. The district attorney’s office is made up of office staff, prosecutors (called district attorneys and assistant district attorneys) and a Victim/Witness Program.

#### Role of the Prosecutor

The district attorney (or one the office assistant district attorneys) reviews the information received from law enforcement to determine whether a charge should be issued and what that charge should be. He or she might also make additional requests of law enforcement, based on the belief that more investigation is needed before a charging decision can be made or to support a particular charge. The prosecutor has the responsibility to represent the state in court, to present the case, and to seek a just outcome.

#### Role of Victim/Witness Staff

Every district attorney’s office in Wisconsin has a Victim/Witness Program. The purpose of the program is to provide crime victims and witnesses with a liaison to help them through the prosecution of the crime. Victim/Witness staff assist victims with understanding and exercising their rights, finding referrals for victim support services and providing information about the case process.

#### Tips for Interacting with the District Attorney's Office and Victim/Witness

The following tips are provided to help save you time and make your communication with the district attorney’s office more productive:

* Click [here](http://dait.state.wi.us/category.asp?linkcatid=181&linkid=95) for contact information for Wisconsin District Attorney’s Offices.
* Click [here](http://www.wvwp.net/wvwpprograms.html) for contact information for county Victim Witness Programs.
* Crime victims have a **right to receive written information from the district attorney’s office** within ten days after the initial appearance or 24 hours before a preliminary hearing, whichever is sooner. The information should include a list of rights and how to exercise those rights. It should also contain contact information so you know who to call for more information about the case. If a charging decision has been made and you do not have this information, you should request it so you know what is expected should you want to exercise your rights. Read [Victim Rights and Services](#_L1_Victim_Rights) on this website for more information about your rights.
* Be sure to let the district attorney’s office know if **your contact information** changes so the office can reach you.
* The Victim Witness Program works with victims and witnesses after a charge has been filed. **If the case has not been referred to the district attorney’s office**, you should direct your questions to the investigating law enforcement agency.
* **If you are not sure whether your case has been referred for charges**, you can call the investigating agency and ask if they have “referred” the case to the district attorney; you can also call the victim witness program to ask if they have received a referral.
* **If you want to speak directly with the prosecutor** you can call the main district attorney office number or the victim witness office to request a meeting with the prosecutor. If law enforcement has not yet referred the case to the district attorney’s office, the amount of information you will get from the prosecutor is limited. He or she may not have any information to share with you. If the case has been charged, you have “the right to confer” (talk) with the prosecutor about the case.
* **If you meet with the prosecutor** be aware that victims of crime have the right to discuss the case but prosecutors are not obligated to do things the way a victim might want. Most prosecutors take crime victims’ concerns and opinions very seriously and under advisement. However, a prosecutor is ultimately bound by laws and ethics to charge and prosecute the case according to what he or she feels is just and provable. The reality is that sometimes the victim and prosecutor do not agree on what is just or provable in a case. Ultimately, the charging decision and prosecution strategy is a decision made by the prosecutor.
* You are entitled to ask for information about the case. Most agencies do not have a policy that requires victim/witness or prosecutors to call crime victims at regular intervals. Survivors of crime have reported that this gives the impression that their loved one’s case is not moving ahead or is not important to the district attorney. It is more often a reflection of the fact that agencies are unlikely to call you unless they have new information. If regular updates are important to you, whether or not there is anything new to report, you may find it helpful to talk to the victim/witness staff about that. **Often, communication can be improved** by having a conversation about your needs and what is feasible for the office.
* Let victim/witness staff know if you are dissatisfied with anything so that problems and miscommunication can be cleared up as soon as possible. Prosecutions are stronger when victims, prosecutors and victim/witness are able to work together. **If you need help communicating with the district attorney's office** about the case or your rights, consider calling the Wisconsin Department of Justice Victim Resource Center toll-free at (800) 446-6564 to ask for a liaison to help you address your concerns

## L1 Information about the Criminal Justice System

The following information provides a general overview of the criminal justice process. If you have additional questions, contact the Victim/Witness Program or District Attorney’s Office for clarification. Most people are unfamiliar with the legal words used in the criminal justice system. Many of the terms used are explained in the [Glossary](#_L1_Glossary) section of this website.

#### From Investigation to Prosecution

When a crime is reported to a law enforcement agency, the agency investigates the crime and may **refer** the criminal matter to the district attorney's office in the county in which the crime was committed. The prosecutor is the District Attorney or an Assistant District Attorney, who represents the state of Wisconsin. Assistant Attorneys General from the Wisconsin Department of Justice may also prosecute crime through special prosecutions, at the request of district attorneys.

#### Charging Decision and Criminal Complaint

The prosecutor decides what criminal charges are appropriate against whom. The prosecutor must decide whether there is sufficient evidence against the suspect to prove the alleged crime. He or she must make a reasonable attempt to inform you of a decision not to file charges. When a prosecutor files criminal charges against the defendant, he or she files a criminal complaint with the court. The **criminal complaint** details the facts and basis for the charges and often contains the written report from the investigating law enforcement agency.

#### Misdemeanor versus Felony

Criminal procedures vary in a case depending on whether the charge is a misdemeanor or a felony. Criminal cases are either **misdemeanor** or **felony** cases depending upon the maximum penalties that could be imposed. A misdemeanor is an offense punishable by imprisonment up to a year in the county jail. Click for a [flow chart](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CMISDflowchart.pdf) (PDF, 6KB) showing **procedures related to misdemeanor charges**. Felonies are offenses punishable by a year or more in the state prison system. Click for a [flow chart](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CFELONYflowchart.pdf) (PDF, 7KB) **showing procedures related to felony charges.**

#### Staying Informed Throughout the Court Process

As the victim of a crime you are entitled be informed about the court process. You may request to be notified of the time, place and date of court proceedings and to attend those proceedings. (The only time that you are required to appear in court is when you have received a subpoena to appear.)

#### Initial Appearance

The first court appearance in a criminal case is the **initial appearance.** At this hearing a judge may read the defendant his/her rights, the charges against them and set bail. In felony cases, a date is set for a preliminary hearing. In misdemeanors, the initial appearance is also the arraignment where the defendant enters an initial plea.

#### Preliminary Hearing

In felony cases, the preliminary hearing is the first hearing and comes before the arraignment (the order is reversed in a misdemeanor case). In a felony case, at this hearing the prosecutor must call witnesses (typically law enforcement) to prove that sufficient evidence exists to believe the defendant committed a crime. If the prosecutor proves this, the case continues. If the prosecutor fails to prove that a felony was committed, the case is dismissed. However the prosecutor could recharge the defendant after this dismissal if they have additional evidence, which they did not present at the first preliminary examination.

#### Arraignment

The **arraignment** is a hearing at which the defendant will enter a plea of not guilty, guilty, or **no contest**. The defendant's bail conditions are also reviewed at the hearing. A plea of no contest means that the defendant does not admit their guilt, but concedes that the state can prove them guilty. Pleading guilty or no contest resolves most criminal cases. The defendant's plea of guilty or no contest can be with or without an agreement on disposition from the prosecutor.

#### Motions and Motion Hearings

Motion hearings are appearances where the judge is asked to take action on legal issues. Motions may be brought prior to or during a trial (for example, the defense may file a motion to limit testimony or exclude certain evidence).

#### Plea Agreements

The decision of whether to offer a plea agreement and its terms is made by the prosecutor. As a crime victim, you may request to speak with the prosecutor or the prosecutor's designee concerning plea agreements and possible case outcomes.

Where there has been a plea agreement reached, the prosecutor generally will agree to which charges the defendant will plead guilty [or no contest] and what sentence the prosecutor will recommend to the judge. In arriving at the plea offer the prosecutor will take into account many factors including the nature of the crime, its impact on you as a victim, any information he/she learned while conferring with you, the criminal record and background of the defendant and the protection of the community. If a plea agreement is reached, the defendant will enter a plea of guilty or no contest to the agreed upon charges.

The court is not bound by a plea agreement. If the judge does not follow the plea agreement, the defendant is not allowed to withdraw or take back his plea.

#### Trial

If a plea agreement is not made the case proceeds to trial. The trial is a hearing (series of hearings) at which the prosecutor presents evidence in order to prove the defendant’s guilt. A judge or jury must determine whether an accused is guilty beyond a reasonable doubt or not guilty of the crime(s) charged. A defendant may be found guilty of all, some, or none of the charges. If the defendant is found guilty, s/he can then be sentenced for that crime by the judge at that time or at a later hearing; if the defendant is found not guilty of a crime, the charge is dismissed. A criminal trial has several parts:

Opening Statement: After the jury is selected or waived, the prosecutor and defense will give an opening statement to summarize their positions.

Evidence and Testimony: The prosecutor will call witnesses and present evidence. After the prosecutor has presented his/her case, the defense can present its side of the case. The defense is not required to present any proof, but it can if it wants. (The defendant cannot be forced to testify and may decide not to testify.) If the defense presents evidence, the prosecutor for the state can present additional evidence in response to the defense evidence.

Oral Arguments: Both sides can present an oral argument to the judge or jury.

Jury Instructions: The judge explains the law to the jury and the elements that the jury must decide on.

Jury Deliberation: The jury goes to a jury room to decide whether the state has proven its case. If the jury finds that the state has proven beyond a reasonable doubt that the defendant committed the charged crime, they will find him/her guilty. If the jury finds that the state has not proven the case beyond a reasonable doubt, they must find the defendant not guilty.

Verdict: If a defendant is found not guilty, the case is dismissed and the defendant is released from any conditions of bail. If the defendant is found guilty, the court will schedule a sentencing hearing.

#### Sentencing

If the offender is found guilty or pleads guilty, the defendant will be sentenced. Prior to the sentencing of the defendant, the judge may consider additional information provided by the prosecution and defense and a pre-sentence investigation report. A pre-sentence investigation report is a report prepared by the Department of Corrections that details the defendant’s personal and criminal history. The court will also consider information provided to the court by victims who have a right to provide the judge with a written and/or oral Victim Impact Statement.

#### Victim Impact Statement

A victim impact statement is a written and/or oral statement provided to the court at the time of sentencing. The statement may include information about how the crime affected you physically, financially and emotionally. The victim/witness specialist can assist you in preparing your statement.

#### Disposition and Post-Conviction Information

Victims of crime have the right to be informed of the outcome (disposition) of the case. If you requested disposition information, the DA's office will provide that information to you after the sentencing.

If the offender was sentenced to prison you also have a right to receive information about many post-conviction actions (such as petitions for release or DNA testing) by registering with the Department of Corrections. Contact the Department of Corrections, Office of Victim Services and Programs for further assistance or questions about notification (800) 947-5777.

## L1 Resources for Criminal Justice Professionals

The experience of a homicide survivor is unique. The grieving process is complicated by the trauma of the homicide. Bereavement experts have found that most people need to have information about the circumstances of a loved one’s death in order to advance through the grieving process. Homicide survivors are less likely than other mourners to have such information available to them. They experience what has been called “a grief like no other” which is exacerbated when the crime remains unsolved. Prolonged justice often translates to prolonged grieving. Grief and trauma affect how well individuals are able to cooperate, interact and communicate with criminal justice officials. Officials should be mindful of, and sensitive to, this dynamic. As the mother of a homicide victim explained:

“The case is not a cold case to me. My son was murdered. It is like yesterday.”

#### Tips for Working with Survivors

* Communicate regularly and honestly with survivors. Lack of communication or contact can be as frustrating to a survivor as lack of progress on the case. Regular contact will help the survivor to know the case (their loved one) is not forgotten.
* Never complain about workload or explain a delay by saying you are busy. Though it may be true, this type of comment is often misinterpreted as minimizing the importance of the victim’s homicide.
* Utilize a victim specialist from your agency or from a community agency if you do not have a specialist on staff. A victim liaison can attend to the victims’ needs, answer questions and provide case updates. He or she can also check in with the victims, even when there isn’t anything new to convey, which is something survivors report would be helpful to them.
* Victims may need help finding support groups and other services. The victim service field has grown considerably over the past two decades. It is possible victims are unaware of resources that exist but did not exist when the crime occurred. To help survivors locate homicide survivor support groups in their communities, refer them to the [National Organization of Parents Of Murdered Children, Inc.,](http://www.pomc.com/index.html) at (888) 818–POMC. Victims may also find the information in the [Victim Rights and Services](#_L1_Victim_Rights) section of this website helpful, as well.
* When a case is first reactivated, it may be helpful for the cold case staff to hold a meeting with the survivors if possible and a victim specialist. This meeting will set a foundation for future communication and cooperation; help set realistic expectations; clarify roles; and help assess whether victims have the support they need moving forward.
* If the case is attracting media attention (or is likely to), establish communication with survivors to help them understand how their involvement with the media could potentially impact the case. Explain the agency’s protocol and policies for sharing information with the media. If the agency plans to release information to the media during the case, survivors should be told ahead of time. Agencies may wish to distribute the [Victim Media Card](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5Ctips_MediaCardTemplate.pdf) (PDF, 92KB) which contains resources and practical tips for victims regarding the media.

#### Statutory Duties to Victims and Witnesses (Crime Victim Rights)

Victims of crime in Wisconsin have special constitutional and statutory rights. Public officials and agencies have specific statutory duties regarding these rights. Victim rights help keep victims informed and better able to cooperate or assist in an investigation or prosecution. Officials should be aware that in Wisconsin, a spouse, minor child, adult child, sibling, parent or legal guardian of a homicide victim is considered a victim for the purpose of receiving these special rights and other services.

The following online resources may help your agency better comply with Wisconsin’s victim rights statutes:

* Law Enforcement Victim Rights Notification Form [(PDF, 172KB)](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CLE%20sample-victim-info-sheet.pdf) or [(MS Word, 54KB)](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CLE%20sample-victim-info-sheet.doc).
* [Rights and Services for Crime Victims and Witnesses](file:///%5C%5CDMS01%5Cusers%5Cfrickenpe%5CMy%20Documents%5CWeb%20Redesign%5C5%20Specialized%20Resources%5CCold%20Cases%5Crights%20and%20services%20brochure%20English.pdf) (PDF, 620KB)
* [Best Practice Recommendations for Criminal Justice Professionals from the Wisconsin Crime Victims Rights Board](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CCompilation%201999_2011_CVRB.pdf) (PDF,211 KB)
* [Victim Rights Amendment – Section 9m of the Wisconsin Constitution](http://docs.legis.wi.gov/misc/wiscon/_11/_12)

* [Rights of Victims and Witnesses – Chapter 950 of the Wisconsin Statutes](http://docs.legis.wi.gov/statutes/statutes/950)

#### Online Resources: Protocol, Brochures and Recommendations

There are a number of cold case units that have been established in recent years. Every agency and jurisdiction must develop cold case practices in accordance with the duties and role of the agency, applicable law, and the expertise and resources available to it; however, criminal justice professionals may find it helpful to read the following resources:

**For Victim/Witness Professionals**

* [Arizona Cold Case Task Force Report](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CAZ%20ColdCaseTaskForceReport2007.pdf) (PDF, 403KB) (2007 Task Force Report to the Governor, contains best practice recommendations)
* [Recommendations for Providing Victim Witness Assistance in Reactivated Cases](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CWI%20cold-case-vwrecommendations-201112.pdf) (PDF, 216KB) (2011, Wisconsin Department of Justice Office of Crime Victim Services)
* [Understanding DNA: A Guide for Victim Service Providers](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5COCV%20DNA%20-%20NCJ185690.pdf) (PDF, 573KB) (2001, U.S. Department of Justice Office for Victims of Crime)

**For Law Enforcement**

* [Arizona Cold Case Task Force Report](file:///%5C%5CDMS01%5Cusers%5Cfrickenpe%5CMy%20Documents%5CWeb%20Redesign%5C5%20Specialized%20Resources%5CCold%20Cases%5CAZ%20ColdCaseTaskForceReport2007.pdf) (PDF, 403KB) (2007 Task Force Report to the Governor, contains best practice recommendations)
* [Implementing a Cold Case Homicide Unit](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5CFBI%20Bulletin.pdf) (PDF, 1.2MB) (F.B.I. Bulletin)
* [Serving Survivors of Homicide Victims During Cold Case Investigations: A Guide for Developing a Law Enforcement Protocol](file:///C%3A%5CUsers%5Cbraunjaxam%5CDownloads%5Cguidefordevelopingalawenforcementprotocolaugust172011.pdf) (PDF, 1MB) (2011, National Sheriffs’ Association, Justice Solutions and the National Organization of Parents Of Murdered Children, Inc.)
* [Using DNA to Solve Cold Cases](http://www.nij.gov/pubs-sum/194197.htm) (National Institute of Justice)

**For Prosecutors**

* [Arizona Cold Case Task Force Report](file:///%5C%5CDMS01%5Cusers%5Cfrickenpe%5CMy%20Documents%5CWeb%20Redesign%5C5%20Specialized%20Resources%5CCold%20Cases%5CAZ%20ColdCaseTaskForceReport2007.pdf) (PDF, 403KB) (2007 Task Force Report to the Governor, contains best practice recommendations)
* [Implementing a Cold Case Homicide Unit](file:///%5C%5CDMS01%5Cusers%5Cfrickenpe%5CMy%20Documents%5CWeb%20Redesign%5C5%20Specialized%20Resources%5CCold%20Cases%5CFBI%20Bulletin.pdf) (PDF, 1.2MB) (F.B.I. Bulletin)
* [Resources for Officers of the Court: The DNA Initiative](http://www.dna.gov/audiences/officers_court/) (Website)

**Special Prosecution Unit Websites**

* [Denver District Attorney Cold Case Project Website](http://www.denverda.org/dna/DNA_Cold_Case_Project.htm)
* [Cuyahoga County Prosecutor Cold Case Unit Website](http://www.prosecutormason.com/Unit.aspx?uid=32&uname=Cold%20Case%20Squad)
* [Jackson County MO Cold Case Prosecution Unit Website](http://www.jacksoncountyprosecutor.net/cold-case-unit.cfm)

## L1 Glossary

**Accused** - A person or persons formally charged but not yet tried for committing a crime.

**Acquittal** - A legal judgment, based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he/she has been charged or tried.

**Adjudication** - The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction, or dismissal of a case. This term is also used in juvenile proceedings.

**Admissible Evidence** - Evidence that is relevant and proper for consideration in reaching a decision.

**Affidavit** - A written, sworn statement in which the writer swears that the information stated therein is true.

**Appeal** - A request by either the defense or the prosecution parties to a case that the results of a decision on certain motions or of a completed trial be reviewed by a higher court for error.

**A.F.I.S. / Automated Fingerprint Identification System:** A highly specialized biometric system that compares a submitted fingerprint record to a database of records, to determine the identity of an individual.

**Arraignment** - A court appearance at which the defendant is formally charged and is asked to enter a plea of guilty, not guilty, or no contest. In felony cases, an arraignment follows a preliminary hearing.

**Bail** - The amount of money a judge determines sufficient to release an accused and assure his or her attendance at later hearings. The accused can lose the total amount of bail if he or she fails to appear for court.

**Bail or Bond Review** - The defense may ask for a hearing date for a bail or bond review. A bail or bond review is a request that a judge reviews the case and determines if bail or conditions of bond should be changed.

**Bench warrant** - A court order which directs that an accused person who has been released before trial and fails to return when ordered to do so be brought to court.

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**Biological Evidence** - Evidence commonly recovered from crime scenes in the form of hair, tissue, bones, teeth, blood or other bodily fluids.

**Chain of Custody** - A record of individuals who have had physical possession of the evidence and the process used to maintain and document the chronological history of the evidence.

**Change of venue** - Transfer of a pending case in one county or district to another county or district; often sought because of claimed prejudicial publicity in the original county or district.

**Charge** - A formal accusation filed by the prosecutor’s office that a specific person has committed a specific crime, also referred to as pressing charges and filing a criminal complaint.

**CODIS** – CODIS stands for Combined DNA Index System. It is a computer network that allows the comparison of DNA profiles of convicted offenders. Learn more about [CODIS on the FBI's website](http://www.fbi.gov/about-us/lab/codis/codis).

**Continuance** - A delay or postponement of a court hearing; the case is said to be “continued” when it has been delayed or postponed.

**Conviction** - A judgment of the court based either on the decision of a jury or a judge or on the guilty plea of the accused, that the defendant is guilty of the crime for which he/she has been tried.

**Corroborating witness** - A person who is able to give information that supports the statements made by either the victim or the accused.

**Count** - Each separate offense listed in a complaint, information or indictment accusing a person of committing a crime.

**Complaint** - The formal document prepared by the DA based on police reports. It lists the charges and some of the evidence against the offender. The complaint is filed with the Clerk of Court.

**Concurrent or consecutive sentences** - Concurrent sentences are sentences for different offenses running together or served at the same time; consecutive sentences are successive sentences served one after another.

**Confer** - To talk with the district attorney or designee about the criminal case. The discussions may include plea agreements, and possible outcomes.

**Contempt of Court** - Disobeying a court order which can result in a fine or incarceration.

**Cross Contamination** - The undesirable transfer of material between two or more sources of physical evidence.

**Defendant** - The person charged with a criminal offense. This is the person alleged to have committed a particular crime.

**Defense Attorney** - The defendant's attorney.

**District Attorney** - Under state law, the prosecuting officer who is an elected official and who represents the State in each of its prosecutorial units. Also called a 'prosecutor' or 'DA'.

**Due Process** - The right of accused persons (defendants) to receive notice of the charges against them, be present at the trial, provide evidence to the court, and face a jury of their peers. Due process rights, guaranteed in the United States Constitution, can also be described as every person's right to a fair trial.

**Exclusion** - A DNA test result indicating that an individual is excluded as the source of the DNA evidence. In a criminal case, "exclusion" does not necessarily equate to "innocence." Exclusion occurs when one or more types from a specific location in the DNA of a known person are not present in the type(s) for that specific location in the DNA obtained from an evidence sample.

**Exculpatory evidence** - Any evidence that supports the defendant's claim of innocence or may show he is guilty of a lesser crime than that with which he is charged.

**Felony** - A crime that may be punishable by confinement in a state prison, generally for a term exceeding one year.

**Inclusion (Failure to Exclude)** - The inability to exclude an individual as a possible source of a biological sample. This occurs when all types from a specific location in the DNA of a known individual are also present in the types for that specific location in the DNA obtained from an evidence sample.

**Initial Appearance** - A defendant's first appearance in court. A judge reads the charges, sets bail, and appoints an attorney if one is needed. In felony cases, a date is often set for arraignment or preliminary hearing. In misdemeanors, the initial appearance is also the arraignment and the defendant enters a plea.

**Jury Instructions** - An instruction given by the court to a jury at the conclusion of presentation of all evidence in a trial, and after the lawyers' closing arguments, to advise the jury of the law that applies to the facts of the case, and the manner in which they should conduct their deliberations.

**Jury Trial** - A panel of citizens who are selected to listen to the facts of the case and decide whether the State (represented by the District Attorney) has proven its charge beyond a reasonable doubt.

**Known Samples** - A DNA sample for which the source is known. These samples are generally obtained from the victim and/or suspected perpetrator of a crime, as well as from other persons whose DNA might be reflected when samples of the evidence are analyzed (could include a boyfriend, husband, or other third-party). These samples are also referred to as reference samples, since they serve as a reference to which the unknown DNA samples are compared with the goal of identifying the source of the unknown DNA samples.

**Latent print** - A print impression that is not readily visible, made by contact with a surface.

**Likelihood ratio** - The ratio of two probabilities of the same event under different hypotheses. In DNA testing often expressed as the ratio between the likelihood that a given profile came from a particular individual and the likelihood that it came from a random unrelated person.

**Major contributor profile** - A DNA profile where multiple individuals have contributed biologic material and one individual's DNA profile is more apparent.

**Marker** - Pieces of DNA sequence of known locations on chromosomes that are used to identify the specific genetic variations an individual possesses.

**Match** - Genetic profiles are said to "match" when they have the same allele designations at every loci.

**Material** - Relevant and significant in a lawsuit (i.e., material evidence), as distinguished from evidence that is totally irrelevant or of such minor importance that the court will ignore it, rule it immaterial if there are objections, or not allow lengthy testimony on such a matter.

**Misdemeanor** - A crime that may be punishable by confinement to a county jail, generally for one year or less.

**Mitochondrial DNA (mtDNA)** - The DNA found in the many mitochondria found in each cell of a body. The sequencing of mitochondrial DNA can link individuals descended from a common female ancestor.

**Motions** - An oral or written request about a legal question made by the prosecutor or the defense attorney before, during, or after a trial. Motions are filed to make a decision about some legal aspect of the case.

**Mutation** - Damaged or changed DNA anywhere along the DNA strand.

**No Contest Plea** - In general, this means that the defendant accepts the criminal charges, but does not admit guilt. In turn, the court usually finds the defendant guilty.

**Nonmatch** - An individual is eliminated as the source of a biological sample. This occurs when one or more types from a specific location in the DNA of a known individual are not present in the type(s) for that specific location in the DNA obtained from an evidence sample.

**Nuclear DNA** - The DNA found in the nucleus of a cell.

**Nucleus** - The cellular organelle that contains most of the genetic material.

**Partial Profile** - DNA evidence that does not yield identifiable results in all 13 core loci.

**Partially Degraded DNA** - Forensic DNA evidence exposed to environmental conditions that may prevent it from yielding a usable profile.

**Paternal Inheritance** - Genetic material which is inherited from one's father; for example, the possibility that mtDNA can be inherited from one's father.

**Plea Agreement** - A proposed resolution to the case. A plea agreement is between the district attorney, the defense attorney and the offender and is done in an effort to resolve the case and hold the offender accountable.

**Polymerase Chain Reaction (PCR**) - A process used in DNA identification testing in which one or more specific small regions of the DNA are copied using a DNA polymerase enzyme so that a sufficient amount of DNA is generated for analysis.

**Preliminary Hearing** - A hearing in felony cases in which the prosecuting attorney attempts to establish that a crime was committed and the defendant committed that crime. If probable cause is established, the case will proceed. If not established, the case is dismissed.

**Pre-sentence report** - A document which details the past behavior, family circumstances, and personality of a convicted offender and gives information about the crime he or she committed. It is prepared by a probation agency to assist the court in determining the most appropriate sentence.

**Presumptive Test** - A screening test used to indicate the possible presence of the named body fluid.

**Pretrial** - An opportunity for the attorneys to review the case, exchange discovery and discuss any possible offers and. Agreed upon dispositions.

**Pretrial Motions** - Motions that are made before the actual trial. After the preliminary hearing and before a trial, the prosecutor and the defense team appear before the criminal court judge and make pretrial motions. These motions can be for varied reasons like certain evidence should be kept out of the trial or that certain persons must or cannot testify, or that the case should be dismissed altogether etc.

**Privilege** - Those communications, written or verbal, between certain classes of persons which cannot be reached by the opposition in the dispute-resolution process.

**Probability of Exclusion** - The probability that a random individual would be excluded as the source of analyzed DNA evidence.

**Probability of Inclusion** - The probability that a random individual would be included as a potential source of analyzed DNA evidence.

**Probable Cause** - A determination by the court that more likely than not, a criminal act occurred and was committed by the defendant accused.

**Probation** - An alternative to serving time in prison, some individuals convicted of a crime are allowed to remain free in society, but have restrictions on their daily activities and are supervised. Violation of probation can result in a prison sentence, additional restrictions, or a change in conditions of supervision.

**Prose** - When the defendant is representing him/herself in court and is not represented by an attorney, as when he/she has waived the right to counsel in a proceeding.

**Prosecution** - In criminal law, prosecution refers to the government attorney charging and trying the case against a person accused of a crime; a common term for the government’s or state’s side in a criminal case.

**Prosecutor** - The District Attorney, Deputy District Attorney, Assistant District Attorney or Special Prosecutor who has been asked or appointed to review and handle a specific case.

**Random Match Probability** - The probability that the DNA in a random sample from the population has the same profile as the DNA in the evidence sample.

**Reference Samples** - A standard/reference sample is material of a verifiable/documented source which, when compared with evidence of an unknown source, shows an association or linkage between an offender, crime scene, and/or victim (e.g., a carpet cutting taken from a location suspected as the point of transfer for comparison with the fibers recovered from the suspect's shoes, a sample of paint removed from a suspect vehicle to be compared with paint found on a victim's vehicle following an accident, or a sample of the suspect's and/or victim's blood submitted for comparison with a bloodstained shirt recovered as evidence).

**Restitution** - An amount of money set by the court that the offender is ordered to pay the victim(s) of a crime.

**Sentence** - A sentence is what a judge or jury formally pronounces after a criminal defendant has been found guilty; the sentence is the legal consequence of the crime.

**Sentence, Concurrent** - Sentences that are served at the same time.

**Sentence, Consecutive** - Sentences that are served one after the other.

**Sequencing** – Used in DNA testing, the determination of the order of base sequences in a DNA molecule.

**Sequestration** - An order by the court that witnesses not speak to one another during the course of a court proceeding, and may include exclusion from the courtroom during other testimony.

**Shaft** - The portion of a hair between the root and the tip.

**Subpoena** - A legal order requiring a person to appear in court to testify as a witness or to produce documents, data or other physical evidence created or in his or her possession.

**Substrate** - Any background material upon which biological sample has been deposited (e.g., clothing, glass, wood, upholstery).

**Summons** - The document by which a defendant is notified to appear in court, and answer charges or claims against him/her.

**Trace evidence** - Physical evidence that results from the transfer of small quantities of materials (e.g., hair, textile fibers, paint chips, glass fragments, gunshot residue particles).

**Trial** - An official hearing of the facts in court. With physical evidence and testimony, the DA attempts to prove the defendant's guilt beyond a reasonable doubt.

**Venue** - The jurisdiction in which a prosecution or an action is brought to trial.

**Victim Impact Statement** - An oral and/or written statement that is presented to the court at the time of sentencing. A Victim Impact Statement is a victim's opportunity to tell the court how the crime affected them emotionally, financially and physically.

**Waiver** - Voluntary surrender of a right, claim or privilege.

**Warrant** - A legal order to a law enforcement agency to arrest the person named in the order. A warrant is usually issued for an offender who fails to appear in court.