

**CITY OF LEAWOOD
VICTIMS' RIGHTS POLICY**

PURPOSE:

The purpose of this policy is to ensure the fair and compassionate treatment of victims of crime, and to increase the effectiveness of the criminal justice system by affording victims of crime certain basic rights and considerations.

All contact by City employees with crime victims shall conform both to the letter and spirit of the law so that victims will be treated with courtesy, compassion, and respect for their dignity.

SCOPE:

This policy shall apply to violations of City ordinances which would be violations of State laws contained in K.S.A. Chapter 21 Article 53 (anticipatory crimes); Article 54 (crimes against persons); Article 55 (sex offenses); or Article 56 (crimes affecting family relationships and children), and K.S.A. 21-6325, 21-6418, 21-6419, and 21-6421, all as amended. Specifically:

Assault
Assault on a Law Enforcement Officer
Battery
Battery Against a Law Enforcement Officer
Permitting Dangerous Animals 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
Unlawful Restraint
Stalking
Violation of a Protective Order
Lewd and Lascivious Behavior
Unlawfully Hosting Minors
Contributing to a Child's Misconduct or Deprivation
Endangering a Child
Endangerment
DUI - resulting in serious bodily injury or death (K.S.A. § 8-1019)

The following offenses are not required to be included in this policy by state statute but may involve an identifiable victim who could benefit from the provisions of this policy. The City shall have discretion to classify the following offenses as victim crimes and to provide information to said victims, and for any other offense that involves an identifiable victim.

Harassment by Telecommunications Device
Theft (of Property or Services)
Criminal Deprivation of Property
Criminal Damage to Property
Criminal Trespass
Giving a Worthless Check
Criminal Use of a Financial Card
Denial of Civil Rights
Breach of Privacy
Window Peeping

In cases where the City is the victim, notice to the involved city department will be provided, as appropriate.

DEFINITIONS:

The following words when used in connection with this policy shall have the following meanings:

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, domestic partner, children, parents, legal guardian, siblings, stepparent, or grandparents of a victim.

PROCEDURES:

All victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.

Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered. Measures may be taken when necessary to provide for the safety of victims and their families and to protect them from intimidation and retaliation.

The Municipal Court shall notify any victim of a crime who is alive and whose address is known, or if the victim is deceased shall notify the victim's family if the family's address is known, of the following:

- A. Information about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.
- B. 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. A request for the expression of the victim's views and concerns for appropriate assistance with the prosecution of the case.
- D. A request for the expression of the victim's views and concerns to be provided to the court when appropriate and consistent with criminal law and procedure.
- E. Information regarding the availability of health, social services, and other relevant assistance that may be available to the victim.

Any case involving a victim will be so designated and shall not be granted a continuance unless sufficient time exists for appropriate victim notification. Whether sufficient time exists for victim notification may be determined at the discretion of the Prosecutor or Municipal Court, depending on available methods of providing notification or if there is prior knowledge the victim has waived notification for the purpose of personal attendance at every hearing.

Any time a case involving a victim is continued, the Municipal Court will provide notice to the victim of the next court date, unless notice of future court dates has been waived. The Municipal Court also will provide information to victims upon final disposition of the case.

REFERENCES:

K.S.A. 74-7333; 74-7335; 8-1019