

RESOLUTION NO. 2017-R-20

A RESOLUTION ADOPTING ADMINISTRATIVE POLICY RELATING TO BILL OF RIGHTS OF VICTIMS OF CRIME PURSUANT TO K.S.A. 74-7333.

WHEREAS, the Governing Body of the City of Spring Hill, Kansas has determined that it is necessary to adopt a policy relating to the Bill of Rights of Victims of Crime pursuant to K.S.A. 74-7333(d).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE. Objective. Kansas law requires the Governing Body of any city which has established a municipal court to adopt a policy which afford the rights granted to victims of crime under state law to victims of ordinance violations. This policy is established 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 employee with 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.

SECTION TWO. Scope. In accordance with K.S.A. 74-333(d), violations of City ordinance 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 relationship and children); and K.S.A. 2013 Supp. 21-6325, 21-6418, 21-6419, and 21-6421 are violations to which this policy shall apply. These are:

- 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 Alcohol 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
- DUI – resulting in serious bodily injury or death (K.S.A. 8-1019)

The following offenses are not classified as victim crimes by state statute, but may involve an identifiable victim that could benefit from the provisions of this policy. The City Prosecutor shall have discretion to provide victim notification for other offenses that involve an identifiable victim, including, but not limited to:

- 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

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

SECTION THREE. Definitions. The following words when used in connection with this policy shall have the meanings ascribed to them herein:

Victim: Any person who suffers direct or threatened physical, emotional or financial harm as to 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.

SECTION FOUR: Provisions. 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 City Prosecutor or Municipal Court will notify any victim of a crime who is alive and whose address is known, or if the victim is deceased then to the victim's family if the family's address is known, of the following:

- A. Information about their participation in criminal proceedings.
- B. A request for the expression of the victim's views and concerns for appropriate assistance with the prosecution of the case.
- C. A request for the expression of the victim's views and concerns to be provided to the court.
- D. Information regarding relevant assistance that may be available to the victim.

SECTION FIVE. Procedures. Any municipal court case involving a victim will be so designated and shall not be continued in advance of a scheduled hearing unless sufficient time exists for appropriate victim notification.

Whether sufficient time exists for victim notification may be determined at the discretion of the City Prosecutor or the court, depending on available methods of providing notification or if there is prior knowledge the victim does not desire notification for the purpose of personal attendance at every hearing.

SECTION SIX. Responsibility for Enforcement. This policy shall be the responsibility of the Police Chief, City Prosecutor, and Court Administrator.

SECTION SEVEN. References.

K.S.A. 74-7333 to K.S.A. 74-7338
K.S.A. 8-1019

SECTION EIGHT. This resolution shall be in full force and effect from and after its adoption.

ADOPTED by the City Council this 12th day of October, 2017.

APPROVED by the Mayor this 12th day of October, 2017.

/s/ Steven M. Ellis, Mayor

ATTEST:

/s/ Glenda Gerrity, City Clerk

Approved as to Form:

/s/ Frank H. Jenkins Jr., City Attorney