



# FREQUENTLY ASKED QUESTIONS

## **HOW DO I PRESS CHARGES? CAN I REPORT A CRIME DIRECTLY TO THE DISTRICT ATTORNEY'S OFFICE?**

Crimes are generally investigated by law enforcement agencies, not the prosecuting office. Crimes should usually be reported to the law enforcement agency which has jurisdiction where the crime occurred. For example, crimes occurring inside the City of Milwaukee should be reported to the Milwaukee Police Department. In certain circumstances, the Milwaukee County Sheriff's Department is the agency to report an offense to, particularly for incidents happening on the freeways or in County Parks.

Once the initial investigation is concluded, a law enforcement agency will typically file a report shortly thereafter with the district attorney's office. This is typically done by having a police officer bring the case to the district attorney's office during normal business hours. In most circumstances, the district attorney's office will conduct a charging conference with an officer from the law enforcement agency present. Usually, the law enforcement agency requests that victims and witnesses accompany the officer to the district attorney's office for the charging conference.

The assistant district attorney reviewing the case on some occasions refers the case back to the police department for further investigation. Ultimately, the assistant district attorney decides what charges, if any, will be issued and when the charges should be issued. If someone is in custody in connection with an offense, the law enforcement agency typically brings the case to the district attorney's office within a short period of time so that the case is reviewed promptly.

## **CAN I DROP THE CHARGES?**

Some people mistakenly believe that a victim has the power to "press charges" against someone, and then later can "drop the charges." All crimes, however, are offenses against all of the people, not just the individual victim. Criminal cases are prosecuted on behalf of the State of Wisconsin, not the person who originally called the law enforcement agency, or the person who may have been directly harmed by the defendant's conduct. Only the district attorney's office can issue or dismiss charges. This is important because it takes the responsibility for prosecuting someone off of the shoulders of the victim and puts it on the prosecuting attorney, where it legally belongs.

Although the decision whether to prosecute or not to prosecute is ultimately up to the district attorney, the opinion of a victim is important and the district attorney will take those wishes into account when making his or her decisions regarding the case. Numerous factors are taken into account when deciding whether to respect a victim's request not to proceed with the case, including the nature and extent of the defendant's prior criminal history, the severity of the alleged offense, and whether the defendant has other pending charges.

**HOW DO I GET A COURT APPOINTED ATTORNEY?**

The district attorney plays no role in whether or not you obtain a court appointed attorney. In general, you must ask the judge handling your case or contact the Public Defender's Office to determine if that office can represent you. The Public Defender's Office in Milwaukee County is located at 819 North Sixth Street and the telephone number is (414) 227-4130.

**CAN YOU TELL ME A DEFENDANT'S NEXT COURT DATE?**

Yes. Please call Victim/Witness Services at (414) 278-4667.

**I WANT A RESTRAINING ORDER TO KEEP SOMEONE AWAY. WILL THE DISTRICT ATTORNEY'S OFFICE ISSUE AN ORDER FOR ME?**

Domestic abuse injunctions and harassment injunctions are issued only by judges or court commissioners. In general, they must be applied for by a victim or a witness on the Seventh Floor of the Milwaukee County Courthouse. You may wish to call (414) 278-5079 for further information or refer to the heading on this web site for information on restraining orders.

**I WANT A DIVORCE, I ALSO NEED HELP GETTING CHILD SUPPORT, CAN THE DISTRICT ATTORNEY'S OFFICE HELP ME?**

The district attorney's office cannot provide legal advice or take legal action in your divorce. You should consult with a private lawyer. If you have questions about child support, you may wish to contact the Department of Child Support Enforcement at (414) 278-5160.

**I HAVE BEEN SUBPOENAED TO APPEAR AS A WITNESS ON A CRIMINAL CASE? CAN I GET WITNESS FEES? WHAT IF I CAN'T ATTEND ON THE DATES STATED IN THE SUBPOENA?**

If you have a date conflict, you should contact the victim/witness specialist assigned to the case immediately to discuss your conflict. If you do not know the specialist name or number, please call (414) 278-4667. Whether a witness receives any witness fees is within the discretion of the court.

**I AM A DEFENDANT AND I HAVE AN ATTORNEY WHO REPRESENTS ME. CAN I TALK TO ONE OF THE ASSISTANT DISTRICT ATTORNEYS ABOUT MY CASE?**

No. All assistant district attorneys are governed by the Rules of Professional Conduct, which prevent them from speaking directly to anyone who is already represented by an attorney on the same matter. Any questions that you have about your case should be answered by your attorney. If you are dissatisfied with your court appointed attorney, you should contact the judge assigned to your case, preferably by way of a written motion.

**I WAS THE VICTIM OF A VIOLENT CRIME, WILL THE DISTRICT ATTORNEY PAY FOR MY LOST WAGES AND BILLS?**

No. However, the Wisconsin Crime Victims Compensation Fund may be able to help you with unreimbursable expenses. You may wish to refer to the heading on this web page for victim compensation.