

NOTICE OF GUIDANCE DOCUMENT

Pursuant to Wis. Stat. § 227.112, the Wisconsin Department of Justice is hereby seeking comment on the following proposed guidance documents

Information For Victims of Crime in Wisconsin

PUBLIC COMMENT AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Crime Victims Rights Board on or before February 24, 2020 , by emailing the Board's contact person listed below.

BOARD CONTACT PERSON

Karla Z. Keckhaver
Assistant Attorney General
keckhaverkz@doj.state.wi.us

Information For Victims of Crime in Wisconsin

CONTACT INFORMATION

Arrest, custody, or release information:

Adult offenders

Your County Jail:
Address
City, State, Zip
Phone number

Juvenile Offenders

Your County
Juvenile Detention:
Address
City, State, Zip
Phone number

To request notice of legal proceedings and information about victims' rights or to speak with the prosecutor of the case:

Adult Offenders

Your County District
Attorney's Office:
Address
City, State, Zip
Phone number

Juvenile Offenders

Your County
Juvenile Intake:
Address
City, State, Zip
Phone number

VICTIM SERVICES:

[Insert local victim service and shelter information here.]

INVESTIGATING AGENCY

Address
City, State, Zip
Phone number

Agency
Logo

Contact Officer: _____ Phone: _____

Date: _____ Case #: _____

Wisconsin law provides victims of crime with specific rights.

The Wisconsin Constitution (Article I, Section 9m) and Wis. Stat. Chapter 950 give special rights to victims of crime. Some rights are automatic while others must be requested. The rights are listed on the reverse side of this form.

Please note that it is not always clear to whom victims' rights apply at different stages of a case. Use the information on this form to discuss and clarify your rights with the agencies you are in contact with about the case and to make your interests known.

Important Reminders for Victims of Crime:

- The Wisconsin Department of Justice Victim Resource Center can provide you with information about victims' rights as well as victim services in your area call 1-800-446-6564 or access a directory online www.doj.state.wi.us/ocvs.
- If you are threatened or intimidated by anyone because of your cooperation with law enforcement and prosecution in connection with this crime, you should report that to the investigating agency. If you feel you are in immediate danger, call 9-1-1.
- It is very important that you keep agencies informed of any changes to your address, phone number, or email.
- You may be eligible to receive reimbursement for certain expenses related to the crime. It may be helpful to you to keep records of the crime-related expenses such as lost wages, repairs or medical bills because you may be required to provide this information to support your claim. Restitution may be ordered if someone is convicted of the crime against you, or you may be eligible for crime victim compensation even if no one is arrested or convicted. For more information contact the Wisconsin Department of Justice at 1-800-446-6564 or P.O. Box 7951, Madison, WI 53707-7951 or online at: www.doj.state.wi.us/ocvs.
- WI-VINE services allow you to register for notification about changes in custody status for offenders who are in a county jail. Find more information at www.vinelink.com or call 1-888-944-8463.

If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction.

Crime Victims' Rights in Wisconsin

* An asterisk (*) marks those rights which a victim must specifically request.

VICTIMS' RIGHTS THAT MIGHT APPLY ANY TIME:

- To be treated with fairness, dignity and respect for his or her privacy.
- To reasonable protection from the accused throughout the criminal justice process.
- To receive written information from law enforcement, within 24 hours of contact about rights, who to call for custody information regarding the offender and how to get more information about the case.
- To not have personal identifiers including email disclosed/used for a purpose unrelated to the official duties of an agency, employee or official.
- To contact the Department of Justice concerning a victim's treatment (1-800-446-6564) and to seek a review of a complaint by the Crime Victims Rights Board, as provided by law.
- To notice of a decision not to prosecute, if an arrest has been made.
- If a victim of an officer involved death, to receive information about the process by which he or she may do the following: file a complaint charging a person with a crime, if permitted by a judge; file a complaint under the John Doe investigation proceedings; and the process of an inquest.
- To a speedy disposition of the case.
- To not be compelled to submit to a pretrial interview or deposition by a defendant or his or her attorney.
- To information about the disposition of the case.*
- To attend court proceedings and to be accompanied by a service representative, as permitted by law.
- To not be the subject of an officer's or district attorney's order, request, or suggestion that the victim submit to a test using a lie detector if the victim reports having been the victim of a sexual assault.
- To the expeditious return of property when it is no longer needed as evidence.
- To file for Crime Victims Compensation, as provided by law.
- To request an order for an offender to submit to a test for sexually transmitted diseases, communicable disease, or HIV test (for certain offenses).
- To notice of a decision to close or dismiss a case or defer prosecution, if the offender is a juvenile.

VICTIMS' RIGHTS THAT APPLY AFTER AN OFFENDER HAS BEEN CHARGED:

- To receive written information from the district attorney regarding the victim's rights and how to exercise them.
- Upon request, the opportunity to communicate with the prosecutor (or intake worker) about the possible outcome of the case, potential plea agreements and sentencing options.*
- To be notified of the time, date and place of court proceedings, if requested.*
- To be provided a waiting area separate from defense witnesses.
- To have the victim's interests considered when the court is deciding whether to grant a continuance or deciding whether to exclude persons from a preliminary hearing.
- To be contacted about the right to make a statement at disposition or sentencing.
- To assistance with an employer about the need to attend court appearances.
- To be notified if charges are dismissed.

VICTIMS' RIGHTS RELATED TO THE SENTENCING OF THE OFFENDER BY THE COURT:

- To provide a statement to the court, in person or in writing, about the economic, physical and psychological effects of the crime and to have that information considered by the court.
- To be contacted by the person preparing the pre-sentence report (or *court report*, if the offender is a juvenile) to have the impact on the victim included in the report.
- To restitution from a juvenile offender, as permitted by law.
- To recompense from forfeited bail, as determined by the court.
- To view certain portions of a pre-sentence investigation report.
- To restitution from an adult offender for any crime considered at sentencing.

VICTIMS' RIGHTS THAT APPLY AFTER SENTENCING:

- To be provided sentencing or dispositional information.*
- To attend parole interviews or hearings and make statements.
- To be notified of a conditional release.
- To be provided with notice of a petition for a sentence adjustment or reduction and applications for early release.
- To be notified by the Department of Corrections of certain releases, escapes, confinements, leave, release to extended supervision and participation in the intensive sanctions program. If you have questions about receiving notices from the Department of Corrections, call 1-800-947-5777.
- To attend a hearing on a petition for a modification of a sentence and to provide a statement.
- To notification from the Department of Health Services concerning discharge, home visits and supervised release of certain offenders.
- To be notified of applications for parole or release to extended supervision; to provide statements concerning parole.
- To have the clerk of court send: a copy of an inmate's petition for extended supervision and notice of the hearing on that petition; a copy of a motion for post-conviction DNA testing and notice of any related hearing.*
- To be notified by the governor of a pardon application and to make a written statement about that application.
- To a civil judgment for unpaid restitution.
- To be notified when an offender's release to parole or extended supervision is revoked for violating a condition of release.

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<https://www.doj.state.wi.us/ocvs/law-enforcement>

CERTIFICATION OF PROPOSED GUIDANCE DOCUMENT

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

On behalf of the Attorney General

A handwritten signature in blue ink, appearing to read 'Charlotte Gibson', is written over a horizontal line.

CHARLOTTE GIBSON

Division of Legal Services Administrator