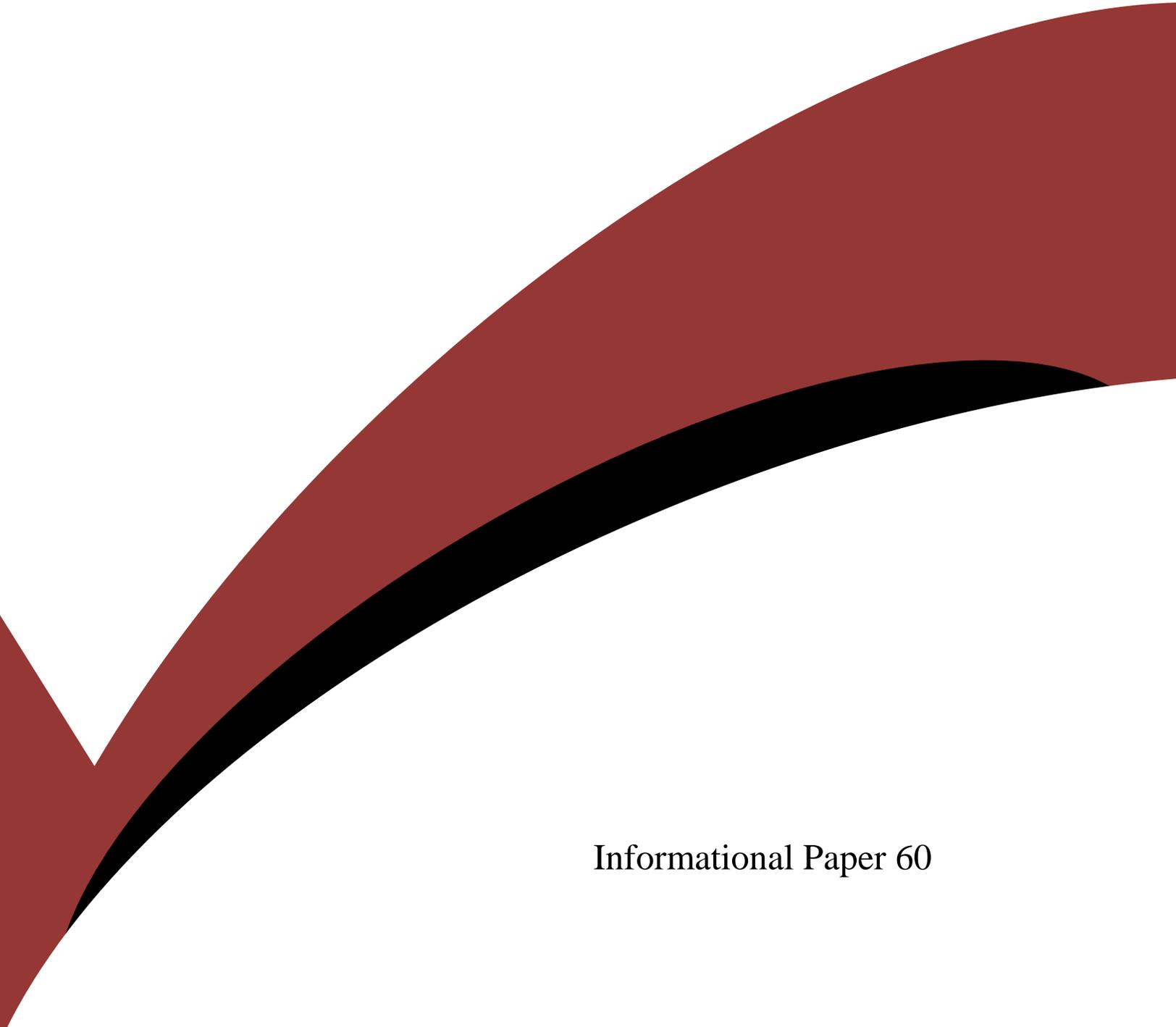


# Crime Victim and Witness Services



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# Crime Victim and Witness Services

During the past four decades, the Wisconsin Legislature has significantly expanded the rights of crime victims and witnesses. Under Chapter 344, Laws of 1975, the Legislature enacted a law compensating crime victims up to \$10,000 for an injury or death. In 1980, Wisconsin became the first state to create a Crime Victims' Bill of Rights. In 1993, voters ratified a constitutional amendment creating a recognition of victims' rights. This constitutional provision, Article I, Section 9m, states:

"This state shall treat crime victims, as defined by law, with fairness, dignity and respect for their privacy. This state shall ensure that crime victims have all of the following privileges and protections as provided by law:

- Timely disposition of the case;
- The opportunity to attend court proceedings unless the trial court finds sequestration is necessary to a fair trial for the defendant;
- Reasonable protection from the accused throughout the criminal justice process;
- Notification of court proceedings;
- The opportunity to confer with the prosecution;
- The opportunity to make a statement to the court at disposition;
- Restitution;
- Compensation; and
- Information about the outcome of the case and the release of the accused."

The constitutional provision further requires the Legislature to provide remedies for any violation of these rights. These remedies were subsequently provided by the enactment of 1997

Wisconsin Act 181.

Under Act 181, a "victim" is defined as:

1. A person against whom a delinquent act or crime has been committed.
2. If the victim is a child, the child's parent, guardian or legal custodian.
3. If the victim is physically or emotionally unable to exercise his or her rights as a victim, the person designated by the victim or a family member of the victim.
4. If the victim is deceased, any of the following:
  - A family member; or
  - A person who resided with the deceased victim.
5. If the victim is incompetent, the person's guardian.

A person alleged to have committed the delinquent act or crime cannot be considered a victim.

In addition to expanding the legal rights of crime victims and witnesses under state law, the state has also developed and administers a series of state-funded programs to provide services to crime victims and witnesses. The remainder of this paper provides information on these state-funded programs.

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## **Funding for County Victim and Witness Services**

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**Eligibility to Receive Reimbursement.** Counties are eligible to receive reimbursement

from the state for not more than 90% of the costs incurred in providing victim and witness services. To be eligible for reimbursement, a county must provide all of the following services to victims and witnesses:

- Court appearance notification services, including cancellation of appearances;
- Victim compensation and social services referrals, including witness fee collection, case-by-case referrals and public information;
- Escort and other transportation services related to the investigation or prosecution of the case, if necessary or advisable;
- Case progress notification services which may be combined with court appearance notification services;
- Assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony;
- Employer intercession services;
- Expedited return of property services;
- Protection services;
- Family support services; and
- Waiting facilities.

In addition to these victim and witness services, counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:

- Explanation, in language understood by the child, of all legal proceedings in which the child will be involved;
- Advice to the judge, when appropriate and

as a friend of the court, regarding the child's ability to understand the proceedings and questions;

- Advice to the district attorney concerning the ability of a child witness to cooperate with the prosecution and the potential effects of the proceedings on the child; and
- Information about and referrals to appropriate social services programs to assist the child and child's family in coping with the emotional impact of the crime and the subsequent proceedings in which the child is involved.

**Reimbursable County Costs.** Under administrative rule Jus 12.02(15), the following categories of county costs are reimbursable under the program:

1. Salaries and benefits;
2. Overtime and night differentials;
3. Travel expenses;
4. Space rental;
5. Staff development, including registration fees, travel to and from training and conferences, meals, lodging, membership dues, subscriptions, and library materials;
6. Public information, including the printing of brochures and similar projects;
7. Local and long distance telephone costs;
8. Maintenance, repair and replacement of equipment;
9. Office supplies;
10. Equipment or non-expendable personal property having a useful life of more than one year and acquisition cost of more than \$500; and

11. Contractual services.

In 2013-14, counties reported aggregate costs of \$11,375,600 (all funds) under the program.

**Program Administration and Funding.** If a county wishes to be reimbursed, the county board must annually submit a program plan to the Department of Justice (DOJ) for approval. The plan must describe the level of services to victims and witnesses that the county plans to provide; the personnel or agencies responsible for programs and services; proposed staffing for the program; proposed education, training and experience requirements for program staff; and the county’s budget for implementing the program. The plan must also provide that the district attorney, local law enforcement agencies, and the courts will make all non-confidential reports and files available to program staff, as required to carry out their responsibilities.

To receive reimbursement, a county board must file a reimbursement claim with DOJ. The Department, in turn, determines the level of services for which a county may be reimbursed based on a county's level of staffing for the program. The approved level of staffing is determined by the caseload, number of prosecutors, and justified need.

The actual percentage of county costs that is reimbursed varies each year depending upon the availability of state funds, the costs of the counties' approved programs, and the number of counties operating approved programs. Table 1 summarizes, for the last 10 fiscal years, the reported annual county costs for approved programs of participating counties, the annual state reimbursements, the percentage of county costs actually reimbursed, and the number of counties receiving reimbursement for victim and witness assistance services costs. Table 2 summarizes the amounts reimbursed to each county during this same 10-year period.

Prior to 2013 Wisconsin Act 20, reimbursement payments to the counties for victim and witness services were funded from both general purpose revenue (GPR) and program revenue (PR) sources. Under 2013 Act 20, reimbursements to counties is entirely funded from the following program revenue sources: (a) the crime victim and witness assistance surcharge; (b) the delinquency victim and witness surcharge; and (c) the penalty surcharge.

The crime victim and witness surcharge is assessed against any person who is convicted of a misdemeanor or felony violation of state law, and may not be waived, reduced, or forgiven for any

**Table 1: State Reimbursement to Counties**

Fiscal Year	Reported County Costs	Amount of State Reimbursement	Percentage of Counties' Cost Reimbursed	Number of Counties Receiving Reimbursement
2004-05	\$8,903,600	\$5,296,600	59%	70
2005-06	9,558,600	5,161,700	54	71
2006-07	9,768,500	5,034,400	52	71
2007-08	10,003,300	5,654,300	57	71
2008-09	10,308,800	5,725,100	56	71
2009-10	10,772,600	6,134,900	57	71
2010-11	11,094,600	6,724,700	61	71
2011-12	10,885,100	4,712,500	43	71
2012-13	10,906,700	5,125,700	47	71
2013-14	11,375,600	6,328,400	56	71

**Table 2: Reimbursement to Counties Administering Victim and Witness Services Programs**

County	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Adams	\$32,200	\$29,000	\$27,800	\$31,800	\$31,200	\$35,800	\$41,500	\$29,300	\$31,000	\$31,400
Ashland	21,100	19,400	19,200	24,500	30,000	32,000	34,500	25,300	27,700	32,800
Barron	40,800	37,900	37,800	42,600	43,600	46,600	51,300	37,700	41,400	50,800
Bayfield	22,500	19,600	23,400	24,000	24,000	24,500	25,300	15,800	19,800	22,000
Brown	136,000	127,800	144,100	148,100	149,200	148,900	167,200	111,000	116,200	130,400
Buffalo	26,900	25,600	24,500	28,000	27,800	29,100	31,100	22,300	24,000	28,800
Burnett	24,100	23,800	22,300	24,900	25,000	27,700	32,800	28,000	30,900	37,300
Calumet	37,500	37,000	40,100	42,300	40,700	50,800	57,400	35,900	36,900	48,000
Chippewa	70,900	66,800	61,600	67,700	66,700	76,200	81,200	58,800	40,800	80,700
Clark	28,000	32,000	28,700	29,500	32,500	35,100	39,000	28,300	27,800	33,000
Columbia	81,900	77,300	81,100	78,100	76,500	80,700	87,800	58,600	66,200	77,800
Crawford	26,700	25,900	24,800	28,100	29,000	28,700	31,600	21,900	23,100	27,500
Dane	472,200	467,400	453,500	513,700	535,600	541,300	615,900	466,400	537,800	653,900
Dodge	72,600	65,600	61,200	69,300	64,700	67,700	81,000	56,400	65,900	73,900
Door	30,900	30,100	31,900	34,600	35,100	37,100	42,500	30,700	35,000	41,800
Douglas	59,900	53,800	54,700	65,200	71,300	73,600	78,700	51,200	72,300	64,300
Dunn	39,100	39,000	39,400	47,300	46,200	47,100	55,900	38,300	43,700	53,800
Eau Claire	65,900	71,500	62,600	77,500	72,200	84,200	100,700	72,400	69,800	103,200
Florence	13,300	12,400	12,100	13,400	13,500	14,100	16,900	12,200	14,700	17,300
Fond du Lac	62,700	62,800	55,300	63,100	65,500	76,600	65,700	61,100	67,800	83,400
Forest	---	4,300	6,600	17,200	13,700	14,200	18,600	14,900	15,200	17,800
Grant	30,300	28,700	27,500	30,200	30,800	32,700	36,300	27,000	31,600	39,600
Green	25,300	21,900	23,400	27,700	26,500	28,300	30,800	21,400	22,900	27,200
Green Lake	30,600	30,000	29,900	33,800	35,800	38,800	44,500	27,300	27,700	33,700
Iowa	27,800	26,800	25,700	28,700	28,700	31,300	33,400	23,700	25,500	31,200
Iron	32,600	30,300	30,300	35,000	35,900	37,400	41,000	29,800	33,500	41,500
Jackson	27,800	27,100	28,200	33,500	33,700	34,200	35,600	25,200	26,000	35,500
Jefferson	49,500	48,300	42,100	53,900	59,200	60,500	65,300	44,600	48,600	58,200
Juneau	29,500	27,200	29,300	29,200	30,500	31,800	34,200	22,900	26,200	32,200
Kenosha	221,300	229,200	218,600	223,600	241,200	255,400	276,800	207,800	245,900	281,000
Kewaunee	19,500	19,200	16,100	25,600	25,700	26,900	29,900	21,500	23,000	27,400
La Crosse	80,200	73,800	78,500	92,000	93,000	104,300	119,500	89,300	87,800	107,800
Lafayette	8,800	12,900	12,600	8,600	9,700	10,000	11,900	7,700	12,200	16,600
Langlade	13,200	12,400	11,900	13,400	13,500	14,300	13,700	9,500	11,000	13,400
Lincoln	27,900	27,200	27,500	31,000	32,200	33,700	37,000	24,600	28,600	34,900
Manitowoc	67,700	60,500	59,400	57,600	46,600	35,100	32,400	31,300	30,700	33,700
Marathon	77,700	75,900	72,700	88,900	93,800	104,900	113,500	65,400	62,300	81,900
Marinette	28,500	23,900	25,800	30,900	29,400	33,000	31,800	23,400	26,200	30,900
Marquette	27,800	26,600	25,600	29,000	29,700	31,600	34,500	25,100	26,800	33,100
Menominee*	---	---	---	---	---	---	---	---	---	---
Milwaukee	1,166,300	1,165,400	1,150,800	1,282,500	1,269,100	1,394,000	1,575,200	1,053,000	1,116,400	1,476,800
Monroe	52,600	51,500	49,800	56,800	56,400	52,100	60,100	26,500	30,500	43,400
Oconto	36,700	33,500	31,000	30,800	30,600	32,200	35,800	25,100	27,100	32,900
Oneida	14,900	13,300	13,600	15,600	16,200	17,100	18,700	13,900	14,600	16,400
Outagamie	86,200	84,700	95,100	110,500	113,500	120,000	132,200	95,300	95,800	118,200
Ozaukee	53,400	50,700	47,200	58,800	57,300	59,700	65,100	46,900	50,200	59,400
Pepin	15,200	12,100	11,800	14,400	15,000	15,400	16,500	11,700	13,300	15,700
Pierce	31,800	30,300	29,900	34,800	37,000	33,400	35,000	23,500	31,000	41,300
Polk	48,700	39,700	48,300	50,700	59,700	64,700	49,600	47,900	55,100	69,100
Portage	44,300	42,500	40,000	45,200	47,900	51,200	54,700	38,500	42,800	55,800

**Table 2: Reimbursement to Counties Administering Victim and Witness Services Programs (continued)**

County	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Price	\$15,500	\$15,100	\$15,100	\$17,500	\$11,300	\$15,800	\$15,200	\$10,900	\$12,300	\$16,300
Racine	254,900	244,000	209,400	220,300	218,600	241,600	260,700	162,400	168,900	207,200
Richland	21,800	32,500	30,500	36,100	32,900	41,700	40,500	27,500	28,400	35,100
Rock	210,000	189,800	185,100	206,800	219,000	227,700	250,400	174,200	185,000	200,700
Rusk	16,800	14,900	13,500	15,200	15,400	16,600	17,300	11,900	17,100	23,000
St. Croix	\$71,400	\$72,900	\$71,300	\$81,400	\$82,800	\$124,600	\$142,500	\$110,700	\$123,400	\$150,400
Sauk	45,800	49,100	40,700	47,400	48,800	45,100	40,700	24,700	31,600	50,800
Sawyer	---	---	---	---	---	---	---	---	---	---
Shawano**	54,400	51,200	52,200	45,600	57,200	49,900	67,500	35,200	53,300	64,200
Sheboygan	130,300	131,800	125,800	151,900	148,100	159,300	172,000	128,900	134,000	160,300
Taylor	\$33,500	\$31,000	\$23,000	\$19,000	\$22,200	\$26,100	\$24,900	\$20,500	\$24,500	29,000
Trempealeau	37,600	36,100	34,500	40,400	39,800	44,000	47,100	32,200	35,900	38,800
Vernon	26,400	26,400	24,500	29,300	29,200	31,900	34,500	23,700	25,600	31,400
Vilas	34,400	31,500	33,500	38,900	39,300	39,300	43,000	30,600	31,200	40,000
Walworth	82,400	77,800	77,700	94,500	97,100	108,900	105,200	67,800	62,500	74,100
Washburn	30,800	28,500	28,600	38,700	30,200	35,400	40,900	26,400	29,300	35,800
Washington	62,300	59,800	60,500	70,600	71,900	71,600	77,800	53,700	60,400	81,200
Waukesha	230,400	214,300	203,100	240,500	243,400	267,600	274,400	204,000	229,600	257,900
Waupaca	41,000	41,200	40,700	47,200	47,700	49,400	54,200	40,300	41,500	49,800
Waushara	18,900	16,900	16,600	18,800	19,000	19,900	21,600	15,200	16,700	20,000
Winnebago	81,200	77,900	76,600	88,100	86,400	93,600	98,000	69,900	74,600	91,200
Wood	55,500	64,400	56,200	62,500	72,200	68,900	74,700	55,500	58,600	72,400
<b>Total</b>	<b>\$5,296,600</b>	<b>\$5,161,700</b>	<b>\$5,034,400</b>	<b>\$5,654,300</b>	<b>\$5,725,100</b>	<b>\$6,134,900</b>	<b>\$6,724,700</b>	<b>\$4,712,500</b>	<b>\$5,125,700</b>	<b>\$6,328,400</b>

\*Menominee County receives indirect support through payments to Shawano County.

\*\*Reimbursement includes services in Menominee County.

reason. The surcharge totals \$67 for each misdemeanor count on which a conviction occurs and \$92 for each felony count on which a conviction occurs.

The crime victim and witness surcharge is also imposed on civil offenses if: (a) a person is charged with one or more crimes in a complaint; and (b) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes. The amount of the surcharge applied to the civil offense is based on whether the original underlying charge was a felony charge (in which case a \$92 surcharge would be assessed), or a misdemeanor charge (in which case a \$67 surcharge would be assessed).

The delinquency crime victim witness surcharge is imposed on any juvenile adjudged delinquent. The surcharge is \$20.

The penalty surcharge is generally imposed when the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance. The surcharge is equal to 26% of the imposed fine or forfeiture.

In 2013-14, \$6,328,400 was provided to the counties as reimbursement for victim and witness services; comprised of: (a) \$5,579,500 from the crime victim witness surcharge and delinquency crime victim witness surcharge; and (b) \$748,900 from the penalty surcharge. The Department estimates that in 2014-15, it will expend \$6,348,900 on reimbursement payments to counties for victim and witness services, comprised of: (a) \$5,600,000 from the crime victim witness surcharge and delinquency crime victim witness surcharge; and (b) \$748,900 from the penalty surcharge revenue.

Table 3 details the amounts of crime victim and witness surcharge revenues collected during each of the last 10 fiscal years. Included in the amounts listed Table 3 is revenue generated from the delinquency crime victim and witness surcharge.

**Table 3: Crime Victim and Witness Surcharge Revenues Collected**

Fiscal Year	Amount*
2002-03	\$4,255,100
2003-04	4,350,200
2004-05	4,607,200
2005-06	4,826,300
2006-07	4,803,500
2007-08	5,226,400
2008-09	5,484,300
2009-10	5,569,400
2010-11	5,411,600
2011-12	5,669,700
2012-13	5,460,400
2013-14	5,793,800

\*Amounts include revenue from both the crime victim and witness surcharge and the delinquency crime victim and witness surcharge.

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### **Crime Victim Compensation Program**

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Innocent victims of violent crimes, including their dependents and family members, often undergo financial hardships. The state's crime victim compensation program compensates victims and the dependents of deceased victims for the cost of medical treatment, lost wages, crime scene cleanup costs, replacement cost of property held for evidentiary purposes, and funeral and burial expenses. In addition, victims who are homemakers may be compensated for expenses related to securing homemaker services.

The specific types of economic loss for which compensation may be awarded from the crime

victim compensation program are detailed in Appendix I.

Dependents of a deceased victim may also be compensated for their economic loss, including loss of support. A dependent is defined as any spouse, domestic partner, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half-brother, half-sister, or parent of a spouse or of a domestic partner, of a deceased victim who was wholly or partially dependent on the victim's income at the time of the victim's death. A child of the victim born after the victim's death is also regarded as a dependent.

Victim compensation awards may also be made to family and household members of a homicide victim for compensable economic losses (identified above) that are incurred as a result of the individual's reaction to the death. This award to family and household members of a homicide victim is subject to the same limits that apply to compensation awarded directly to victims. A family member is defined as any spouse, domestic partner, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, brother, sister, half-brother, half-sister, aunt, uncle, nephew, niece, or parent or sibling of the spouse or of the domestic partner.

Generally, an individual must be a victim of one of the crimes enumerated in Table 4 in order to be eligible for an award. An award may be made regardless of whether or not a person is prosecuted or convicted for the crime which caused the victim's injury or death. However, victims who have been determined by DOJ to have substantially contributed to their injury or death are not eligible to receive an award.

A victim is also eligible for an award if the individual was injured or killed while: (a) preventing or attempting to prevent a crime; (b) apprehending or attempting to apprehend a suspected criminal; (c) aiding or attempting to aid a police officer apprehend or arrest a suspected criminal; (d) aiding

**Table 4: Compensable Crimes**

Abandonment of young child  
Abduction  
Abuse of children under 16  
Abuse of residents of penal facilities  
Abuse of vulnerable adults  
Aggravated battery  
Arson  
Arson (other than a building)  
Arson with intent to defraud  
Attempted murder  
Battery, special circumstances  
Battery or threat to witnesses  
Burglary  
Car-jacking-operating vehicle without owner's consent  
Causing mental harm to a child  
Domestic abuse-adult  
Domestic abuse-child  
Enticing a child for immoral purposes  
False imprisonment  
Felony murder  
Hazing  
Hit and run pedestrian  
Homicide by intoxicated use of vehicle or firearm  
Homicide by negligent control of vehicle or weapon  
Homicide by negligent control of vicious animal  
Homicide by reckless conduct  
Human trafficking  
Incest with a child  
Injury by intoxicated use of a motor vehicle  
Injury by negligent use of a weapon  
Kidnapping  
Mayhem  
Murder (1<sup>st</sup> and 2<sup>nd</sup> degree)  
Operating under the influence of an intoxicant  
Reckless driving  
Reckless injury  
Robbery; purse snatching; confronting a person  
Sexual assault-minor  
Sexual assault-adult  
Sexual exploitation by a therapist  
Sexual exploitation of a child  
Sexual intercourse with a child age 16 or older  
Soliciting a child for prostitution  
Stalking  
Strangulation/Suffocation  
Taking hostages  
Tampering with household products  
Theft  
Theft, extortion, robbery--financial institutions  
Trafficking of a child  
Use of a computer to facilitate a child sex crime

or attempting to aid a crime victim; or (e) aiding or attempting to aid a hit and run victim. Under 1989 Wisconsin Act 140, on-duty police officers and fire fighters are eligible for awards. Appendix II summarizes the eligibility requirements which must be met to qualify for a compensation award.

The amount of a victim's compensation award may be reduced by "collateral deductions," such as payments from: insurance; worker's compensation; unemployment insurance; public funds; emergency awards; or the offender and third parties who are found liable for the offender's acts. This offset provision ensures that only the victim's actual out-of-pocket costs are covered by the program.

**Funding and Administration.** Funding for the crime victim compensation program is provided from the following sources: (a) general purpose revenue; (b) restitution payments received by the state from defendants to offset prior awards made to victims under the program; and (c) a federal grant awarded under the federal Victims of Crime Act (VOCA). Federal funds from the VOCA grant are generated from a number of sources, including criminal fines collected from defendants convicted of federal offenses, penalty assessments on federal felony or misdemeanor convictions, and the proceeds of forfeited federal appearance bonds and bail bonds. Approximately 47.5% of the federal crime victims' fund is available to reimburse state compensation programs. The federal VOCA program matches 60% of state funding for crime victim compensation. The VOCA grant is awarded on a federal fiscal year basis (October 1 to September 30). In federal fiscal year 2013-14, Wisconsin received \$10,158,800 in VOCA grant awards, comprised of: (a) \$1,969,000 for victim compensation; and (b) \$8,189,800 for victim assistance.

Under s. 949.06(2) of the statutes, the state's maximum award for any one injury or death is \$40,000. This maximum award for any one injury or death was increased from \$10,000 to \$40,000

under 1985 Wisconsin Act 242. This amount is in addition to a \$2,000 maximum reimbursement of burial expenses that may be awarded. The statutes also specify award maximums for each category of loss. Appendix III describes the current award limits. Individual claims are not prorated under the program. Instead, any claims not fully paid after accounting for the "collateral deductions" discussed earlier, are carried forward into the next fiscal year when funds again become available.

Appendix IV identifies, by category of claim (usually type of crime), the new claims for compensation filed under the program during the last two completed state fiscal years, 2012-14. By far, the greatest number of new claims filed during this period was filed as a result of aggravated battery (1,851 claims out of a total 5,284 claims).

The Department denies payment to claimants under the program for a variety of reasons consistent with Chapter 949 of the statutes (Awards for the Victims of Crimes). Table 5 identifies for the last two completed state fiscal years, 2012-14, the various reasons why 1,551 completed claims were denied. The most frequent reason for denial was a failure to cooperate with DOJ (339 claims).

**Table 5: Completed Claims Denied 2012-14**

Reason for Denial	Number of Claims
Victim did not cooperate with DOJ	339
Victim conduct contributed to injury	307
Delinquent in child support	210
Victim did not cooperate with law enforcement	198
Crime not compensable	146
Victim committed crime which contributed	99
No crime occurred	95
Crime not reported to law enforcement within five days	50
Crime not reported to law enforcement	46
Victim knew driver was intoxicated	24
Claim not filed within time constraints	23
Victim failed to use collateral payment source	<u>14</u>
<b>Total Claims Denied</b>	<b>1,551</b>

Table 6 shows the number of claims that have been filed in each of the last 10 fiscal years, as well as the total amount expended to compensate crime victims and the average amount paid on approved claims. In 2013-14, \$4,113,300 was expended on crime victim compensation awards, comprised of: (a) \$2,388,100 GPR; (b) \$267,300 PR; and \$1,457,900 FED. For 2014-15, \$6,857,800 (\$2,388,100 GPR, \$3,645,800 PR, and \$823,900 FED) is budgeted to make awards to victims of crime. Program revenue for crime victim compensation awards is generated from court ordered restitution payments made by criminals.

**Table 6: Victim Compensation Claims**

Year	Number of Claims Filed	Amount Expended*	Average Amount per Paid Claim
2004-05	2,879	\$2,831,800	\$2,116
2005-06	2,816	2,924,400	2,335
2006-07	2,820	3,050,200	2,207
2007-08	2,713	3,080,300	2,584
2008-09	2,780	3,185,100	2,510
2009-10	2,683	3,341,600	2,665
2010-11	2,745	3,719,900	2,934
2011-12	2,713	3,598,000	2,701
2012-13	2,826	5,876,900	3,322
2013-14	2,498	4,113,300	3,205

\*The crime victim compensation database and the state financial system are not linked. As a result, the fiscal year attributed to certain compensation payments, refunds, or repayments may vary between the systems.

The provisions of 2007 Wisconsin Act 20 provided that restitution payments received by the state from defendants to offset awards made to victims under the crime victim compensation program would no longer be deposited to the general fund, but would instead be deposited to a program revenue appropriation to increase funding available for crime victim awards. The increased restitution funding also permits the state to increase its share of federal VOCA funding for crime victim awards. Nonetheless annual compensation awards under the program have ex-

ceeded annual revenue, requiring certain larger compensation awards over \$10,000 to be paid over multiple biennia. By the end of 2013-14, the amount of identified unpaid claims totaled \$2,322,500. In response, the Attorney General approved a discretionary award in the amount of \$3,378,500 to pay off all 2013-14 claims in full, as well as any remaining unpaid obligations. Discretionary funds are monies received by the Department as a result of certain civil litigations to which the state is a party. Generally, discretionary funds may be spent for any purpose permitted by state law, at the discretion of the Attorney General. The Department does not anticipate that it will carry over any unpaid victim compensation awards into the 2015-2017 biennium.

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### **Sexual Assault Victim Services Grant Program**

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Under 1993 Wisconsin Act 16, a sexual assault victim services grant program (SAVS) was created, beginning January 1, 1995. Grants are provided by DOJ to eligible nonprofit corporations or public agencies to provide (or subcontract to provide) all the following services for sexual assault victims:

1. Advocacy and counseling services;
2. 24-hour crisis telephone services;
3. Educational programs on professional intervention and community prevention; and
4. Services for persons living in rural areas, men, children, elderly or physically disabled persons, minority groups or other groups of victims that have special needs within the service area of the nonprofit corporation or public agency.

An eligible organization may not receive more than 70% of its operating budget from grants provided under this program and may not contract,

subcontract or enter into agreements with other organizations or individuals to provide all of the required services. When DOJ reviews grant applications, it must consider local needs for sexual assault victim services, the coordination of the applicant's services with other victim resources, the needs of rural and urban communities, and the needs of existing and proposed programs and services.

Sexual assault victim services grants are awarded on a calendar year basis. In 2014, 44 agencies were awarded grants totaling \$2,033,100. Appendix V identifies the agencies which received SAVS grants in 2014, as well as the award each agency received, the city of each agency's main office, and the counties the agencies serve.

Victims of sexual assault, domestic abuse, or stalking may request that the Government Accountability Board (GAB) withhold their name and address, appearing on a poll list or registration list, from public inspection. Should the individual include with their request authentication of their circumstances, GAB must honor the individual's request. Authentication includes, among other possibilities, a signed statement from a sexual assault service provider. To facilitate this process, the Department of Justice must continually certify to GAB a list containing the names and addresses of each organization that are eligible to receive sexual assault victim services grants. The list of eligible organizations must also be made available to law enforcement agencies.

Prior to 2013-14, SAVS was funded by the crime victim witness surcharge. Under 2013 Act 20, funding for SAVS is currently provided from state general purpose revenue and revenue from the child pornography surcharge. The child pornography surcharge is imposed on a person 18 years of age or older who is sentenced or placed on probation for sexual exploitation of a child or possession of child pornography. The surcharge totals \$500 for each original or copy of a pornographic image associated with the crime.

During the 2013-2015 biennium, \$2,033,200 GPR is appropriated annually for providing SAVS grants and administering the program. In 2013-14, revenue from the child pornography surcharge provided an additional \$3,700 of funding for the administration of the SAVS grant program. In 2014-15, it is expected that the child pornography surcharge will provide \$156,800 in additional funding for the SAVS grant program, comprised of \$141,700 in additional grant funding and \$15,100 for the administration of the grant program.

Total expenditures by all grantees of the sexual assault victim services grant program from all funding sources (including non-SAVS sources) were \$6,942,300 in calendar year 2013.

Table 7 shows the number of people that grantees served in 2013, by type of sexual assault service.

**Table 7: Number of People Served by Sexual Assault Victim Services Grantees in 2013, by Service Type**

Community Education, Outreach, Prevention Client Contacts; Information/Referral;	131,044
Hotline Calls	27,284
Personal/Legal Advocacy	10,634
Medical Advocacy	2,344
Support Groups	2,050
Therapy	1,360

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### **Sexual Assault Forensic Exams Program**

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Under the Sexual Assault Forensic Exams (SAFE) program, health care providers may seek reimbursement for the examination costs to gather evidence regarding a sex offense. A sex offense is defined as an act committed in Wisconsin that, if committed by a competent adult, would be a criminal violation or attempted violation constituting: (a) sexual assault; (b) sexual assault of a child; (c) engaging in repeated acts of sexual assault of the

same child; (d) sexual exploitation of a child; (e) incest with a child; (f) soliciting a child for prostitution; or (g) sexual intercourse with a child age 16 or older.

A health care provider seeking an award under the program may not seek payment for any examination costs from the victim or any guardian of the victim. The Department of Justice may not make an award under the program if: (a) the victim authorized the health care provider to seek payment for any examination costs from insurance or another available source of payment; and (b) the victim, or any guardian of the victim, cooperated with a law enforcement agency. The Department of Justice may not refuse to make an award under the program to a health care provider because the victim or the guardian of the victim did not cooperate with a law enforcement agency regarding the sex offense, or due to lack of an investigation or prosecution of the sex offense.

The SAFE program was originally created under the provisions of 2005 Wisconsin Act 25. Act 25 provided \$37,500 PR annually during 2005-07 to provide reimbursement for sexual assault forensic exams. The provisions of 2007 Wisconsin Act 20 created statutory language to govern the administration of the program, and converted the funding for this program to GPR. Act 20 created a GPR sum sufficient appropriation for the program budgeted at \$50,000 annually. Under 2013 Act 20, the budget for the SAFE sum sufficient appropriation was increased to \$700,000 annually. In 2013-14, 54 health care providers received reimbursement under the program for services provided to 720 victims, with total expenditures of \$686,900.

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### **Child Advocacy Centers**

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Child advocacy centers are intended to provide comprehensive services for child victims and their families by coordinating services from

law enforcement and criminal justice agencies, child protective services, victim advocacy agencies, and health care providers. Grants awarded under the program typically fund multi-disciplinary teams of law enforcement, nurses and victim advocates to record victim interviews and collect evidence in child sexual assault and child abuse cases.

Section 165.96 of the statutes directs the Department of Justice to provide 14 annual grants of \$17,000 to child advocacy centers in 14 counties for education, training, medical advice, and quality assurance activities. The statutes specifically identify the grant recipients in 11 of the 14 counties, while in Brown, Racine and Walworth Counties the statutes do not specify which child advocacy center will receive the grant funding. Table 8 specifies the child advocacy centers that received grants in 2013-14.

Beginning January 15, 2015, and annually thereafter, DOJ must submit a report to the Legislature containing the following information about the child advocacy center grant program: (a) the amount of each grant awarded under the program for the previous fiscal year; (b) the grantee to whom each grant was awarded; (c) the agency's methodology for awarding grants and

determining the level of grant funding to be provided to each grant recipient; (d) performance measures created by DOJ for the grant program; and (e) reported results of each grant recipient in each fiscal year as to the attainment of performance measures DOJ developed for the grant recipient.

Funding for child advocacy center grants is provided from justice information system surcharge revenue. The \$21.50 justice information system surcharge is generally assessed with a court fee for the commencement or filing of certain court proceedings.

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### Victim Resource Center

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The Department of Justice operates the Victim Resource Center to inform and assist crime victims regarding crime victim rights and services. The Center maintains a toll-free telephone number to provide crime victims and witnesses with the following services: (a) information and referral to available services; (b) emotional support; (c) assistance in securing resources and protection; (d) assistance in exercising their rights as victims; and

**Table 8: Child Advocacy Center Grantees in 2013-14**

County	Child Advocacy Center
Brown	Sexual Assault Center of Family Services of Northeast WI*
Chippewa	Chippewa County Child Advocacy Center
Dane	Safe Harbor
Green	CHAT Room
Kenosha	Kenosha Child Advocacy Center
La Crosse	Stepping Stones
Marathon	Child Advocacy Center of Northeastern WI
Milwaukee	Child Protection Center
Racine	Children's Service Society of Wisconsin-Racine*
Rock	Care House
Walworth	Children's Service Society of Wisconsin*
Waukesha	CARE Center
Winnebago	Fox Valley Child Advocacy Center
Wood	Marshfield Child Advocacy Center

\*Child advocacy center not specified in statute.

(e) intervention with the criminal justice system, when warranted. The Department is also authorized to receive complaints and, with the consent of the parties involved, mediate complaints regarding treatment of crime victims and witnesses. In 2013-14, the Center served 892 victims and responded to 5,674 victim contacts (including telephone, email, and written contacts).

Since January 1, 1994, the Center has operated the Victim Appellate Notification Services (VANS) program. This program provides information to victims and witnesses regarding any appeals of their cases. The information includes dates of oral arguments and appellate court decisions. The program was established because district attorneys, who typically provide such services at the circuit court level, are generally not involved in felony and other significant criminal and juvenile delinquency appeals (typically handled by DOJ attorneys). Consequently, victims and witnesses were not being kept up to date on appeals of their cases.

The Center also provides victim and witness services in cases prosecuted by DOJ when no other victim or witness services are available. Of the 892 victims served by the Center in 2013-14, 201 received services under the VANS program.

In 2013-14, the Victim Resource Center received a federal VOCA grant award of \$207,200. The state's match is 25% of each award.

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### **Crime Victims Council**

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The Wisconsin Crime Victims Council is a statutory, 15-member body whose members are appointed to staggered, three-year terms by the Attorney General. Of the 15 members, 10 are citizen members, two are representatives of organizations that provide victim support services, and one represents each of the following entities: law enforcement agencies, district attorneys, and the judiciary. The Council's purpose is to study and make recommendations regarding the needs of crime victims in Wisconsin.

The Council, through its subcommittees: (a) reviews and makes recommendations on legislation and public policy; (b) studies access to crime victim services; (c) provides policy recommendations to the judiciary, law enforcement officers, mental health providers and professionals and the public regarding crime victim needs; and (d) advocates for crime victims, including the use of the media to raise public awareness of victim issues.

## APPENDIX I

### **Losses or Injuries for Which Compensation is Provided Through the State's Crime Victim Compensation Program**

1. Medical treatment, both physical and mental.
2. Lost wages. If the victim was employed at the time of the injury, lost wages must be based on the victim's net salary at the time of the injury. If the victim was not employed at the time of the injury or, if as a direct result of the injury, the victim suffered a disability causing a loss of potential earnings, lost wages may be based on a sufficient showing by the victim that he or she actually incurred loss of earnings. The amount of lost wages awarded must be reduced by any wage income earned by the victim or by wage income the victim could have earned, that the victim was capable of performing, but unreasonably failed to undertake.
3. Funeral and burial expenses.
4. Economic loss, including loss of support to dependents of a deceased victim. A dependent's economic loss includes contributions of things of economic value provided by the victim but lost as a result of the victim's death. A dependent's loss of support must be determined on the basis of the victim's net salary at the time of death, and must be calculated as an amount equal to four times the victim's average annual earnings.
5. Clothing and bedding held for evidentiary purposes.
6. Other property which is held for evidentiary purposes and is rendered unusable because of crime laboratory testing.
7. Replacement of homemaker services when the victim is the homemaker and unable to perform those services as a result of the crime.
8. Cleaning up and securing a crime scene.
9. Attorney fees. Attorney fees may be paid out of, but not in addition to, the amount of an award provided to a victim. Attorney fees may not exceed 10% of the crime victim compensation award.
10. Emergency awards, defined as immediate payments made to a claimant if the Department of Justice determines an award will probably be made from the program and that undue hardship will result to the claimant if the payment is delayed. The value of any emergency award will be deducted from the final award made to a claimant.

## APPENDIX II

### Eligibility for Awards Crime Victim Compensation Program

#### Location of Criminal Act

The criminal act for which victim compensation is being sought must generally have occurred within the state. Wisconsin residents injured or killed outside the state may seek compensation for any injuries or death suffered, if the resident can show that the state, territory, country or political subdivision of a country in which the act occurred does not have a crime victim compensation program which covers the injury or death suffered by the person.

#### Eligible Persons

1. Victims of a compensable crime (see Table 4).

2. Victims injured or killed while: (a) preventing or attempting to prevent a crime; (b) apprehending or attempting to apprehend a suspected criminal; (c) aiding or attempting to aid a police officer apprehend or arrest a suspected criminal; (d) aiding or attempting to aid a crime victim; or (e) aiding or attempting to aid a hit and run victim.

3. Any person responsible for the maintenance of the victim who has suffered pecuniary loss or has incurred expenses as a result of the injury or death of the victim.

4. Dependents of a deceased victim. If two or more dependents are entitled to an award, the award must be apportioned among the dependents.

5. Family and household members of a deceased victim.

#### Other Eligibility Requirements

1. A claim for an award must be filed

within one year after the injury or death. [DOJ may waive this requirement in the interest of justice].

2. The crime which resulted in the injury or death must be reported to the police within five days of its occurrence, or, if the crime could not reasonably have been reported within such a period, within five days of the time when a report could reasonably have been reported.

3. The Department of Justice must determine that a victim did not engage in conduct which substantially contributed to his or her injury or death. This eligibility restriction does not apply to a victim who intervened to prevent a crime, or to assist a victim or law enforcement.

4. The Department of Justice must find that the victim did not commit a crime which caused or contributed to his or her injury or death.

5. A claimant must cooperate with law enforcement agencies and DOJ.

6. The victim is not eligible for an award if that victim is an adult and voluntarily rides with a driver (including a driver of a commercial vehicle) who the victim knew was under the influence of an intoxicant, controlled substance, a controlled substance analog or any combination, or had a prohibited blood alcohol concentration.

7. The victim may generally not be included on the statewide support lien docket by the Department of Children and Families for failure to pay child or family support, maintenance, medical expenses of a child, or birth expenses.

8. No award may be made to a claimant if the award would unjustly benefit the offender or accomplice.

## APPENDIX III

### Award Limits Crime Victim Compensation Program

Award	Award Limit*
Medical treatment	Award is subject to \$40,000 maximum limit for a single award.
Lost wages	Award is subject to \$40,000 maximum limit for a single award.
Homemaker services	Award is subject to \$40,000 maximum limit for a single award.
Award for burial and funeral expenses	\$2,000
Cleaning up and securing a crime scene	\$1,000
Reasonable replacement for clothing and bedding held for evidentiary purposes	\$300
Award for the reasonable replacement value for property other than clothing and bedding that is held for evidentiary purposes and rendered unusable as a result of crime laboratory testing	\$200
Dependents' economic loss, including loss of support, as a result of the victim's death	Award is subject to \$40,000 maximum limit for a single award.
Award for family and household members of homicide victims for economic losses resulting from their reaction to the death	Award is subject to \$40,000 maximum limit for a single award.
Emergency burial and funeral expense award**	\$2,000
Emergency compensation award**	\$500

\*The maximum award to a victim may not exceed \$40,000 under the crime victim compensation program (not including any award for burial expenses).

\*\*Emergency awards are made if DOJ determines that an award will probably be made and that undue hardship will result to the claimant if immediate payment is not made. Any emergency award is deducted from the final award made to the claimant. The claimant must repay DOJ any excess of such an emergency award over the final award, or the entire amount of the emergency award if no final award is made.

## APPENDIX IV

### Crime Victim Compensation Claims Filed 2012-14

Claim Category	Number of Claims
Aggravated Battery	1,851
Sexual Assault-Minor	1,024
Sexual Assault-Adult	902
Robbery; Purse Snatching; Confronting a Person	275
Attempted Murder	226
Murder (1 <sup>st</sup> and 2 <sup>nd</sup> Degree)	209
Injury by Intoxicated Use of a Motor Vehicle	106
Reckless Injury	103
Hit and Run Pedestrian	91
Abuse of Children Under 16	53
Domestic Abuse - Adult	51
Reckless Driving	47
Burglary, Entering Building to Commit Felony	35
Injury by Negligent Use of a Weapon	30
Homicide by Reckless Conduct	26
Homicide by Intoxicated Use of a Vehicle or Firearm	22
Terrorism	18
Theft, Stealing Property	17
Homicide by Negligent Control of a Vehicle or Weapon	14
Car-Jacking/Operating a Vehicle without Owner's Consent	14
Battery, Special Circumstances	10
Arson	8
Stalking	8
Robbery of a Financial Institution	6
Human Trafficking	5
Domestic Abuse - Child	5
False Imprisonment	5
Taking Hostages	5
Operating Under the Influence of Intoxicant	4
Abuse of Vulnerable Adults	3
Causing Mental Harm to a Child	2
Enticing a Child for Immoral Purposes	2
Kidnapping	2
Mayhem	1
Sexual Exploitation by Therapist	1
Non-Compensable Crime	74
No Crime Committed	21
Unknown	<u>8</u>
<b>Total</b>	<b>5,284</b>

## APPENDIX V

### Sexual Assault Victim Services (SAVS) Grant Awards, 2014

Agency	City of Main Office	County(s) Served	Award
Advocates of Ozaukee	Saukville	Ozaukee	\$40,700
Association for the Prevention of Family Violence	Elkhorn	Walworth	39,500
Assist Services Treatment Outreach Prevention (ASTOP), Inc.	Fond du Lac	Fond du Lac	81,500
Advocates for Victims of Domestic and Sexual Abuse in Langlade County, Wisconsin (AVAIL), Inc.	Antigo	Langlade	33,800
Bolton Refuge House - Jackson Outreach	Eau Claire	Jackson	15,000
The Bridge to Hope	Menomonie	Dunn and Pepin	30,000
Community Action Program (CAP) Services, Inc.	Stevens Point	Portage; Waupaca	56,300
Center Against Sexual and Domestic Abuse (CASDA)	Superior	Douglas	45,700
Community Referral Agency	Milltown	Polk; Burnett	25,500
Domestic Violence Escape (DOVE), Inc.	Ironwood, Michigan	Iron	39,400
Family Advocates, Inc.	Platteville	Grant; Iowa	43,900
Family Services of Northeast Wisconsin - Sexual Assault Center	Green Bay	Brown; Oconto; Door	118,300
Family Services of Southern Wisconsin and Northern Illinois - Sexual Assault Response Program	Beloit	Rock; Green; Lafayette	44,900
Family Support Center	Chippewa Falls	Chippewa; Eau Claire	53,500
Friends of Abused Families, Inc.	West Bend	Washington	35,600
Gundersen Lutheran Sexual Abuse Support Program	La Crosse	La Crosse	30,100
Household Abuse Victims Emergency Network (HAVEN), Inc.	Merrill	Lincoln	34,500
Hmong/American Friendship Association, Inc.	Milwaukee	Milwaukee	29,600
Hope House of South Central Wisconsin, Inc.	Baraboo	Sauk; Columbia; Adams; Juneau; Marquette	145,500
Lutheran Social Services - Sexual Assault Services	Racine	Racine	50,200
Manitowoc Domestic Violence Center - Sexual Assault Resource Center	Manitowoc	Manitowoc	28,000
Monroe Shelter Care - Brighter Tomorrows	Sparta	Monroe	26,300
New Horizons Shelter and Outreach Centers, Inc.	La Crosse	Trempealeau	40,600
Northwoods Women, Inc./New Day Shelter	Ashland	Ashland; Bayfield	39,000
Passages, Inc.	Richland Center	Richland; Vernon; Crawford	57,200
People Against A Violent Environment (PAVE), Inc.	Beaver Dam	Dodge	41,600
People Against Domestic and Sexual Abuse	Jefferson	Jefferson	50,000
Personal Development Center	Marshfield	Clark	14,500
Rape Crisis Center	Madison	Dane	75,000
Reach Counseling Services, Inc.	Menasha	Winnebago	70,400
Safe Harbor of Sheboygan , Inc.	Sheboygan	Sheboygan	42,900
Safe Haven	Shawano	Shawano	35,000
Sexual Assault Crisis Center - Fox Cities	Appleton	Outagamie; Calumet	32,600
Sexual Assault Treatment Center, Aurora Sinai Medical Center	Milwaukee	Milwaukee	112,900
Stepping Stones, Inc.	Medford	Taylor	23,500
Tri- Council on Domestic Violence and Sexual Assault, Inc.	Rhineland	Oneida; Vilas; Forest	33,900
Turningpoint for Victims of Domestic and Sexual Abuse	River Falls	Pierce; St. Croix	28,600
United Migrant Opportunity Services, Inc.	Milwaukee	Milwaukee	35,200
Violence Intervention Project, Inc.	Algoma	Kewaunee	34,800
Wisconsin Rapids Family Center, Inc.	Wisconsin Rapids	Wood	53,500
Women & Children's Horizons, Inc.	Kenosha	Kenosha	60,000
Women's Center, Inc.	Waukesha	Waukesha	25,100
The Women's Community, Inc.	Wausau	Marathon	<u>34,900</u>
<b>Total</b>			<b>\$2,033,100</b>