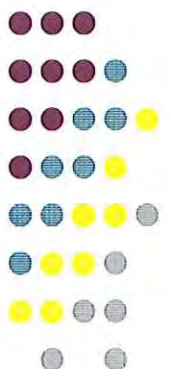




Crime Victim and Witness Rights and Services

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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 constitutional 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 programs to provide services to crime victims and witnesses. The remainder of this paper provides information on these state programs.

Funding for County Victim and Witness Services

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 prosecutor 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 costs of more than \$500; and
11. Contractual services.

In 2009-10, counties reported aggregate costs of \$10,772,600 (all funds) under the program.

Program Administration and Funding. If a county wishes to be reimbursed, the county board must 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 total reported annual county costs for approved programs of participating counties, the total 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.

Reimbursement payments are funded from five different sources: (a) state general purpose revenue (GPR); (b) Part A of the crime victim and witness surcharge; (c) any excess money from the Part A crime victim and witness surcharge not used for crime victim compensation; (d) a delinquency crime victim and witness surcharge;

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
2000-01	\$7,883,900	\$5,325,100	68%	70
2001-02	8,296,500	5,483,500	66	70
2002-03	8,626,400	5,348,400	62	70
2003-04	8,671,700	5,203,100	60	70
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	6,136,700	57	71

and (e) penalty surcharge revenue. The amounts generated under (b) thru (e) are considered program revenue (PR).

The crime victim and witness surcharge is assessed against any person who is convicted of a misdemeanor or felony violation of state law. Prior to 1993-94, the surcharge was \$30 for each misdemeanor violation and \$50 for each felony violation. The resulting surcharge revenues were authorized solely to fund county reimbursements for victim and witness services.

The victim and witness surcharge underwent two modifications by 1993 Wisconsin Act 16. First, surcharge revenue was authorized to partially fund the crime victim compensation program described in the next section.

Second, effective August 12, 1993, the surcharge for a misdemeanor offense was increased from \$30 to \$50 and for a felony offense was increased from \$50 to \$70. Act 16 provided that the \$20 increase for each classification of crime be used to fund the sexual assault victim services grant program described below. As a result of these changes, the initial \$30 for a misdemeanor and the initial \$50 for a felony was termed "Part A" of the surcharge. These surcharge amounts are authorized to fund crime victim compensation and victim and witness services. The additional \$20 for both a misdemeanor and a felony violation was termed "Part B" of the surcharge. These additional surcharge amounts are

authorized to fund the sexual assault victim services grant program.

Under 2005 Wisconsin Act 25, Part A of the surcharge was increased from \$30 for each misdemeanor offense to \$40, and from \$50 for each felony offense to \$65, to provide increased funding to counties for their crime victim and witness assistance program costs.

The provisions of 2007 Wisconsin Act 20 provided that the surcharge would now also be 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 an \$85 surcharge would be assessed), or a misdemeanor charge (in which case a \$60

surcharge would be assessed). Surcharge revenue from civil offenses is available to fund victim and witness services and crime victim compensation.

Finally, 2009 Wisconsin Act 28 provided that Part B of the surcharge be increased from \$20 to \$27. During 2009-11, 74% of Part B revenues, instead of 100% under prior law, are allocated for grants for sexual assault victim services. The remaining 26% of Part B revenues during 2009-11 are available to fund reimbursements for county victim and witness assistance programs and for crime victim compensation awards.

Under 2009 Act 28, effective July 1, 2011, the first \$20 of each \$27 Part B crime victim and witness surcharge will be allocated for grants for sexual assault victim services. The remaining amounts collected under the Part B crime victim and witness surcharge will be allocated for county victim and witness assistance programs and for

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

County	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Adams	\$28,400	\$30,100	\$29,500	\$31,800	\$32,200	\$29,000	\$27,800	\$31,800	\$31,200	\$35,800
Ashland	19,700	19,700	19,100	20,700	21,100	19,400	19,200	24,500	30,000	32,000
Barron	35,000	35,900	38,200	39,300	40,800	37,900	37,800	42,600	43,600	46,600
Bayfield	19,200	22,700	22,600	23,200	22,500	19,600	23,400	24,000	24,000	24,500
Brown	136,600	135,100	145,000	134,000	136,000	127,800	144,100	148,100	149,200	149,000
Buffalo	18,800	21,100	24,200	25,000	26,900	25,600	24,500	28,000	27,800	29,100
Burnett	21,500	22,400	22,000	23,600	24,100	23,800	22,300	24,900	25,000	27,700
Calumet	30,300	31,700	31,700	33,600	37,500	37,000	40,100	42,300	40,700	50,800
Chippewa	51,000	56,600	62,500	69,400	70,900	66,800	61,600	67,700	66,700	76,200
Clark	29,400	28,800	26,600	27,100	28,000	32,000	28,700	29,500	32,500	35,100
Columbia	69,700	70,900	76,000	78,200	81,900	77,300	81,100	78,100	76,500	80,700
Crawford	25,800	26,700	25,800	26,300	26,700	25,900	24,800	28,100	29,000	28,700
Dane	465,700	477,000	474,900	431,200	472,200	467,400	453,500	513,700	535,600	541,400
Dodge	66,700	68,500	65,900	71,000	72,600	65,600	61,200	69,300	64,700	67,700
Door	26,300	30,800	29,000	29,800	30,900	30,100	31,900	34,600	35,100	37,100
Douglas	64,900	63,600	56,300	56,300	59,900	53,800	54,700	65,200	71,300	73,600
Dunn	41,500	36,000	41,900	38,400	39,100	39,000	39,400	47,300	46,200	47,100
Eau Claire	59,800	63,300	65,600	65,600	65,900	71,500	62,600	77,500	72,200	84,200
Florence	11,200	12,500	12,400	12,900	13,300	12,400	12,100	13,400	13,500	14,100
Fond du Lac	56,200	50,800	58,300	58,700	62,700	62,800	55,300	63,100	65,500	76,600
Forest	---	---	---	---	---	4,300	6,600	17,200	13,700	14,200
Grant	27,600	27,700	27,600	30,400	30,300	28,700	27,500	30,200	30,800	32,700
Green	19,900	22,100	20,500	23,600	25,300	21,900	23,400	27,700	26,500	28,300
Green Lake	29,600	32,400	29,000	29,200	30,600	30,000	29,900	33,800	35,800	38,800
Iowa	26,700	26,300	26,800	26,500	27,800	26,800	25,700	28,700	28,700	31,300
Iron	28,700	28,800	30,800	31,700	32,600	30,300	30,300	35,000	35,900	37,400
Jackson	31,900	32,100	31,100	23,800	27,800	27,100	28,200	33,500	33,700	34,200
Jefferson	45,300	50,100	48,100	56,500	49,500	48,300	42,100	53,900	59,200	60,500
Juneau	27,900	28,000	30,800	27,900	29,500	27,200	29,300	29,200	30,500	31,800
Kenosha	213,600	226,400	211,700	220,900	221,300	229,200	218,600	223,600	241,200	255,400

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

County	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Kewaunee	\$19,400	\$18,100	\$14,400	\$19,100	\$19,500	\$19,200	\$16,100	\$25,600	\$25,700	\$26,900
La Crosse	75,200	73,700	75,600	78,100	80,200	73,800	78,500	92,000	93,000	104,300
Lafayette	13,200	17,900	15,200	16,000	8,800	12,900	12,600	8,600	9,700	10,100
Langlade	10,000	15,400	11,800	11,300	13,200	12,400	11,900	13,400	13,500	14,300
Lincoln	24,200	30,100	27,600	29,500	27,900	27,200	27,500	31,000	32,200	33,700
Manitowoc	64,300	67,800	62,400	66,400	67,700	60,500	59,400	57,600	46,600	35,100
Marathon	80,300	83,000	79,000	76,400	77,700	75,900	72,700	88,900	93,800	105,000
Marquette	27,000	28,500	28,100	27,200	28,500	23,900	25,800	30,900	29,400	33,100
Marquette	19,200	27,200	27,900	26,800	27,800	26,600	25,600	29,000	29,700	32,600
Menominee*	---	---	---	---	---	---	---	---	---	---
Milwaukee	1,422,500	1,448,400	1,357,800	1,183,400	1,166,300	1,165,400	1,150,800	1,282,500	1,269,100	1,394,000
Monroe	52,400	53,200	56,200	53,300	52,600	51,500	49,800	56,800	56,400	52,100
Oconto	33,100	32,900	33,300	34,700	36,700	33,500	31,000	30,800	30,600	32,200
Oneida	13,500	13,400	13,800	14,800	14,900	13,300	13,600	15,600	16,200	17,100
Outagamie	93,300	100,100	88,700	88,100	86,200	84,700	95,100	110,500	113,500	120,000
Ozaukee	45,500	54,000	58,000	51,600	53,400	50,700	47,200	58,800	57,300	59,700
Pepin	16,900	17,100	19,000	18,700	15,200	12,100	11,800	14,400	15,000	15,400
Pierce	30,800	33,500	30,200	32,000	31,800	30,300	29,900	34,800	37,000	33,400
Polk	49,500	44,900	45,600	46,300	48,700	39,700	48,300	50,700	59,700	64,700
Portage	42,600	47,500	47,600	46,600	44,300	42,500	40,000	45,200	47,900	51,200
Price	12,600	13,100	12,000	15,400	15,500	15,100	15,100	17,500	11,300	15,800
Racine	238,400	244,700	247,700	248,800	254,900	244,000	209,400	220,300	218,600	241,600
Richland	23,800	24,100	23,500	24,000	21,800	32,500	30,500	36,100	32,900	41,700
Rock	192,600	188,500	195,200	191,300	210,000	189,800	185,100	206,800	219,000	227,700
Rusk	18,000	17,100	15,900	16,300	16,800	14,900	13,500	15,200	15,400	16,600
St. Croix	73,400	71,100	69,300	71,100	71,400	72,900	71,300	81,400	82,800	124,600
Sauk	43,800	50,500	47,200	49,200	45,800	49,100	40,700	47,400	48,800	45,100
Sawyer	---	---	---	---	---	---	---	---	---	---
Shawano**	52,200	52,900	59,500	55,000	54,400	51,200	52,200	45,600	57,200	50,000
Sheboygan	124,000	127,900	128,800	129,100	130,300	131,800	125,800	151,900	148,100	159,300
Taylor	25,900	29,400	26,700	30,300	33,500	31,000	23,000	19,000	22,200	26,100
Trempealeau	34,900	36,200	35,400	37,000	37,600	36,100	34,500	40,400	39,800	44,000
Vernon	31,300	28,900	27,100	28,200	26,400	26,400	24,500	29,300	29,200	32,000
Vilas	26,200	27,000	34,900	35,800	34,400	31,500	33,500	38,900	39,300	39,300
Walworth	80,600	85,400	82,100	83,700	82,400	77,800	77,700	94,500	97,100	109,000
Washburn	27,900	29,000	28,900	30,800	30,800	28,500	28,600	38,700	30,200	35,400
Washington	58,500	58,400	56,800	58,400	62,300	59,800	60,500	70,600	71,900	71,600
Waukesha	211,400	220,900	192,000	219,800	230,400	214,300	203,100	240,500	243,400	267,600
Waupaca	43,800	41,700	38,700	40,400	41,000	41,200	40,700	47,200	47,700	49,400
Waushara	14,100	15,500	17,000	17,300	18,900	16,900	16,600	18,800	19,000	19,900
Winnebago	74,300	78,500	75,200	77,200	81,200	77,900	76,600	88,100	86,400	93,600
Wood	55,600	57,900	58,400	57,100	55,500	64,400	56,200	62,500	72,200	68,900
Total	\$5,325,100	\$5,483,500	\$5,348,400	\$5,203,100	\$5,296,600	\$5,161,700	\$5,034,400	\$5,654,300	\$5,725,100	\$6,136,700

*Menominee County receives indirect support thru payments to Shawano County.

**Reimbursement includes services in Menominee County.

crime victim compensation awards.

Of the total of \$6,136,700 (\$1,408,000 GPR and \$4,728,700 PR) reimbursed to counties in 2009-10 for victim and witness services, expenditures from crime victim and witness assistance surcharge revenues (including delinquency crime victim and witness assistance surcharge revenues) equaled

\$3,896,600 PR; and expenditures from penalty surcharge receipts equaled \$832,100 PR. For 2010-11, the Department plans to expend \$6,139,500 to provide reimbursements to counties for victim and witness services (\$1,408,000 GPR, \$3,899,400 PR in crime victim and witness assistance surcharge revenue, and \$832,100 PR in penalty surcharge funding).

Table 3 details the amounts of crime victim and witness surcharge revenues collected during each of the last 10 fiscal years.

Table 3: Crime Victim and Witness Surcharge Revenues Collected

Fiscal Year	Part A Amount	Part B Amount
2000-01	\$2,261,500	\$1,307,100
2001-02	2,918,800	1,626,400
2002-03	2,781,500	1,473,600
2003-04	2,767,300	1,582,900
2004-05	2,910,900	1,696,300
2005-06	3,119,000	1,707,300
2006-07	3,074,300	1,729,200
2007-08	3,458,200	1,768,200
2008-09	3,837,200	1,647,100
2009-10	4,229,800	1,616,300

Crime Victim Compensation Program

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 clean up 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.

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 and includes any child of the victim born after the

victim's death.

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.

The specific types of economic loss for which compensation may be awarded from the crime victim compensation program are detailed in Appendix I.

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 to 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. 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

Table 4: Compensable Crimes

Abandonment of young child
Abduction
Abuse of children under 16
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
Injury by intoxicated use of a motor vehicle
Injury by negligent use of a weapon
Kidnapping
Mayhem
Murder (1st and 2nd 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
Stalking
Taking hostages
Tampering with household products
Theft
Theft, extortion, robbery--financial institutions
Trafficking of a child

payments from insurance, worker's compensation, unemployment insurance, public funds, emergency awards, and 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 (GPR); (b) Part A of the crime victim and witness assistance surcharge; (c) Part B of the crime victim and witness assistance surcharge; (d) restitution payments received by the state from defendants to offset prior awards made to victims under the program; and (e) from federal grants awarded under the federal Victims of Crime Act (VOCA). Federal funds 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 45% of the federal crime victims' fund is available to reimburse state compensation programs. Previously, these funds were made available to match 40% of state funding for crime victim compensation. The federal VOCA program has now been modified to match 60% of state funding for crime victim compensation.

Under s. 949.06(2) of the statutes, the state's maximum award for any one injury or death is \$40,000. 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 "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, 2008-10. By far the greatest number of new claims filed during this period, (1,953 claims out of a total of 5,463 claims) were filed as a result of aggravated battery.

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, 2008-10, the various reasons why 1,927 completed claims were

Table 5: Completed Claims Denied 2008-10

Reason for Denial	Number of Claims
Victim did not cooperate with DOJ	510
Victim conduct contributed	354
Delinquent in child support	303
Victim did not cooperate with law enforcement	226
Crime not compensable under Act	184
No crime occurred	85
Victim committed crime which contributed	76
Claim not filed within time constraints	72
Victim knew driver was intoxicated	40
Crime not reported to law enforcement within five days	40
Crime not reported to law enforcement	30
Victim failed to use collateral payment source	6
Award would unjustly benefit offender	<u>1</u>
Total Claims Denied	1,927

denied. The most frequent reason for denial was a failure to cooperate with DOJ (510 claims).

Table 6 shows the number of claims that have been filed in each of the last 10 fiscal years, the total amount expended to compensate crime victims, and the average amount paid on approved claims. Of the total of \$3,271,300 expended for crime victim compensation awards in 2009-10, expenditures from GPR totaled \$1,245,400, federal expenditures totaled \$1,012,600 FED, expenditures from crime victim and witness assistance surcharge revenues totaled \$796,600 PR, and expenditures from restitution funding totaled \$216,700 PR. For 2010-11, \$3,637,400 (\$1,245,400 GPR, \$1,102,000 FED, \$993,000 PR in crime victim and witness assistance surcharge revenue, and \$297,000 PR in restitution funding) is budgeted to make awards to victims of crime.

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 new program revenue appropriation to increase funding available for crime victim awards. The increased restitution funding will also permit the state to increase its share of federal VOCA funding

Table 6: Victim Compensation Claims

Year	Number of Claims Filed	Amount Expended*	Average Amount per Paid Claim
2000-01	2,724	\$2,420,000	\$2,065
2001-02	2,858	2,255,400	2,025
2002-03	2,950	2,577,000	800
2003-04	2,934	2,852,700	829
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

*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.

for crime victim awards. Nonetheless, claims for compensation under the program have exceeded available revenue and created a deficit situation. The Department of Justice estimates that the program will conclude 2010-11 with a deficit of \$2,136,500.

Sexual Assault Victim Services Grant Program

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 service;
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 2009, 45 agencies were awarded grants totaling \$2,066,600. In 2010, 43 agencies were awarded grants totaling \$2,069,500.

The sexual assault victim services grant program is funded through Part B of the crime victim and witness surcharge (described earlier). Revenue for the program totaled \$1,339,600 in 2009-10.

Total expenditures by all grantees of the sexual assault victim services grant program from all funding sources (including non-SAVS sources) were \$7,040,000 in calendar year 2008 and \$7,085,900 in calendar year 2009.

Table 7 shows the number of people that grantees served in 2008 and 2009 by type of sexual assault service.

Table 7: Number of People Served by Sexual Assault Victim Services Grantees by Service Type

	2008	2009
Client Contacts; Information/ Referral; Hotline Calls	40,407	33,327
Individual Counseling	5,319	N/A
Support Groups	2,136	1,812
Personal/Legal Advocacy	4,497	10,937
Community Education, Outreach, Prevention	134,020	114,918

Sexual Assault Forensic Exams Program

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 GPR annually. In 2008-09, 21 health care providers received reimbursement under the program for services provided to 91

victims, with total expenditures of \$57,500 GPR. For 2009-10, 18 health care providers received reimbursement under the program for services provided to 88 victims, with total expenditures of \$68,900 GPR.

Child Advocacy Centers

Section 16.964(14) of the statutes directs the Department of Administration's Office of Justice Assistance (OJA) to provide 14 annual grants of \$20,000 each to the child advocacy centers listed in Table 8 for education, training, medical advice, and quality assurance activities. The statutes specifically identify the grant recipients in 11 counties, while in Brown, Racine and Walworth Counties the statutes specify that a child advocacy center in the county receive the annual grant. If the specified grant recipient does not exist, OJA opens up a competitive grant process to award the grant money to a child advocacy center in the affected county. Table 9 specifies for 2009-11, the amounts awarded to child advocacy centers in the statutorily specified 14

Table 8: Child Advocacy Center Grantees as Specified in Statute

County	Child Advocacy Center
Brown County	Unspecified Child Advocacy Center
Chippewa County	Chippewa County Child Advocacy Center
Dane County	Safe Harbor
Green County	CHAT Room
Kenosha County	Kenosha Child Advocacy Center
La Crosse County	Stepping Stones
Marathon County	Child Advocacy Center of Northeastern WI
Milwaukee County	Child Protection Center
Racine County	Unspecified Child Advocacy Center
Rock County	Care House
Walworth County	Unspecified Child Advocacy Center
Waukesha County	CARE Center
Winnebago County	Fox Valley Child Advocacy Center
Wood County	Marshfield Child Advocacy Center

counties. Due to funding reductions under the 2009-11 biennial budget, actual grant awards were reduced from the amounts specified under s. 16.964(14). 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

Table 9: 2009-11 Annual Child Advocacy Center Grant Awards

County	Child Advocacy Center	2009-11 Annual Award Amounts
Brown	Sexual Assault Center of Family Services of Northeast WI	\$18,921
Chippewa	Chippewa Valley Child Advocacy Center*	18,921
Dane	Safe Harbor Child Advocacy Center	18,921
Green	CHAT Room	18,921
Kenosha	Children's Hospital of Wisconsin	18,926
La Crosse	Family and Children's Center-Stepping Stones	18,922
Marathon	Child Advocacy Center of Northeastern WI*	18,921
Milwaukee	Children's Service Society of Wisconsin-Milwaukee	18,921
Racine	Children's Service Society of Wisconsin-Racine*	18,921
Rock	YWCA on behalf of Care House	18,921
Walworth	Children's Hospital of Wisconsin--Kenosha	18,921
Waukesha	Family Service of Waukesha on behalf of C.A.R.E. Center	18,921
Winnebago	Children's Hospital of Wisconsin-Fox Valley Child Advocacy Center	18,921
Wood	Marshfield Child Advocacy Center	<u>18,921</u>
Total		\$264,900

*The Children's Service Society of Wisconsin-Milwaukee, which is affiliated with the Children's Hospital of Wisconsin-Milwaukee, has been awarded the grant funds on behalf of the identified recipient.

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.

Victim Resource Center

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 (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 2008-09, the Victim Resource Center served 908 victims and responded to 1,915 victim contacts (including telephone, email, and written contacts). In 2009-10, the Center served 655 victims and responded to 2,282 victim 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 908 victims served by the Victim Resource Center in 2008-09, 121 received services under the VANS program. Of the 655 victims served by the Center in 2009-10, 134 received services under the VANS program.

The Victim Resource Center's VOCA grant award for 2008-09 is \$170,000. The 2009-10 VOCA grant award to the Center is \$203,100. The state's match is 25% of each award.

Crime Victims Council

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.
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.
4. A claimant must cooperate with law enforcement agencies and DOJ.
5. 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.
6. 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.
7. 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).

APPENDIX IV

Crime Victim Compensation Claims Filed 2008-10

Claim Category	Number of Claims
Aggravated Battery	1,953
Sexual Assault-Minor	951
Sexual Assault-Adult	884
Attempted Murder	290
Robbery; Purse Snatching; Confronting a Person	229
Murder (1st and 2nd Degree)	218
Injury by Intoxicated Use of a Motor Vehicle	161
Domestic Abuse--Adult	145
Reckless Injury	120
Hit and Run Pedestrian	105
Non-Compensable	98
Abuse of Children Under 16	53
Homicide by Intoxicated Use of Vehicle or Fire Arm	38
Reckless Driving	23
Homicide by Reckless Conduct	19
Homicide by Negligent Control of Vehicle or Weapon	19
Operating under the Influence of an Intoxicant	18
Injury by Negligent Use of a Weapon	17
Battery, Special Circumstances	11
Theft, Stealing Property	11
Car-Jacking-Operating Vehicle without Owner's Consent	10
No Crime Committed	8
Burglary, Entering Building to Commit Felony	7
False Imprisonment	7
Arson	6
Domestic Abuse--Child	6
Stalking	5
Kidnapping	2
Mayhem	2
Abandonment of Young Child	2
Causing Mental Harm to a Child	1
Abduction	1
Sexual Exploitation by a Therapist	1
Abuse of Vulnerable Adult	1
Unknown	<u>41</u>
Total	5,463