

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 state-funded programs to provide services to crime victims and witnesses. The remainder of this paper provides information on these state-funded 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 2011-12, counties reported aggregate costs of \$10,885,100 (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 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 six 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; (e) Part C of the 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
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	6,134,900	57	71
2010-11	11,094,600	6,724,700	61	71
2011-12	10,885,100	4,712,500	43	71

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

County	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Adams	\$29,500	\$31,800	\$32,200	\$29,000	\$27,800	\$31,800	\$31,200	\$35,800	\$41,500	\$29,300
Ashland	19,100	20,700	21,100	19,400	19,200	24,500	30,000	32,000	34,500	25,300
Barron	38,200	39,300	40,800	37,900	37,800	42,600	43,600	46,600	51,300	37,700
Bayfield	22,600	23,200	22,500	19,600	23,400	24,000	24,000	24,500	25,300	15,800
Brown	145,000	134,000	136,000	127,800	144,100	148,100	149,200	148,900	167,200	111,000
Buffalo	24,200	25,000	26,900	25,600	24,500	28,000	27,800	29,100	31,100	22,300
Burnett	22,000	23,600	24,100	23,800	22,300	24,900	25,000	27,700	32,800	28,000
Calumet	31,700	33,600	37,500	37,000	40,100	42,300	40,700	50,800	57,400	35,900
Chippewa	62,500	69,400	70,900	66,800	61,600	67,700	66,700	76,200	81,200	58,800
Clark	26,600	27,100	28,000	32,000	28,700	29,500	32,500	35,100	39,000	28,300
Columbia	76,000	78,200	81,900	77,300	81,100	78,100	76,500	80,700	87,800	58,600
Crawford	25,800	26,300	26,700	25,900	24,800	28,100	29,000	28,700	31,600	21,900
Dane	474,900	431,200	472,200	467,400	453,500	513,700	535,600	541,300	615,900	466,400
Dodge	65,900	71,000	72,600	65,600	61,200	69,300	64,700	67,700	81,000	56,400
Door	29,000	29,800	30,900	30,100	31,900	34,600	35,100	37,100	42,500	30,700
Douglas	56,300	56,300	59,900	53,800	54,700	65,200	71,300	73,600	78,700	51,200
Dunn	41,900	38,400	39,100	39,000	39,400	47,300	46,200	47,100	55,900	38,300
Eau Claire	65,600	65,600	65,900	71,500	62,600	77,500	72,200	84,200	100,700	72,400
Florence	12,400	12,900	13,300	12,400	12,100	13,400	13,500	14,100	16,900	12,200
Fond du Lac	58,300	58,700	62,700	62,800	55,300	63,100	65,500	76,600	65,700	61,100
Forest	---	---	---	4,300	6,600	17,200	13,700	14,200	18,600	14,900
Grant	27,600	30,400	30,300	28,700	27,500	30,200	30,800	32,700	36,300	27,000
Green	20,500	23,600	25,300	21,900	23,400	27,700	26,500	28,300	30,800	21,400
Green Lake	29,000	29,200	30,600	30,000	29,900	33,800	35,800	38,800	44,500	27,300
Iowa	26,800	26,500	27,800	26,800	25,700	28,700	28,700	31,300	33,400	23,700
Iron	30,800	31,700	32,600	30,300	30,300	35,000	35,900	37,400	41,000	29,800
Jackson	31,100	23,800	27,800	27,100	28,200	33,500	33,700	34,200	35,600	25,200
Jefferson	48,100	56,500	49,500	48,300	42,100	53,900	59,200	60,500	65,300	44,600
Juneau	30,800	27,900	29,500	27,200	29,300	29,200	30,500	31,800	34,200	22,900
Kenosha	211,700	220,900	221,300	229,200	218,600	223,600	241,200	255,400	276,800	207,800
Kewaunee	14,400	19,100	19,500	19,200	16,100	25,600	25,700	26,900	29,900	21,500
La Crosse	75,600	78,100	80,200	73,800	78,500	92,000	93,000	104,300	119,500	89,300
Lafayette	15,200	16,000	8,800	12,900	12,600	8,600	9,700	10,000	11,900	7,700
Langlade	11,800	11,300	13,200	12,400	11,900	13,400	13,500	14,300	13,700	9,500
Lincoln	27,600	29,500	27,900	27,200	27,500	31,000	32,200	33,700	37,000	24,600
Manitowoc	62,400	66,400	67,700	60,500	59,400	57,600	46,600	35,100	32,400	31,300
Marathon	79,000	76,400	77,700	75,900	72,700	88,900	93,800	104,900	113,500	65,400
Marinette	28,100	27,200	28,500	23,900	25,800	30,900	29,400	33,000	31,800	23,400
Marquette	27,900	26,800	27,800	26,600	25,600	29,000	29,700	31,600	34,500	25,100
Menominee*	---	---	---	---	---	---	---	---	---	---
Milwaukee	1,357,800	1,183,400	1,166,300	1,165,400	1,150,800	1,282,500	1,269,100	1,394,000	1,575,200	1,053,000
Monroe	56,200	53,300	52,600	51,500	49,800	56,800	56,400	52,100	60,100	26,500
Oconto	33,300	34,700	36,700	33,500	31,000	30,800	30,600	32,200	35,800	25,100
Oneida	13,800	14,800	14,900	13,300	13,600	15,600	16,200	17,100	18,700	13,900
Outagamie	88,700	88,100	86,200	84,700	95,100	110,500	113,500	120,000	132,200	95,300
Ozaukee	58,000	51,600	53,400	50,700	47,200	58,800	57,300	59,700	65,100	46,900
Pepin	19,000	18,700	15,200	12,100	11,800	14,400	15,000	15,400	16,500	11,700
Pierce	30,200	32,000	31,800	30,300	29,900	34,800	37,000	33,400	35,000	23,500
Polk	45,600	46,300	48,700	39,700	48,300	50,700	59,700	64,700	49,600	47,900
Portage	47,600	46,600	44,300	42,500	40,000	45,200	47,900	51,200	54,700	38,500
Price	12,000	15,400	15,500	15,100	15,100	17,500	11,300	15,800	15,200	10,900
Racine	247,700	248,800	254,900	244,000	209,400	220,300	218,600	241,600	260,700	162,400
Richland	23,500	24,000	21,800	32,500	30,500	36,100	32,900	41,700	40,500	27,500
Rock	195,200	191,300	210,000	189,800	185,100	206,800	219,000	227,700	250,400	174,200
Rusk	15,900	16,300	16,800	14,900	13,500	15,200	15,400	16,600	17,300	11,900
St. Croix	69,300	71,100	71,400	72,900	71,300	81,400	82,800	124,600	142,500	110,700
Sauk	47,200	49,200	45,800	49,100	40,700	47,400	48,800	45,100	40,700	24,700
Sawyer	---	---	---	---	---	---	---	---	---	---
Shawano**	59,500	55,000	54,400	51,200	52,200	45,600	57,200	49,900	67,500	35,200
Sheboygan	128,800	129,100	130,300	131,800	125,800	151,900	148,100	159,300	172,000	128,900

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

County	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Taylor	\$26,700	\$30,300	\$33,500	\$31,000	\$23,000	\$19,000	\$22,200	\$26,100	\$24,900	\$20,500
Trempealeau	35,400	37,000	37,600	36,100	34,500	40,400	39,800	44,000	47,100	32,200
Vernon	27,100	28,200	26,400	26,400	24,500	29,300	29,200	31,900	34,500	23,700
Vilas	34,900	35,800	34,400	31,500	33,500	38,900	39,300	39,300	43,000	30,600
Walworth	82,100	83,700	82,400	77,800	77,700	94,500	97,100	108,900	105,200	67,800
Washburn	28,900	30,800	30,800	28,500	28,600	38,700	30,200	35,400	40,900	26,400
Washington	56,800	58,400	62,300	59,800	60,500	70,600	71,900	71,600	77,800	53,700
Waukesha	192,000	219,800	230,400	214,300	203,100	240,500	243,400	267,600	274,400	204,000
Waupaca	38,700	40,400	41,000	41,200	40,700	47,200	47,700	49,400	54,200	40,300
Waushara	17,000	17,300	18,900	16,900	16,600	18,800	19,000	19,900	21,600	15,200
Winnebago	75,200	77,200	81,200	77,900	76,600	88,100	86,400	93,600	98,000	69,900
Wood	<u>58,400</u>	<u>57,100</u>	<u>55,500</u>	<u>64,400</u>	<u>56,200</u>	<u>62,500</u>	<u>72,200</u>	<u>68,900</u>	<u>74,700</u>	<u>55,500</u>
Total	\$5,348,400	\$5,203,100	\$5,296,600	\$5,161,700	\$5,034,400	\$5,654,300	\$5,725,100	\$6,134,900	\$6,724,700	\$4,712,500

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

**Reimbursement includes services in Menominee County.

and (f) penalty surcharge revenue. The amounts generated under (b) thru (f) 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. The amount of the surcharge is \$67 for each misdemeanor offense and \$92 for each felony offense. The crime victim and witness surcharge is comprised of three parts, Part A, Part B, and Part C.

Part A of the surcharge equals \$40 for each misdemeanor offense and \$65 for each felony offense. Part A of the surcharge funds county reimbursements for victim and witness services as well as crime victim compensation payments. Part B of the surcharge equals \$20 for each misdemeanor or felony offense. Part B of the surcharge funds the sexual assault victim services grant program. Part C of the surcharge equals \$7 for each misdemeanor or felony offense. Part C provides additional funding for victim and witness services and crime victim compensation. An individual must pay the amount due under Part A before paying the amount due under Part B. Likewise, an individual must pay the amount due under Parts A and B before paying the amount

due under Part C.

The 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). Surcharge revenue from civil offenses is allocated to Part A and is available to fund victim and witness services and crime victim compensation.

Of the \$4,712,500 (\$1,201,200 GPR and \$3,511,300 PR) reimbursed to counties in 2011-12 for victim and witness services, expenditures from crime victim and witness assistance surcharge revenues (including delinquency crime victim and witness assistance surcharge revenues) equaled \$2,311,100 PR; expenditures from penalty surcharge receipts equaled \$748,900 PR; and expenditures from one-time legal settlement funding equaled \$451,300 PR. For 2012-13, the Department plans to expend \$4,573,900 to provide reimbursements to counties for victim and

witness services (\$1,201,200 GPR, \$2,623,800 PR in crime victim and witness assistance surcharge revenue, and \$748,900 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
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	1,339,600
2010-11	4,015,200	1,396,400
2011-12	4,055,200	1,614,500

Part A revenue amounts for 2011-12 include some amount of new Part C revenue.

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 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.

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) aid-

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
- Incest with a child
- 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
- Sexual exploitation of a child
- Sexual intercourse with a child age 16 or older
- Soliciting a child for prostitution
- Stalking
- 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

ing 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. Ap-

pendix 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, 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 C 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. The federal VOCA program 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 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 "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, 2010-12. By far the greatest number of new claims filed during this period, (1,807 claims out of a total of 5,402 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, 2010-12, the various reasons why 1,736 completed claims were denied. The most frequent reason for denial was a failure to cooperate with DOJ (395 claims).

Table 5: Completed Claims Denied 2010-12

Reason for Denial	Number of Claims
Victim did not cooperate with DOJ	395
Victim conduct contributed	380
Delinquent in child support	247
Victim did not cooperate with law enforcement	240
Crime not compensable under Act	178
No crime occurred	92
Victim committed crime which contributed	44
Crime not reported to law enforcement	44
Crime not reported to law enforcement within five days	41
Claim not filed within time constraints	27
Victim knew driver was intoxicated	27
Victim failed to use collateral payment source	19
Award would unjustly benefit offender	<u>2</u>
Total Claims Denied	1,736

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 \$3,598,000 expended for crime

Table 6: Victim Compensation Claims

Year	Number of Claims Filed	Amount Expended*	Average Amount per Paid Claim
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
2010-11	2,745	3,719,900	2,934
2011-12	2,713	3,598,000	2,701

*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.

victim compensation awards in 2011-12, expenditures from GPR totaled \$1,120,900, federal expenditures totaled \$1,376,600 FED, expenditures from crime victim and witness surcharge revenues totaled \$747,800 PR, and expenditures from restitution funding totaled \$223,700 PR. One-time legal settlement funds in the amount of \$129,000 PR were also expended. For 2012-13, \$3,105,800 (\$1,120,900 GPR, \$823,900 FED, \$893,700 PR in crime victim and witness surcharge revenue, and \$267,300 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 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 exceeded annual revenue, requiring certain larger

compensation awards over \$10,000 to be paid over multiple biennia. The Department of Justice carried over \$3,360,100 in unpaid compensation awards from 2011-12, to 2012-13. The Department estimates that it will carry over \$3,473,600 in unpaid compensation awards into 2013-14.

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 2011, 43 agencies were awarded grants totaling \$2,073,000. In 2012, 42 agencies were awarded grants totaling \$1,474,300.

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 \$1,614,500 in 2011-12.

Total expenditures by all grantees of the sexual assault victim services grant program from all funding sources (including non-SAVS sources) were \$7,200,800 in calendar year 2010 and \$7,188,300 in calendar year 2011.

Table 7 shows the number of people that grantees served in 2010 and 2011 by type of sexual assault service.

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

	2010	2011
Community Education, Outreach, Prevention	107,627	132,393
Client Contacts; Information/Referral; Hotline Calls	35,858	31,965
Personal/Legal Advocacy	10,640	11,358
Medical Advocacy	2,368	2,239
Support Groups	2,150	1,813
Therapy	1,687	1,393

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 2010-11, 33 health care providers received reimbursement under the program for services provided to 160 victims, with total expenditures of \$131,500 GPR. For 2011-12, 38 health care providers received reimbursement under the program for services provided to 340 victims, with total expenditures of \$321,500 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 \$17,000 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 2011-13, the annual amounts awarded to child advocacy centers in the statutorily specified 14 counties.

Table 8: Child Advocacy Center Grantees as Specified in Statute

County	Child Advocacy Center
Brown	Unspecified Child Advocacy Center
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	Unspecified Child Advocacy Center
Rock	Care House
Walworth	Unspecified Child Advocacy Center
Waukesha	CARE Center
Winnebago	Fox Valley Child Advocacy Center
Wood	Marshfield Child Advocacy Center

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.

Table 9: 2011-13 Annual Child Advocacy Center Grant Awards

County	Child Advocacy Center	2011-13 Annual Award Amounts
Brown	Sexual Assault Center of Family Services of Northeast WI	\$17,000
Chippewa	Chippewa Valley Child Advocacy Center*	17,000
Dane	Safe Harbor Child Advocacy Center	17,000
Green	CHAT Room	17,000
Kenosha	Children's Hospital of Wisconsin	17,000
La Crosse	Family and Children's Center-Stepping Stones	17,000
Marathon	Child Advocacy Center of Northeastern WI*	17,000
Milwaukee	Children's Hospital of Wisconsin	17,000
Racine	Children's Service Society of Wisconsin-Racine*	17,000
Rock	YWCA on behalf of Care House	17,000
Walworth	Children's Service Society of Wisconsin*	17,000
Waukesha	Family Service of Waukesha on behalf of C.A.R.E. Center	17,000
Winnebago	Children's Hospital of Wisconsin-Fox Valley Child Advocacy Center	17,000
Wood	Marshfield Child Advocacy Center	<u>17,000</u>
Total		\$238,000

*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.

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. According to DOJ, in 2010-11, the Victim Resource Center served 910 victims and responded to 4,802 victim contacts (including telephone, email, and written contacts). In 2011-12, the Center served 648 victims and responded to 2,824 victim contacts.

Since January 1, 1994, the Center has operat-

ed 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 910 victims served by the Victim Resource Center in 2010-11, 150 received services under the VANS program. Of the 648 victims served by the Center in 2011-12, 144 received services under the VANS program.

The Victim Resource Center's VOCA grant award for 2010-11 is \$207,200. The 2011-12 VOCA grant award to the Center is \$207,200.

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) re-views 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 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.
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.
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).

APPENDIX IV

Crime Victim Compensation Claims Filed 2010-12

Claim Category	Number of Claims
Aggravated Battery	1,807
Sexual Assault-Minor	1,046
Sexual Assault-Adult	899
Robbery; Purse Snatching; Confronting a Person	257
Attempted Murder	247
Domestic Abuse--Adult	214
Murder (1st and 2nd Degree)	196
Injury by Intoxicated Use of a Motor Vehicle	124
Hit and Run Pedestrian	88
Reckless Injury	81
Abuse of Children Under 16	64
Injury by Negligent Use of a Weapon	32
Reckless Driving	22
Burglary, Entering Building to Commit Felony	21
Theft, Stealing Property	20
Homicide by Intoxicated Use of Vehicle or Firearm	19
Homicide by Reckless Conduct	17
Stalking	15
Homicide by Negligent Control of Vehicle or Weapon	12
Domestic Abuse--Child	9
False Imprisonment	9
Arson	8
Kidnapping	7
Operating under the Influence of an Intoxicant	7
Car-Jacking-Operating Vehicle without Owner's Consent	6
Taking hostages	6
Battery, Special Circumstances	5
Child Enticement	3
Robbery of a Financial Institution	3
Causing Mental Harm to a Child	2
Abandonment of Young Child	1
Abduction	1
Human Trafficking	1
Sexual Exploitation by a Therapist	1
Trafficking of a child	1
Non-Compensable Crime	86
Unknown	56
No Crime Committed	<u>9</u>
Total	5,402