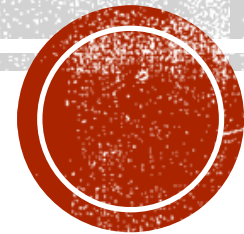


WISCONSIN CRIME VICTIMS COUNCIL

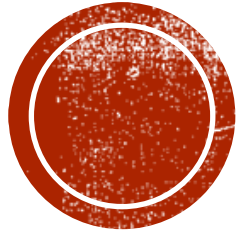
MARSY'S LAW STAKEHOLDER SURVEY RESULTS

SEPTEMBER 2020



QUESTIONS ABOUT THE CRIME VICTIMS COUNCIL OR THIS DOCUMENT? [VISIT US ONLINE](#) OR CONTACT JULIE BRAUN
BRAUNJA@DOJ.STATE.WI.US

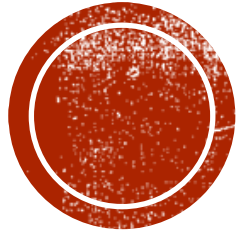
THE STAKEHOLDER SURVEY



1. FAMILIARITY WITH MARSY'S LAW LANGUAGE
2. PERCEIVED RELEVANCE OF MARSY'S LAW TO RESPONDENTS' AGENCIES
2. PREVALENCE AND TYPE OF IMPLEMENTATION CHALLENGES EXPERIENCED

Surveys were sent between 6/24/2020 and 8/31/2020 to identify issues important to justice system stakeholders with Marsy's Law responsibilities. The surveys supplement additional conversations being held with these and other stakeholders during this period.

RESPONDENTS (N=382)



DISTRICT ATTORNEYS/PROSECUTORS (79)

COUNTY VICTIM WITNESS COORDINATORS (74)

CHIEFS OF POLICE, SHERIFFS & COMMAND STAFF (25)

CIRCUIT COURT JUDGES (57)

CLERKS OF COURT (50)

LAW ENFORCEMENT OR PROSECUTOR - ANONYMOUS (97)

THE MAJORITY OF RESPONDENTS WERE VERY EXPERIENCED IN THEIR FIELD.

RESPONDENT TYPE	10 OR MORE YEARS IN THEIR FIELD	5 YEARS OR LESS IN THEIR FIELD
Law Enforcement & Prosecutors	80%	12%
Judges	56%	23%
Clerks of Court	75%	15%
Victim Witness Coordinators	58%	31%



ALMOST ALL RESPONDENTS WERE FAMILIAR WITH THE LANGUAGE IN MARSY'S LAW.

Survey Group	VERY FAMILIAR WITH ML	SOMEWHAT FAMILIAR WITH ML	NOT FAMILIAR WITH ML
Law Enforcement & Prosecutors	54%	44%	2%
Judges	67%	32%	1%
Clerks of Court	24%	68%	8%
Victim Witness Coordinators	46%	53%	1%



THE MAJORITY OF RESPONDENTS REPORTED ML APPLIES TO THEIR POSITION OR AGENCY.

Survey Group	ML APPLIES TO MY AGENCY	SKIPPED QUESTION
Law Enforcement & Prosecutors	53%	47%
Judges	70%	30%
Clerks of Court	68%	30%
Victim Witness Coordinators	91%	9%



RESPONDENTS PROVIDED EXAMPLES OF IMPLEMENTATION CHALLENGES

Survey Group	% of respondents that identified at least one ML implementation challenge	TYPE OF IMPLEMENTATION ISSUE BEING EXPERIENCED BY RESPONDENT		
		The meaning of word/phrase unclear	A ML duty conflicts with another statutory or constitutional duty	It is unclear when a ML duty applies and/or who is responsible for carrying it out
Law Enforcement & Prosecutors	29%	16%	13%	15%
Judges	49%	33%	28%	28%
Clerks of Court	34%	12%	12%	12%
Victim Witness Coordinators	51%	31%	19%	31%



RESPONDENTS IDENTIFIED WORDS AND PHRASES THEY BELIEVE LACK CLARITY FOR THE PURPOSE OF IMPLEMENTATION AND COMPLIANCE

MOST COMMON RESPONSES

PRIVACY

PROCEEDING

REASONABLE PROTECTION

FULL RESTITUTION

TIMELY

OTHER DISCOVERY

TO BE HEARD

ASSISTANCE (RESTITUTION)



ML LANGUAGE IDENTIFIED BY RESPONDENTS AS UNCLEAR IN THE CONTEXT OF WHAT IS REQUIRED OF THEIR AGENCY

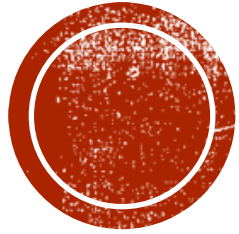
- a) To be treated with dignity, respect, **courtesy, sensitivity** and fairness.
- b) To **privacy**
- c) To **proceedings** free from unreasonable delay.
- d) To **timely** disposition of the case, free from unreasonable delay.
- e) Upon request, **to attend** all proceedings involving the case.
- f) To **reasonable protection from the accused** throughout the criminal and juvenile justice process.
- g) Upon request, to reasonable and **timely** notification of proceedings.
- h) Upon request, to confer with the attorney for the government.
- i) Upon request, **to be heard** in any proceeding during which a right of the victim is implicated, including release, plea, sentencing, disposition, parole, revocation, expungement, or pardon.
- j) To have information pertaining to the economic, physical, and psychological effect upon the victim of the offense submitted to the authority with jurisdiction over the case and to have that information considered by that authority.
- k) Upon request, to **timely** notice of any release or escape of the accused or death of the accused if the accused is in custody or on supervision at the time of death.
- l) To refuse an interview, deposition, or **other discovery request** made by the accused or any person acting on behalf of the accused.
- m) To **full restitution** from any person who has been ordered to pay restitution to the victim and to be provided with **assistance** collecting restitution.
- n) To compensation as provided by law.
- o) Upon request, to **reasonable and timely** information about the status of the investigation and the outcome of the case.
- p) To **timely** notice about all rights under this section and all other rights, privileges, or protections of the victim provided by law, including how such rights, privileges, or protections are enforced.



RESPONDENTS IDENTIFIED EXAMPLES OF ML REQUIREMENTS THEY BELIEVE CONFLICT WITH OTHER STATUTORY OR CONSTITUTIONAL DUTIES/PROVISIONS

ML Concept	Perceived as a conflict with...
Victims' Right to Privacy	Public Records Obligations
Victims' Right to Privacy	Public/Individual Safety
Victims' Right to Privacy	Use of BWC/Squad Camera
Victims' Right to Attend all Proceedings	Statutory Court Sequestration Order Necessary for Fair Trial
"Full" Restitution	Juvenile code 938.34(5)
Refusing "Other Discovery"	Prosecutors' Obligation to Provide It
Rights to be Heard or Attend	Avoiding "Unreasonable Delay" When Victim Cannot Be Reached
Notice to Victim of Release of Accused	Protection of Accused
Generally	Defendants' Rights
Victims' Right to Enforcement of Rights	Lack of Explicit Agency Responsibility/Accountability for ML Duties





- ❖ Treatment of Victim Information
- ❖ Redaction
- ❖ Public Records Obligations
- ❖ Privacy vs. Anonymity vs. Confidentiality
- ❖ Restitution
- ❖ Treatment of Early “Proceedings”
- ❖ Timing/Responsibility of Duties
- ❖ Application to the Juvenile System
- ❖ Fair Enforcement
- ❖ Victim Status/Definition/Eligibility

GENERAL TOPICS FREQUENTLY MENTIONED AS A CONCERN OR THE SUBJECT OF QUESTIONS IN RESPONDENTS' COMMENTS



**RESPONDENTS MADE
LEGISLATIVE & MODEL
PROTOCOL SUGGESTIONS**

Make victim impact statements confidential.

Make victim records submitted for restitution confidential.

DOJ should issue best practice recommendations.

The Wisconsin Crime Victims Rights Board should issue best practice recommendations.

Provide guidance to the judiciary about compliance with ML related to adjournments.

Create a model form re: consent for sharing victim information.

Create a uniform ML pamphlet.

Create law enforcement model policies & state standards for privacy requirements.

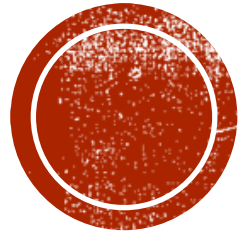


Survey Question:

“The Crime Victims Council is seeking input from system professionals with constitutional and statutory duties to victims of crime, in order to develop recommendations for the implementation of Marsy's Law. If you would like to be part of these conversations and are willing to share your perspective please provide your name, title and preferred contact information...”

POST-SURVEY UPDATE: More than 30 respondents from law enforcement, district attorney's offices, victim witness offices, clerks of court and the judiciary have signed up to serve on a Crime Victims Council ad-hoc workgroup to develop legislative recommendations for the implementation of ML.

Workgroups will meet through October 2020.



NEXT STEPS

- ❖ Workgroups will meet through October 2020.
- ❖ The full Council will finalize workgroup recommendations in November 2020.
- ❖ Recommendations will be presented to the Attorney General in November 2020.
- ❖ The status of ML litigation will be monitored, and the project will be refined as needed.



FOR MORE INFORMATION

The work of the Attorney General's Crime Victims Council is coordinated by Julie Braun, DOJ Office of Crime Victim Services Policy Initiatives Advisor. Questions about the Council and/or the Marsy's Law Implementation Project can be directed to:
braunja@doj.state.wi.us