



REPORT AND RECOMMENDATION OF THE WISCONSIN CRIME VICTIMS RIGHTS BOARD

Wisconsin Statutes section 950.09(3) authorizes the Crime Victims Rights Board (“Board”) to “issue reports and recommendations concerning the securing and provision of crime victims’ rights and services.” The following report makes recommendations to law enforcement professionals regarding the best practices for complying with the obligations set forth in Wisconsin Statutes Chapter 950 to provide specific written information within 24 hours of contact with a victim.

Factual Background

A woman filed a report that her minor daughter had been sexually assaulted. The report was filed with a law enforcement agency with jurisdiction over the location where the crime occurred. As the parent of a minor child who was a victim of crime, the woman was by statutory definition a victim entitled to the rights provided in Wis. Stat. Chapter 950. Wisconsin Stat. § 950.08(2g) required that the law enforcement agency make a reasonable effort to provide her with specific written information about her rights within 24 hours of contact with her. She was not given the information required by the statute at that time. Later, when an officer from the agency interviewed the minor victim, the officer had a duty to provide her with the information required by § 950.08(2g) within 24 hours, as well. The victim did not receive the required information. The officer provided a brochure from a local victim service agency but the brochure did not contain information about victims’ rights.

In response to inquiries from the Crime Victims’ Rights Board, the agency developed a brochure to give to victims in an effort to comply with the statutory requirement. The new brochure provided some information about victims’ rights but did not include all of the information specifically required by the statute. Wis. Stat. § 950.08(2g)(intro) requires law enforcement agencies to make a reasonable attempt to provide victims with written information on “all” of the informational elements identified in the subsection, including “[a] list of the rights of victims under s. 950.04(1v).” Wis. Stat. § 950.08(2g)(a).

Statutes Involved

Wisconsin Stat. § 950.02(4)(a)1. defines “victim” as “[a] person against whom a crime has been committed.”

Wisconsin Stat. § 950.02(4)(a)2. defines “victim” as “a parent, guardian or legal

custodian of the child” if the person specified in Wis. Stat. § 950.02(4)(a)1. is a child; *i.e.*, is a person who is less than 18 years of age. Wis. Stat. § 950.02(1).

Wisconsin Stat. § 950.04(1v)(t) provides that victims of crime have the right “[t]o receive information from law enforcement agencies, as provided under s. 950.08 (2g).”

Wisconsin Stat. § 950.08(2g) provides: No later than 24 hours after a law enforcement agency has initial contact with a victim of a crime that the law enforcement agency is responsible for investigating, the law enforcement agency shall make a reasonable attempt to provide to the victim written information on all of the following:

- (a) A list of the rights of victims under s. 950.04 (1v).
- (b) The availability of compensation under ch. 949 and the address and telephone number at which to contact the department for information concerning compensation under ch. 949.
- (c) The address and telephone number of the intake worker, corporation counsel or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings under ss. 938.27 (4m) and (6), 938.273 (2), 938.299 (1) (am) and 938.335 (3m) (b) or ss. 971.095 (3) and 972.14 (3) (b), whichever is applicable, and to request the opportunity to confer under ss. 938.245 (1m), 938.265 or 938.32 (1) (am) or s. 971.095 (2), whichever is applicable.
- (d) The address and telephone number of the custodial agency that the victim may contact to obtain information concerning the taking into custody or arrest of a suspect in connection with the crime of which he or she is a victim.
- (e) The address and telephone number of the custodial agency that the victim may contact for information concerning release under s. 938.20 or 938.21 or ch. 969, whichever is appropriate, of a person arrested or taken into custody for the crime of which he or she is a victim.
- (f) Suggested procedures for the victim to follow if he or she is subject to threats or intimidation arising out of his or her cooperation with law enforcement and prosecution efforts relating to a crime of which he or she is a victim.
- (g) The address and telephone number at which the victim may contact the department or any local agency that provides victim assistance in order to obtain further information about services available for victims, including medical services.

Report and Recommendation

1. When a law enforcement agent has contact with any victim [as defined by Wis. Stat. § 950.02(4)] of a crime over which his or her agency has jurisdiction, that victim is entitled to receive the written information outlined by Wis. Stat. § 950.08(2g). The agent must attempt to provide the required information no later than 24 hours after having contact with the particular victim contacted. The law does not require law enforcement agents to proactively seek out every victim of a crime for the purpose of providing the written information required by statute.
2. Contact with a victim might occur in different forms, throughout the life of a case. For example, a victim’s initial telephone call reporting a crime constitutes contact. Contact with a victim could also occur weeks, months or even years later when an investigator

interviews someone who is by statute a victim of the crime. In either case, the agency must make an attempt to provide the written information no later than 24 hours after having contact with the victim.

3. A law enforcement agent's obligation to provide a victim with written information cannot be delegated to another victim. Each victim of a crime who is contacted is entitled to receive the written information from law enforcement, without regard to whether he or she may have received information previously from another victim connected to the case.
4. Law enforcement agencies should document when a victim is provided written information per Wis. Stat. § 950.04 (1v)(2g) so the agency has a record of its compliance with this requirement.
5. The statute requires that specific information be included in the written materials provided by law enforcement, including certain phone numbers and addresses and all the rights enumerated by Wis. Stat. s. 950.04 (1v). The Department of Justice has developed a sample form that contains all of the elements required by Wisconsin Stat. § 950.08(2g). Agencies should adopt a version substantially similar to the sample. The form can be adapted for use by local agencies and is attached to this recommendation.

Dated this



A handwritten signature in cursive script, appearing to read "Ken Kratz".

KENNETH R. KRATZ
Chairperson
Crime Victims Rights Board

Service list