

## Chapter Jus 12

### CRIME VICTIM AND WITNESS ASSISTANCE PROGRAM

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**Jus 12.01 Description of the program. (1) AUTHORITY AND PURPOSE.** This chapter is promulgated pursuant to s. 950.06 (5), Stats., for the purpose of administering the victim and witness assistance program.

**(2) APPLICABILITY.** This chapter applies to all county crime victim and witness assistance programs under ss. 950.055 and 950.06, Stats.

**(3) ADMINISTRATION.** (a) Chapter 950, Stats., and this chapter shall be administered by a director appointed by the attorney general.

(b) The office of crime victim services in the department shall review and approve plans submitted by counties, provide reimbursement to counties in accordance with this chapter, and provide technical assistance to counties.

(c) The county board or its designee in each county shall administer the program plan submitted under s. Jus 12.02.

**Note:** Correspondence required by this chapter shall be addressed to Wisconsin Department of Justice, Office of Crime Victim Services, 123 West Washington Avenue, Post Office Box 7951, Madison, WI 53707-7951.

**(4) DEFINITIONS.** In this chapter:

(a) "Child" has the meaning specified in s. 950.02 (1), Stats.

(b) "Crime" has the meaning specified in s. 950.02 (1m), Stats.

(c) "Department" has the meaning specified in s. 950.02 (2), Stats.

(d) "Family member" has the meaning specified in s. 950.02 (3), Stats.

(e) "Program" means a specified set of systematically delivered victim and witness services established by resolution of a county board and approved by the department.

(f) "Victim" has the meaning specified in s. 950.02 (4), Stats.

(g) "Witness" has the meaning specified in s. 950.02 (5), Stats.

**History:** Cr. Register, February, 1992, No. 434, eff. 3-1-92; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

**Jus 12.02 Program plan. (1) SUBMISSION, REVIEW AND APPROVAL.** (a) If a county intends to claim reimbursement for the costs of providing services under this chapter, the county shall submit a program plan to the department for its approval prior to the beginning of the program. Two or more counties may submit a joint plan.

(b) The department may require the submission of an updated plan in whole or in part.

(c) Programs shall operate according to the approved program plan unless a plan revision is approved by the department under sub. (3).

**(2) CONTENTS.** (a) The program plan shall contain the following sections:

1. Summary;
2. Levels of services to victims and witnesses that the county intends to provide;
3. Related personnel and agencies;
4. Proposed staffing for the program;
5. Proposed education, training and experience requirements for program staff and the staff of agencies providing related administrative programs and individual services;

6. The county's budget for implementing the program;

7. Civil rights assurance;

8. Copy of the county board resolution authorizing the program and plan submission; and

9. Other information required by the department.

**(3) REVISIONS.** (a) A county may request approval from the department for program plan revisions. All such requests shall be made in writing to the program coordinator in the department's office of crime victim services. If prior approval is not obtained, the department may reduce reimbursement to the county by the amount of unauthorized expenditures.

(b) Requests for approval of program plan revisions may be submitted at any time. The department may approve or deny a request upon review of availability of funds and compatibility of the requested revision with applicable law and this chapter.

**(4) AGREEMENT.** Upon department approval of a county's program plan, an agreement shall be established between the county and the department.

**(5) LEVELS OF SERVICES.** No plan may be approved unless it provides all of the following services, except that the department may waive any of these requirements for cause:

**Note:** The department shall determine "cause" based upon grounds submitted by the county.

(a) *Notification.* 1. Programs shall provide notification services to all victims and witnesses who desire them. Notification services shall include case status, notification of subpoena cancellation, any known significant developments in the case, and final disposition.

2. Programs may develop an alert system whereby witnesses are permitted to remain at work, their places of residence, or other designated places, until their appearances in court are required.

3. Routine subpoena preparation and service otherwise normally done in the absence of a victim and witness assistance program is not a notification service for purposes of this chapter.

(b) *Victim compensation referral.* 1. Programs shall notify potentially eligible victims of violent crimes of the existence of the crime victim compensation program under ch. 949, Stats. Notification shall include an explanation of available benefits and application procedures.

2. Programs may assist potentially eligible crime victim compensation recipients in the completion and submission of their application forms.

3. Programs may advise crime victims of the merits of their crime victim compensation applications and assist them in gathering necessary information to perfect their claims.

(c) *Social services referrals.* 1. Programs shall provide information about and make appropriate referrals to agencies which provide support and other services.

2. Programs shall keep a listing of referral services, including eligibility requirements, services offered, hours of operation, location, telephone number, fee, and contact person, if known.

3. Programs shall refer witnesses of homicide and the family members of victims of homicide directly to appropriate available community service agencies in order to meet immediate and long term needs.

4. Programs may follow up referrals to service agencies in order to assure that the needs of victims, witnesses, and the families of homicide victims are met.

(d) *Witness fee assistance.* 1. Programs shall notify witnesses in a criminal justice proceeding of the existence of witness fees and the procedure to be followed in order to apply for and receive any witness fees to which they are entitled.

2. Programs may assist witnesses in applying for payment of witness fees.

(e) *Public information.* 1. Programs shall furnish to the general public and agencies that have contact with crime victims and witnesses information describing the victim and witness assistance services offered by the program and how to avail themselves of those services.

2. Programs may develop and make available informational brochures describing the rights of victims and witnesses, services provided through the program, and how to avail themselves of those services.

3. Programs may hold educational sessions with criminal justice and other related agencies in their jurisdictions in order to enhance understanding and cooperation among agencies, inform agencies of the rights and needs of victims and witnesses, and describe the services provided through the program.

4. Programs may initiate community public relations activities.

(f) *Escort.* 1. Programs shall provide information to victims and witnesses who request it on personal support services available to them while they are in court.

2. Programs may arrange accompaniment for witnesses throughout their court appearances.

(g) *Transportation.* 1. Programs shall inform victims and witnesses who request it of transportation services available related to participation in the investigation or prosecution of the crime and how to avail themselves of those services.

2. Transportation services shall include the provision of information regarding the location of the courthouse and available parking facilities.

3. Programs may provide transportation directly, when deemed necessary by program staff for the participation of victims and witnesses in criminal justice proceedings.

(h) *Victim impact statements and restitution.* 1. Programs shall inform victims of felonies of their right to provide the court with information pertaining to the economic, physical, and psychological effects of the crime upon them.

2. Programs may assist victims of felonies in developing victim impact statements to be provided to the court at the time of sentencing.

3. Programs may assist in the early gathering of restitution information for the purpose of providing the court and the district attorney with information pertaining to the economic effect of the crime upon the victim of a felony. The determination, verification, and collection of restitution are not victim services for purposes of this chapter.

(i) *Employer intercession.* 1. Programs shall notify employers of the victims and witnesses of crime of their employees' involvement in the case whenever a victim or witness requests such notification and program staff determine it is feasible.

2. Programs may intercede with a victim's or witness's employer at the employee's request when the occurrence of the crime or the court appearance might cause the employee to lose time from work which may jeopardize the employee's wage or employment.

(j) *Property return.* 1. Programs shall inform victims of their right to have personal property held as evidence returned within a reasonable amount of time.

2. Programs shall refer victims to criminal justice authorities responsible for the return of property held as evidence and assist victims in securing the release of the property.

3. Programs may contact criminal justice authorities responsible for the return of property in order to obtain the early release of victims' property.

4. Programs may participate in the administration of a system that facilitates the early release of victims' property.

(k) *Protection services.* 1. Programs shall inform victims and witnesses of protection available, the level of protection available, and whom to contact if they are threatened or harassed.

2. When informed of threats or harassment, programs shall alert the appropriate law enforcement agencies and prosecutor.

3. Programs may arrange with law enforcement agencies to investigate allegations of intimidation or threats against victims and witnesses of crime.

(L) *Waiting facilities and reception.* 1. Programs shall provide safe, comfortable, and convenient facilities for victims and witnesses to wait upon their arrival to appear in court.

2. Programs shall provide for witness reception. Witness reception shall include information on waiting facilities, restrooms, food service, and other similar needs.

3. Programs may provide a separate waiting room for victims and witnesses while awaiting court appearances.

(m) *Child victims and witnesses.* 1. Programs may provide information and referrals specially suited to children's needs, taking into consideration each child's level of development, language skills, ability to understand, and the sensitivity of the crime.

2. Programs may provide explanations in language understood by the child of all legal proceedings in which the child is involved.

3. Programs may provide advice to the court concerning the child's ability to understand the legal proceedings and the questions being asked. The advice may include the following:

a. Assistance in determinations concerning the taking of videotaped depositions;

b. Appropriate action to ensure a speedy trial in order to minimize the length of time the child must endure the stress of involvement in legal proceedings; and

c. Assessment of the adverse impact a delay or continuance may have on the well being of a child victim or witness.

4. Programs may provide advice to the court concerning the child's ability to cooperate with the prosecution and potential effects of the proceedings on the child.

(n) *Notification of application for pardon or parole.* Programs shall assist victims in enforcing their rights under s. 950.04 (1v) (f), Stats., pertaining to the provision of written statements concerning pardon and parole applications of convicted offenders. Arrangements for notification shall be in accordance with the provisions of ss. 304.06 (1) and 304.09, Stats.

**(6) RELATED PERSONNEL AND AGENCIES.** The plan shall include a list of all the people and organizations, public and private, who are responsible for services related to victims and witnesses.

**(7) STAFFING.** The plan shall indicate personnel proposed to carry out the functions of the program, including paid and volunteer staff, and an organization chart which shows how the victim and witness staff fits into the agency within which it is located in the county.

**(8) EDUCATION, TRAINING AND EXPERIENCE.** The plan shall contain position descriptions which include the education, training, and experience required of staff providing services through the program.

**(9) CIVIL RIGHTS ASSURANCE.** The plan shall contain an addendum which assures that the county or any of its subcontractors for purposes of providing victim and witness services will not discriminate against any employee or applicant for employment

because of age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation, or national origin.

(10) USE OF VOLUNTEERS. Counties may use volunteers and existing public resources for the provision of these services.

(11) PROVISION OF SERVICE. Programs shall provide as many services as possible in person or over the telephone.

(12) BUDGET SUBMISSION. In plan submissions, plan revisions, and reimbursement claims, a budget shall be submitted by the county to the department in sufficient detail to show the basis for the computation of the cost, justification, and explanation of budget items. The budget shall cover the entire victim and witness program.

(13) BUDGET CATEGORIES. The proposed budget shall include the following categories:

- (a) Personal services – salaries
- (b) Personal services – benefits
- (c) Operating expenses
- (d) Permanent, non–expendable property
- (e) Contractual services
- (f) Other.

(14) BUDGET REVISIONS. Proposed revisions to the plan budget shall be treated as a plan revision under sub. (3).

(15) ALLOWABLE COSTS. (a) In this subsection, “allowable costs” means:

1. Salaries and benefits consistent with county classification and compensation plans;
2. Overtime and night differentials within the county’s established policies;
3. Travel expenses of program personnel that are reasonable, actual, and necessary to perform program functions;
4. Actual, necessary, and out–of–pocket costs for space rental added as a necessity to accommodate the program;
5. Staff development, including registration fees, travel to and from training and conferences, meals, lodging, membership dues, subscriptions, and library materials. Staff development shall relate directly to the provision of services or protection of the rights enumerated in ch. 950, Stats., and is subject to the approval and requirements of the department;
6. Public information, including the printing of brochures and similar projects;
7. Telephone costs, including reasonable and necessary monthly charges for local and long distance calls and installation for new programs’ start–up;
8. Maintenance, repair, and replacement of equipment, including maintenance contracts and replacement or repair of existing equipment previously approved by the department;
9. Office supplies subject to the approval of the department;
10. Equipment or non–expendable personal property having a useful life of more than one year and acquisition cost of more than \$500 including taxes and installation costs; unless otherwise authorized by the department, equipment purchases are allowable only for new programs’ start–up;
11. Contractual services, including professional services not readily available within a county’s program and clearly consistent with program objectives. The services shall be subject to the approval of the department.

(b) The department shall review the program plan and approve allowable costs. Only direct costs incurred for the delivery of services defined in ss. 950.055 and 950.06, Stats., and this chapter are allowable for reimbursement purposes. Costs incurred for government functions that would otherwise be performed with or without a victim and witness assistance program are not allowable for reimbursement purposes.

(16) ANNUAL REPORT. (a) Each county with an approved plan on file with the department shall submit to the department at least annually a report on the implementation of its plan.

(b) The department shall prescribe the content and format of the annual report.

**History:** Cr. Register, February, 1992, No. 434, eff. 3–1–92; corrections in (5) (n) and (15) (b) made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

**Jus 12.03 Financial requirements. (1) REIMBURSEMENT RATE.** A county with a plan approved by the department is eligible to receive reimbursement for not more than 90% of the county’s cost as approved by the department. If the reimbursement requests exceed the appropriations, the department may reduce the reimbursement to each county in an equal percentage.

(2) REIMBURSEMENT FREQUENCY. The department shall reimburse counties on a semiannual basis for the purposes of this chapter.

(3) REIMBURSEMENT CLAIM SUBMISSION. The county shall submit the completed claim form to the department within a reasonable period of time after January 1st and July 1st of each year.

(4) REIMBURSEMENT CLAIM REVIEW. The department shall review reimbursement claims for compliance with this chapter and the approved county plan.

(5) TERMINATION OF REIMBURSEMENT. The department may terminate or suspend reimbursement if it finds a substantial failure by a county to comply with the approved plan and laws and regulations affecting the program.

(6) ACCOUNTING PRACTICES. Counties shall maintain an accounting system which discloses the amount and disposition of all reimbursed funds. Generally accepted accounting practices shall be followed.

(7) EXPENDITURE OF FUNDS. County records shall show expenditure of funds by source. All ledger account entries shall be supported by secondary or intermediate records and the original source documentation.

(8) TIME AND EFFORT RECORDS. Counties shall keep time and effort records for each county employee providing direct services and support services under this chapter. Time and effort records include hours worked and brief description of work done.

(9) ACCESSIBILITY OF RECORDS. All record books, documents, and records related to the program shall be accessible to the department for inspection and audit upon reasonable notice.

(10) RETENTION OF RECORDS. All records shall be retained for at least 3 years. Records for property shall be kept for 3 years after the property’s final disposition.

(11) AUDIT. (a) A county shall include the victim and witness assistance program in its annual audit.

(b) If an audit shows discrepancies, adjustments may be made in future reimbursement payments. A copy of all audit discrepancies shall be forwarded to the department as soon as possible.

**History:** Cr. Register, February, 1992, No. 434, eff. 3–1–92.

**Jus 12.04 Intergovernmental cooperation. (1) PURPOSE.** The county board, district attorney, law enforcement agencies, clerks of courts, correctional agencies, and social service agencies shall cooperate with each other and assist in carrying out the purposes of this chapter to ensure that victims and witnesses of crimes receive the rights and services to which they are entitled.

(2) AVAILABILITY OF REPORTS AND FILES. The district attorney, law enforcement agencies, correctional agencies, state agencies, and the courts shall make available to the person or agency responsible for administering the program all reports and files, except reports and files which are required by statute to be kept confidential, if the reports or files are required by the person or agency to carry out program responsibilities under s. 950.07, Stats.

**History:** Cr. Register, February, 1992, No. 434, eff. 3–1–92.