

Dane County District Attorney's Office Victim Witness Unit

AMY BROWN, DIRECTOR OF VICTIM WITNESS SERVICES

OFFICE 608-267-4161 CELL 608-445-4202

AMY.BROWN@DA.WI.GOV



Laws that Define and Determine Mandated Programming



▶ **Wisconsin Constitutional Amendment – Article 1 Section 9 Marsy's Law**

- ▶ Rights are vested at the time of victimization
- ▶ Rights are protected with equal force to the protections afforded to the accused
- ▶ Notice of ALL proceedings, right to be present and be heard

▶ **Wisconsin State Statutes – Mostly Chapter 950, also 906, 938, 969, 971, 972, 973**

- ▶ Some contradictions that will need to be addressed with future revisions to the enabling legislation of Marsy's Law such as further definition of terms such as “full restitution” and “reasonable notice” and “privacy”
- ▶ Right to notification, restitution, confer with prosecutors, provide a victim impact statement to Judge etc.

▶ **Administrative Rules Chapter 12 Jus**

- ▶ 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.



Marsy's Law Advantages and Challenges

Advantages

- ▶ Reaching **more victims earlier** in the process – every single victim has the right to early services.
- ▶ Victims now have a more significant presence at every hearing – **able to speak**.
- ▶ More victims are **remaining engaged** in the process and this enhances **restorative justice**.

Challenges

- ▶ Less resources for **sensitive and high trauma** victims
- ▶ Significant impact on resources – victims have the right to **court accompaniment**
- ▶ Budget concerns - more mandated services requires more staffing resources and this has **required OT and additional LTEs**
- ▶ Not able to cap off caseloads like other county programs when they reach **capacity**
- ▶ Marsy's Law lacks definition of terms which creates **confusion for service providers and victims**

Our Victim Witness Staff



Crime Response Program

- (1)CRP Manager
- (1) Bilingual Spanish Speaking FTE
- (3) Part time trauma specialists
- (1) LTE grant administrator
- (1) LTE Intake case manager
- (10)Hourly contract mental health providers

Victim Witness Program

- (1)DV Manager
- (13)Case Managers
 - 2 of 13 are Bilingual Spanish Speaking
 - 2 juvenile (1 new May 2020)
 - 1 restorative justice (new May 2020)

Administrative Legal Team

- (4) FTE
 - 1 Bilingual Spanish Speaking
 - 1 Lead Administrative
 - 1 Restitution Specialist
- (2) Part time
- (2) LTE support for case managers

Specialty Areas



- ▶ Crime Response Program
 - ▶ Early crime response
 - ▶ Trauma specialists
 - ▶ Intake team
- ▶ Domestic Violence Unit
- ▶ Juvenile Delinquency Unit
- ▶ Restorative Justice Initiative
- ▶ Child Abuse and Neglect Unit
- ▶ No Hit Zone Team
- ▶ Bilingual Spanish Speaking Specialist
- ▶ White Collar and Restitution Specialist
- ▶ Adult Sexual Assault Specialist
- ▶ Administrative Legal Assistance Team

Funding Sources



- ▶ **Federal - Victims of Crime Act (VOCA)** – funds Crime Response Program
- ▶ **State - Reimbursement from Department of Justice**
 - ▶ Revenue source - funds collected from VW Surcharges
 - ▶ This year was a record low - bi-annual reimbursement for July-December was 33% reimbursement
 - ▶ Legislation being considered to provide consistent funding from GR funds at 78%
 - ▶ Provide reimbursement for 12 positions in the unit – the rest are fully funded by the county budget
- ▶ **County - Annual Dane County Budget**

Caseloads Over Time



- ▶ Case counts have **continued to rise over the past 4 years** – specifically those cases with identified crime victims in both juvenile and adult crimes.
- ▶ **Crime response team is back out in the field** responding to sensitive high trauma level crimes while managing the new Marsy's Law intake responsibilities.
- ▶ Case manager are carrying **extremely high caseloads** – no other time in history have the case counts been this high – they are expected to manage several hundreds of cases at the same time.
- ▶ **Trials are scheduled to resume now in June 2021**
 - ▶ Case managers will be expected to help coordinate all the witnesses for trial and support victims **while still covering extremely high caseloads.**
 - ▶ Trial reinstatement plan includes **4 simultaneous trials happening every week** through 2021.
 - ▶ Case managers **work evenings and weekends** during trial (jury deliberations can go late into the night).
 - ▶ **Trials consume several days** between preparation meetings and the actual trial. Homicides take approx. 2 weeks; sensitive crimes cases take approx. 4 days.

	2018	2019	2020
Percent increase from prior year:	11%	20%	32%

Percent increase from 2017 to 2020: 76%

The graph displayed here shows cases that were **filed**. It excludes:

- Cases which were referred but not yet filed.
- Cases which were referred but resulted in a decline.

Though these cases are not reflected in the graph, the victims receive services from our department as required by law.

New Case Letters sent on newly referred cases: 3,736
(in 8 months - from May through December 2020)

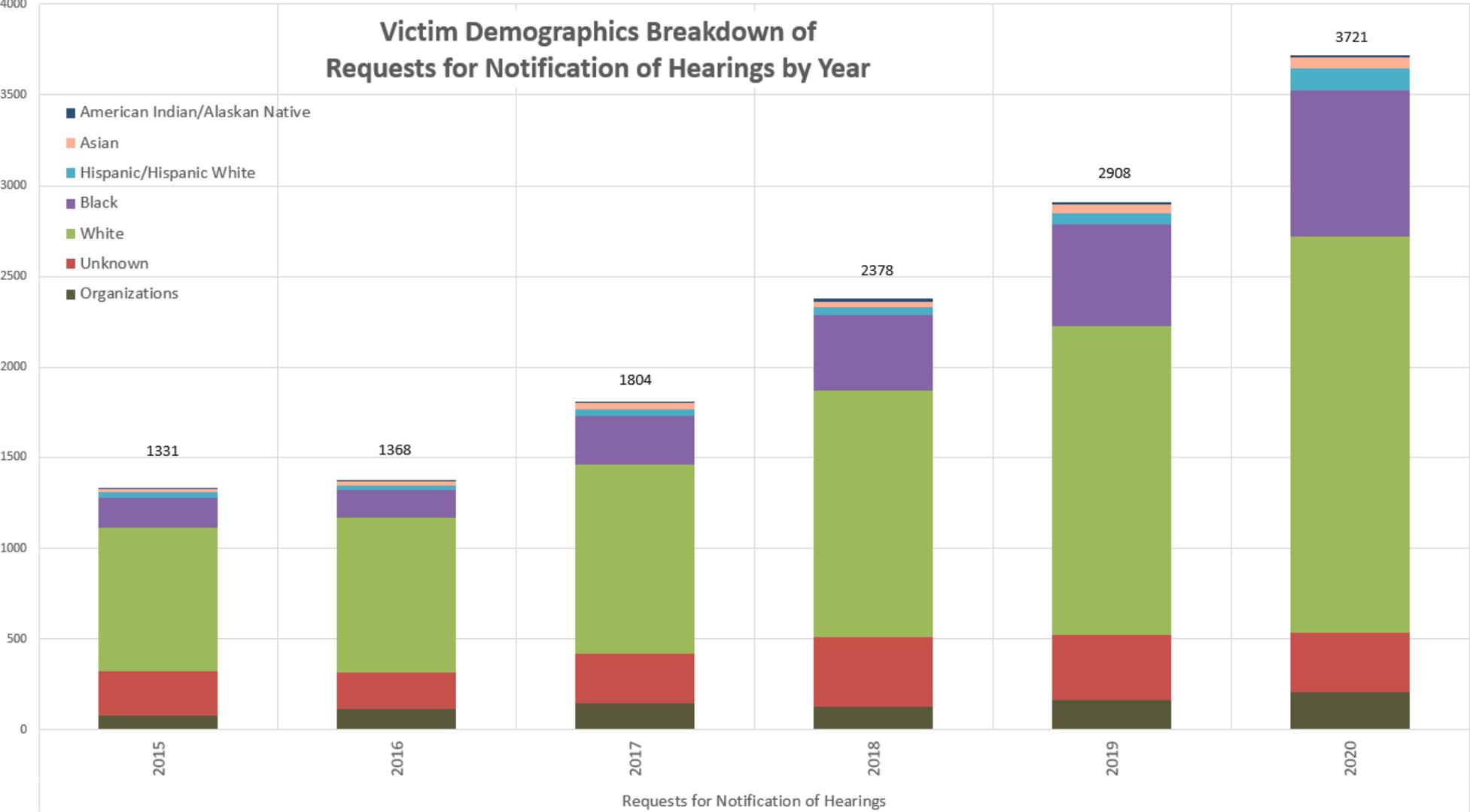




Victim Demographics Breakdown of Notification of Hearings Requested by Year

- ▶ Victims **request services** such as notification, restitution, assistance with filing a victim impact statement, court accompaniment, conferring with prosecutors
- ▶ The next chart offers a **snapshot of the demographics** for victims receiving service following their request.
- ▶ The quality of our **data is not perfect** due to human error in the recording. For example, we often work with victims with Latino/Hispanic ethnicity who are identified in reports as white.
- ▶ Consistent **rise in requests for service** over the past 6 years.

Victim Demographics Breakdown of Requests for Notification of Hearings by Year



Day in the Life – Victim Witness Unit

- ▶ **Crime Response Team** – providing immediate trauma support and resources to new crime victims while managing the intake process. Attending intake court hearings with victims. Collaborating and coordinating community services and resources to crime victims. Reaching out to victims regarding Community Restorative Court (CRC) pre-charge referrals.
- ▶ **Administrative Team** - is answering many phone calls and emails from victims, sending all the notification letters and packets out to victims, managing the witness call off line.
- ▶ **Case Managers** - are attending court hearings with victims, returning calls and emails from victims, collaborating with system partners to deliver services, and preparing witnesses for jury trials. Attending conferring meetings with victims and prosecutors. Preparing UVisa applications for victims.

