

LawClips

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Topic for the Month:

Victims & Witnesses

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Legal Solutions That Fit.

Crime Victims: Each year, hundreds of innocent people are injured or killed in Wisconsin as a result of violent crime. They may have been victims of assault, rape, domestic violence, sexual assaults and drunk drivers. Many of the victims are children or vulnerable adults. Where do you turn if you have become a victim of a crime? First, you must report the crime to the police within 5 days and cooperate with them. Most district attorney's offices have a victim/witness unit which keeps victims informed about the case.

Under Wisconsin law, crime victims do have rights. Wisconsin has a "Bill of Rights" for victims. First and foremost, you have a right to be told about the outcome of the criminal case. Any of your personal property held as evidence will be returned to you as quickly as possible. As part of the sentencing of a criminal, the court may also require direct reimbursement from the perpetrator of a crime. This is called "restitution."

The **Wisconsin Crime Victim Compensation Program**, provides financial assistance to crime victims. The program is operated by the Wisconsin Department of Justice. The full text of this program is outlined at Wisconsin Statute Chapter 949. In addition to direct victims of a crime, the following may also be eligible for benefits under this program:

- a dependent or legal representative of an innocent victim who has been killed as a result of a crime.
- a person who is injured while aiding a crime victim or helping a police officer.
- a person who suffers a reaction from the death of a family or household member.
- a person who was injured in an automobile accident caused by a drunk driver.

The Crime Victim Compensation Fund is the "payor of last resort." It is designed to cover out-of-pocket expenses not paid by a private or group health insurance plan, public funds (i.e. Medical Assistance) or any other source, including subrogation or restitution from the criminal. Up to \$40,000 in payment of expenses for any one injury or death, are available, if a victim qualifies for assistance under this program, including:

- medical, hospital, surgical, pharmacy and mental health counseling expenses.
- lost wages.
- loss of support to a dependent of a crime victim who is killed.
- reasonable replacement costs of clothing or bedding held as evidence by the police, prosecutor or crime lab – up to \$300.
- reasonable replacement value for property held as evidence and made unusable by crime lab testing – up to \$200.
- reasonable and necessary costs for securing and cleaning a crime scene – up to \$1,000.
- cost of homemaker services.
- an additional \$2,000 may be paid for reasonable funeral expenses.

For more information on this program, contact the **Wisconsin Victim Resource Center** at: 800-446-6564. On the web, you can download an application for benefits from the Department of Justice website (www.doj.state.wi.us).

Witnesses: If you are a witness to a crime or accident, you may be contacted by a district attorney, insurance company or attorney's office, to provide a written or recorded statement. The observations of witnesses are important in assessing a case. In addition to providing a statement, a witness may also be called to testify at a deposition and/or at trial. A subpoena will usually be issued, compelling attendance, along with a statutory witness fee and mileage check. If a witness does not obey a valid subpoena, he/she can be held in contempt of court and face monetary penalties and jail.

Appearance at Court: If the matter proceeds to court, a live appearance from the witness will be necessary. This is because the rules of law permit the jury to weigh the credibility of the witness by direct and cross examination. This can only be accomplished by a live appearance.

Be Willing to Sacrifice Your Time: Sometimes people who witness crimes or accidents tell us they just don't want to become involved. That is an understandable reaction, as we are all busy. Just remember, someday you may be a victim of a crime or involved in an accident. If that should ever happen, you would want all witnesses to come forward so that truth and justice prevail.