



WISCONSIN
DEPARTMENT OF CORRECTIONS
Division of Community Corrections

DOC-1356 (Rev. 11/2019)

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ORIGINATED BY Administrator's Office Lance Wiersma 	

Administrative Directive # 20-05 <input type="checkbox"/> New <input checked="" type="checkbox"/> Revision	Guidance Document Per § 227.01(3m) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post
SUBJECT: Marsy's Law	

Reference(s):

Wisconsin Constitution Article I, Section 9m
 Wisconsin Statute Ch. 950

Policy Statement: On April 7, 2020, Wisconsin voters ratified an amendment to Article I, Section 9m of the Wisconsin Constitution commonly known as “Marsy’s Law.” Additional rights are provided to victims of crime in both adult and juvenile cases. Marsy’s Law outlines sixteen rights. This Administrative Directive outlines DCC policy ensuring rights are afforded to victims during community supervision.

Definitions, Acronyms, Forms:

ALJ – Administrative Law Judge

CR 247 – Confidential Crime Victim Information

DOC 414 – Notice of Violation, Recommended Action, Statement of Hearing Rights and Receipt

DOC 2938 – Revocation Notification to Victim

DOC 2938A – Revocation Notification Response from Victim

DOC 2939 – Confidential Crime Victim Information

DOC 2943 – Revocation Outcome Notification to Victim

DHA – Division of Hearings and Appeals

OVSP – Office of Victim Services and Programs

Proceeding – a hearing to determine a course of action with legal consequences. For purposes of this Administrative Directive preliminary hearings, revocation hearings, and reincarceration/reconfinement hearings fall under this definition.

Victim –

1. A person against whom an act is committed that would constitute a crime if committed by a competent adult.
2. If the victim defined above under number 1 is deceased or is physically or emotionally unable to exercise his or her rights under this section, the person's spouse, parent, or legal guardian, sibling, child person who resided with the deceased at the time of death, or other lawful representative.
3. If the victim defined above under number 1 is a minor, the person's parent, legal guardian or custodian or other lawful representative.
4. If the victim defined above under number 1 is adjudicated incompetent, the person's legal guardian or other lawful representative.
5. "Victim" does not include the accused or a person who the court finds would not act in the best interests of a victim who is deceased, incompetent, a minor, or physically or emotionally unable to exercise his or her rights under this section.
6. Rights vest at the time of victimization and are protected by law in a manner no less vigorous than the protections afforded to the accused.

Victim Personal Identifiers – The victim's social security number, telephone number, street address, post-office box, zip code and email address.

Procedure:

- I. Victims shall be informed of their rights:
 - A. Victims of violations shall be provided the Wisconsin Department of Justice Office of Crime Victim Services' "Victims of Crime Constitutional Amendment Rights" brochure and provided information concerning local Victim/Witness Services in the county. The brochure is available from the office's website and MyDOC.
- II. Right to Privacy
 - A. Victim personal identifiers may only be shared with external agencies if there is a related official responsibility.
 - B. Victim personal identifiers shall be redacted when submitting revocation packets to the client's attorney, Division of Hearings and Appeals, or the court.
 - C. DOC forms shared with other agencies shall not include victim personal identifiers unless the victim approves sharing with that agency. Approved exceptions include:
 1. The CR 247, Confidential Crime Victim Information and DOC-31 Victim Restitution Ordered shall be used to share victim restitution information to the Court. The Court will use the CR 247 and DOC-31 as applicable to share victim restitution information with DOC.
 2. Exceptions as noted in Sections III.A.3. and III.A.4.
- III. Upon request, victims of active cases recommended for revocation have the right to:
 - A. Notification of proceedings:
 1. The DOC-2938 Revocation Notification to Victim form has been created for use to notify victims that revocation will commence. The DOC-2938 shall be issued to the victim once the DOC-414 has been served. If it is known a client will receive an ATR, notification may occur when revocation proceeds. In the event a preliminary hearing is necessary, the victim shall also be contacted via phone to discuss rights of the victim and whether the victim opts in to exercise any rights.
 2. The agent should secure (if the client consents) signed authorizations of disclosure of health or other information in the event the victim desires to attend proceedings. Template disclosures are attachments are available on MyDOC.

3. The agent shall notify DHA of a victim who opt in to proceedings by utilizing the DOC-2939 to provide the name and email address.
 4. The agent shall provide the DOC 2939 to the public defender's office for purpose of completing a conflict check. The DOC 2939 may be provided to defense counsel upon request. The DOC 2939 shall not be provided to the client.
 5. Victims who opt-in for notification of revocation proceedings shall be notified of dates and times of the preliminary hearing upon issuance of the DOC-415.
 6. The DOC-2938A form shall be provided to DHA along with the revocation packet.
- B. Attend all proceedings involving the case:
1. Signed authorizations for disclosure of information shall be forwarded to the ALJ as part of the revocation packet.
 2. The victim may attend the full proceeding in the event the client signed authorizations of disclosure of health or other information.
 3. In the event the client does not sign authorizations, the magistrate or ALJ may need to close a portion of the proceeding prior to discussing those matters.
- C. Be heard in any proceeding during which a right of the victim is implicated:
1. Victims may provide written input using the DOC-2938A or may be heard during the proceeding.
 2. Magistrates or ALJs will provide victims an opportunity to provide input during the proceeding if the victim opts to attend.
- D. To refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused.
- E. Reasonable and timely information about the status of the investigation and outcome of the case.
1. Agents shall inform the victim(s) of the revocation determination. Agents shall use the DOC 2943 for this purpose.
- F. 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.
1. OVSP shall notify victims concerning the death of clients on supervision.

The Revocations and Investigations chapters of ECRM have been updated for these changes and provide additional procedures.