

Contact Us

The Office of Crime Victim Services maintains a toll-free phone line to answer questions from victims or witnesses from 7:45 a.m. to 4:30 p.m. on weekdays.

Phone

800-446-6564, press option #2 for VRC

Email

ocvs@doj.state.wi.us

Website

<https://www.doj.state.wi.us/ocvs>

Mailing Address

Office of Crime Victim Services

P.O. Box 7951

Madison, WI 53707-7951



Victim Resource Center

The Victim Resource Center (VRC) operates within the Wisconsin Department of Justice Office of Crime Victim Services. The VRC provides services to victims of crime, their families, and witnesses after the commission of a crime.

Victim Rights Spotlight: Definition of a Victim

The Wisconsin Statutes and Wisconsin Constitution both provide definitions of a crime victim. Along with defining who is a victim, they also define who ***is not*** a victim for purposes of exercising victims' rights.

These definitions guide who must be afforded victims' rights in Wisconsin, which as the Wisconsin Constitution states, "shall vest at the time of victimization and be protected by law in a manner no less vigorous than the protections afforded to the accused."

The Law:

[Wis. Stat. §950.02\(4\)\(a\)](#) defines a victim as:

“(1) A person against whom a crime has been committed.

(2) If the person specific in subd. 1 is a child, a parent, guardian or legal custodian of the child.

(3) If a person specified in subd. 1 is physically or emotionally unable to exercise the rights under 950.04 or Article 1, Section 9m of the Wisconsin Constitution, a person designated by the person specified in subd. 1 or a family member of the person specified in subd. 1.

(4) If a person specified in subd. 1 is deceased, any of the following:

- a) A family member of the person who is deceased,
- b) A person who resided with the person who is deceased.

(5) If a person specified in subd. 1 has been adjudicated incompetent in this state, the guardian of the person appointed for him or her.”

[Wis. Stat. §950.02\(4\)\(b\)](#) states “Victim **does not** include the person charged with or alleged to have committed the crime.”

[Wis. Stat. §950.02\(3\)](#) states “‘Family member’ means spouse, child, sibling, parent or legal guardian.”

[WI Const Art 1 §9m\(1\)\(a\)](#): “In this section, notwithstanding any statutory right, privilege, or protection, ‘victim’ means any of the following:

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- (1) A person against whom an act is committed that would constitute a crime if committed by a competent adult.
- (2) If the person under subd. 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 the death, or other lawful representative.
- (3) If the person under subd. 1 is a minor, the person's parent, legal guardian or custodian, or other lawful representative.
- (4) If the person under subd. 1 is adjudicated incompetent, the person's legal guardian or other lawful representative."

[WI Const Art 1 §9m\(1\)\(b\)](#): "'Victim' **does not** include the accused or a person who the court finds would not act in the best interest of a victim who is deceased, incompetent, a minor, or physically or emotionally unable to exercise his or her rights under this section."

The following recommendations arise from a [Report and Recommendation](#) issued by the Wisconsin Crime Victims' Rights Board (CVRB) and provides some guidelines when determining whether a person fits the definition of "victim" for the purpose of providing services and rights:

- The need to determine whether a person is a victim arises at multiple points in the criminal justice process. The facts that contribute to this decision are not always clear. Sometimes determining victim status is a discretionary determination that requires the exercise of reason and judgment.
- An agency or official's decision to deny victim status during one stage of a case does not preclude a different agency or official from making a different assessment as more information becomes available in a later stage of a case. Agencies and officials should not blindly adhere to a previous determination about victim status. Each official and agency must make a decision about a victim's rights entitlement based on the applicable statutory obligations and the facts of the case.
- Law enforcement, prosecutors and judges might allow some individuals to participate in some or all of the criminal justice process as if they are victims, even if they do not satisfy the statutory requirements for victim status.

For questions or technical assistance related to crime victim rights, please contact OCVS at ocvs@doj.state.wi.us or 608-264-9497.