

**UWM Annual Security Report**  
*October 1, 2009*



## Annual Security Report

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**1. Crime Statistics**

**Explanation of Terms:**

- On Campus:** UWM’s main campus “L” bounded by Hartford on the North, Downer on the East, Kenwood on the south, and Cramer or Maryland on the West, including the Sandburg Residence Halls.
- Residence Halls:** UWM’s residence halls (Sandburg Residence Halls, Purin, Kenilworth Square, and Riverview).
- Non-Campus:** Buildings or property owned/controlled by UWM but off the main campus “L” that are used in direct support of UWM’s educational purposes and are frequently used by students. This includes Alumni House, Great Lakes Water Institute, School of Continuing Education, the Saukville Field Station, and the Capitol/Humboldt parking lot.
- Public Property:** Public property that is *immediately* adjacent to and accessible from the campus (e.g. roads surrounding or intersecting the campus, or sidewalks surrounding the campus).
- Local:** Refers to City of Milwaukee. Data for 2007 and 2008 was taken from the City of Milwaukee COMPASS site, using a 5280 (one mile) foot radius around the "L" campus. More data is available through the "Query and Download tool" at the [City of Milwaukee COMPASS site](http://www.milwaukee.gov/compass), available at: <http://www.milwaukee.gov/compass>.
- Hate Crimes:** For this report, a “hate crime” is any criminal homicide, negligent manslaughter, non-forcible or forcible sex offense, robbery, aggravated assault, burglary, motor vehicle theft, arson, OR any other crime involving bodily injury, that is reported to local police agencies or a campus security authority, where there is manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

<b>OFFENSES</b>				
		<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Criminal Homicide</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0

	Local	n/a	0	1
<b>Negligent Manslaughter</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>Sex Offenses (forcible)</b>	On Campus	4	3	8
	Residence Halls	1	3	6
	Non-Campus	0	0	1
	Public Property	0	1	0
	Local	n/a	3	8
<b>Sex Offenses (non-forcible)</b>	On Campus	0	0	1
	Residence Halls	0	0	1
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>Robbery</b>	On Campus	3	5	1
	Residence Halls	0	0	2
	Non-Campus	1	0	0
	Public Property	0	1	0
	Local	n/a	78	119
<b>Aggravated Assault</b>	On Campus	2	1	0
	Residence Halls	2	1	2
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	25	114
<b>Burglary</b>	On Campus	37	35	28
	Residence Halls	19	22	37

	Non-Campus	1	0	2
	Public Property	0	0	0
	Local	n/a	176	204
<b>Motor Vehicle Theft</b>	On Campus	0	3	2
	Residence Halls	0	0	1
	Non-Campus	0	0	2
	Public Property	0	0	1
	Local	n/a	139	194
<b>Arson</b>	On Campus	1	0	1
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	3
<b>HATE CRIMES</b>				
		<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Disability</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>Ethnicity</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>Gender</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0

	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>Race</b>	On Campus	0	0	0
	Residence Halls	0	0	1
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>Religion</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>Sexual Orientation</b>	On Campus	0	0	0
	Residence Halls	0	1	1
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a
<b>ARRESTS AND REFFERALS FOR DISCIPLINARY SANCTIONS</b>				
		<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Liquor Law Violations</b>	On Campus	167	396	82
	Residence Halls	213	309	334
	Non-Campus	0	1	11
	Public Property	0	222	4
	Local	n/a	1	1
<b>Drug Law Violations</b>	On Campus	200	112	96
	Residence Halls	83	62	107
	Non-Campus	0	0	0
	Public Property	0	7	3

	Local	n/a	n/a	n/a
<b>Weapons Possessions</b>	On Campus	34	6	6
	Residence Halls	7	3	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	Local	n/a	n/a	n/a

**2. UWM Policies Impacting Safety**

**a. Reporting Criminal Offenses**

Students and other members of the University community that witness or become aware of any crime that may impact the safety of students or staff are urged to notify the University Police (at x9911 from a campus phone or 229-9911), the Dean of Students (at x4632), the Director of the University Housing (at x6589), or the Vice Chancellor for Student Affairs (at x4038). Individuals may also report the crime in person at the University Police Department located at 3410 N. Maryland Avenue. The Dean of Students, Director of University Housing, or Vice Chancellor for Student Affairs shall refer any reports of crimes that may impact the safety of students or staff to the University Police.

**b. Timely Warnings**

If an incident occurs, that, in the judgment of the Chief of University Police, may constitute a serious or continuing threat, the Chief or his/her designee will consult with the Vice Chancellor for University Relations, the Vice Chancellor for Student Affairs, and the Vice Chancellor for Finance & Administrative Affairs, or their designees, as has been determined by that group to be appropriate based on the circumstances. If upon consultation with the appropriate UWM representatives, the Chief or the designee reasonably concludes that a campus-wide “timely warning” is appropriate under the Clery Act, UWM will issue a warning designed to provide timely notice to the affected members of the community. This may include issuing an email to the campus or portions of the campus, posting physical signs at appropriate locations, and/or using distributing information through campus’s student newspapers. The warning will also be posted on the University Police web site at: [www.uwm.edu/Dept/police/crimealerts.htm](http://www.uwm.edu/Dept/police/crimealerts.htm).

Crime reports given to the University community will not disclose the identity of victims or witnesses that wish to remain anonymous.

**c. Annual Disclosure of Crime Statistics**

The Clery Act of 1998 and the Campus Sex Crimes Prevention Act of 2000 require that UWM report and publish crime statistics along with policies and procedures to be followed in the case of sex offenses and other crimes. Each year, the Office of Student Life, consulting with the UWM Police Department, University Housing, Women’s Resource Center, Student Activities Office, UWM Athletics, Student

Accessibility Center and the Vice Chancellor for Student Affairs, uses existing records to compile its crime statistics and to report these statistics, along with security and sex offense related policies and procedures, to the Federal government.

Crime statistics are also collected annually from the City of Milwaukee Police Department for inclusion into the UWM report.

The Dean of Students office has designed a form for the various offices to use to collect the information and help keep track of sexual assault incidents by date, so that confidentiality can be maintained.

#### **d. Security of Campus Facilities**

##### **(1) Introduction**

The safety of students and other members of the University community is a top priority at UWM. The University Police Department provides 24-hour-a-day service 365 days a year. The department, located on the ground floor of the west tower of Sandburg Halls, consists of more than 30 uniformed and plainclothes sworn police officers and security guards and offers a full range of law enforcement services. These services are directed toward providing the safest and most secure environment possible for all members of the UWM campus community.

Beyond providing physical security, the University Police are dedicated to the service and protection of all faculty, staff, students and visitors to the UWM campus. The Department enforces all Wisconsin State Statutes and the Wisconsin Administrative Code. Also, the UWM Police Department offers innovative training and informational programs to the University community on such topics as:

- First Aid, CPR, AED certification
- R.A.D (Rape Aggression Defense) training by Detectives
- Self Defense classes
- Campus lost and found
- OC pepper spray training
- Crime Prevention Seminar UWM International Students
- Crime analyst meeting with UWM Building Chairs
- Alcohol Awareness Program for UWM Students
- New employee orientation programs
- Urban youth group assembly alcohol/drug awareness
- Bike safety training and certification
- Talent Search information Program, LE career search and information
- Criminal Justice Career Day
- Health & Wellness Events
- Joint crime reduction meeting with Neighborhood Associations and MPD District 1
- Annual Safety and Crime Prevention presentation -- Upward Bound students/STARS program
- New Student Orientation for Criminal Justice Department
- UWM Open House /Information booth
- TABS (Truancy Abatement and Burglary Suppression) Program
- Sexual Assault Awareness
- SAFE Patrol – walking safety escorts

The department also maintains a web page at [www4.uwm.edu/police](http://www4.uwm.edu/police), which provides safety-related advice and reports of current criminal activity on and around campus.

## **(2) Buildings & Grounds Security**

Security of UWM buildings varies considerably from building to building and day to day in order to accommodate the demands of the academic year. Such circumstances as late office hours, special events, semester breaks, legal holidays, spring break, exam periods and mini-terms can cause building schedules to change frequently. The following buildings are secured by personnel employed by that building's management and in accordance with their own schedule: Sandburg Residence Halls, Health Center, Klotsche Center, Greene Museum, UWM Library, UWM Union and Heat Plant, along with all off-campus buildings. Many of these buildings have security/custodial personnel present 24 hours a day that may provide access. All other buildings are secured each night by UWM Police personnel in accordance with a schedule of closing times set by the building chair of each building and altered as necessary by the UWM police. Weekend openings and closings are handled by the UWM police.

Access to specific areas, rooms or facilities within each building is determined by the person in charge of that building. Where it is deemed appropriate, keys or electronic access cards may be issued to faculty/staff/student personnel to allow them unlimited access. Persons not issued keys are to contact the University Police for access to buildings or areas within buildings unless buildings have their own personnel on duty to provide access. Authorization for access to such areas is confirmed for the University Police by the provision of work permits, access lists, memoranda or other communications from persons in charge of areas specifying those allowed to be present outside normal hours. It is University Police procedure not to provide access to any areas in the UWM Union or areas in Sandburg Halls that are under the jurisdiction of University Housing or the UWM Union.

Malfunctions of security equipment are to be reported to the University Police who will notify those responsible for making repairs. Exterior building doors, which cannot be secured, result in immediate repair. Malfunctions in the S.A.F.E. emergency telephone system are reported to Telecommunications by the University Police.

Augmentation or improvement of existing physical security arrangements for individual buildings or areas of buildings is the responsibility of the person in charge of the building or area. The University Police make security improvement suggestions and perform security surveys on request.

The campus is toured periodically by the Campus Security Committee and student organizations interested in security. Additional security needs are identified and reported to the proper authority. Tours include review of the placement and operation of lights and emergency phones. Members of the campus community are encouraged to report any concerns or suggestions they may have concerning campus security to the University Police or to Physical Plant Services.

## **(3) Emergency (S.A.F.E. Phones)**

UWM maintains an advanced system for the reporting of any problems to the campus police. The heart of the system is a dedicated 911 emergency telephone computer with enhanced location determination capabilities. There are several types of phones on the campus, all of which are connected to this system.

All intercampus (229 exchange) phones are connected to this system. One must dial 9911 (instead of just 911) from these phones to gain access to the emergency system. These phones are located in offices and corridors.

All public phones on campus are connected to the 911 system. No coin is required when dialing 911. Campus elevators are also equipped with emergency phones.

A network of over 70 S.A.F.E. emergency phones covers the campus. These phones are mounted in yellow boxes on poles and are topped by a blue light which goes on after dark. The phones are located outside buildings, along walkways and in parking lots and structures at various locations where they will be most visible. To use these phones, open the door to the box, and push the red button until the call is answered. This will activate the 911 system which will print out the phone's location at the campus police station. The caller and the police dispatcher can then converse with each other.

Equipment installed in 2004 is ADA compliant and includes Braille instructions.

#### **(4) Emergency Notifications**

The University of Wisconsin-Milwaukee employs the S.A.F.E. Alert Emergency Notification System to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees. Once registered on the system, faculty, staff and students will be notified via text message or e-mail in the event of a campus emergency. Registration in the S.A.F.E. Alert System is completely voluntary and is used for emergency contact purposes only, such as credible, life threatening incidents that present imminent danger. The S.A.F.E. Alert System will not be used to distribute advertising or other unsolicited messages, and subscribers to S.A.F.E. Alert will pay no fees for the service, other than normal fees charged by their mobile service provider for receiving text messages. S.A.F.E. Alert is only available to members of the UWM campus community.

#### **(5) Radio Communications**

Civilian security personnel employed by the UWM Union, University Housing, and the UWM Libraries are equipped with two-way radios. Persons approaching such security personnel may be connected directly with the campus police. Personal escort services such as BOSS are equipped with radios or cellular phones for reporting crimes or other emergencies.

Persons in need of assistance may approach any of the uniformed police or security personnel that patrol the campus on foot, bicycle or by vehicle.

#### **(6) Student Escort and Transportation Services**

BOSS (Be On the Safe Side, phone 414/229-6503) is the free transit service on campus. BOSS boundaries are Hampton Ave. (north), Brady St. (south), 7th St. (west) and the lake (east). The service operates seven days a week during the fall and spring semesters, from 6 p.m. to 4 a.m.

Limited service is available at other times of the year. Call 414/229-6503 or visit the office in the Union, room EG9.

The UWM Police also maintains the S.A.F.E. Patrol. Uniformed S.A.F.E. Patrol members are UWM students and neighborhood residents who patrol the UWM neighborhood between the hours of 8 p.m. and 3 a.m., reporting safety concerns and providing walking escorts.

## **(7) Guidelines for Personal Safety**

University Police recommend the following tips for increasing personal safety:

- Avoid working or studying alone in a building at night.
- Keep doors locked, even if you are away for only a few minutes.
- Stay in well-lit areas, walk midway between curbs and buildings and stay away from alleys and bushes.
- Use the campus transit service (BOSS) when traveling after dark.
- Never hitchhike or take rides from strangers.
- Do not leave purses, wallets or backpacks unattended.
- Don't carry extra credit cards or money.
- If your purse or wallet is snatched, don't fight back. Rather than risk personal injury, hand it over and then report the incident immediately to the UWM police.
- Walk with confidence. Indicate that you are aware of your surroundings and have a destination. Display control. Body language works.
- Be especially careful in situations involving the use of alcohol and/or drugs. Alcohol and drugs can seriously affect your ability to think clearly and act cautiously.
- Pay attention to what is happening around you.

### **e. Campus Law Enforcement**

#### **(1) Police Services**

University Police have complete police authority to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to campus. The University Police will also take police action off campus when a crime in progress is observed. The University Police may conduct official investigations off campus, but within the boundaries of Milwaukee County, and arrest and take into custody those responsible for the commission of crimes, violations of Wis. Stats., Chapter 125 or dangerous behavior.

The University Police work closely with the City of Milwaukee Police Department and the Shorewood Police Department as well as state and federal agencies whenever necessary.

Criminal offense reports, incident reports and citations pursuant to Chapter 18 of the Wisconsin Administrative Code are used to document incidents reported to or observed by the police. Uniform traffic citations are issued to violators of traffic laws. Serious and/or persistent violators of Wisconsin Statutes are referred to the District Attorney's office for prosecution.

The UWM Police Department patrol personnel have received training in first aid, CPR and AEDs (Automated External Defibrillators). AEDs are kept in each police vehicle and at various locations on campus. These officers have the training and experience to provide the immediate life-sustaining medical assistance needed in the first critical minutes of any medical emergency.

All federal law enforcement agencies are empowered to investigate violations of federal law and take appropriate enforcement action. All state law enforcement agencies are empowered to investigate violations of state statutes, the state administrative code and selected federal laws and take appropriate enforcement action. The Milwaukee County Sheriff's Department and the Milwaukee Police Department possess concurrent authority to investigate violations of state statutes and selected federal laws on

University property but neither is empowered to enforce county or municipal ordinances on state property.

## **(2) Off-campus Criminal Activities**

The University Police may take police action off-campus and within Milwaukee County under the authority of Wis. Stats., Chapter 175.40(5)(d). Officers have authority to arrest and take into custody any person for which a federal, state or municipal arrest warrant has been issued. University Police officers may also take action when assisting other law enforcement agencies within Milwaukee County.

The UWM Police are participating members of the Suburban Mutual Assistance Response Teams (S.M.A.R.T.). Numerous suburban police departments provide aid and support, by written agreement, to fellow member departments in the event that an incident requires greater resources than are available from any single department.

The University of Wisconsin-Milwaukee has contracted with the City of Milwaukee Police Department to provide specific police services targeting alcohol related violations that occur in the UWM neighborhood. The UWM Police assist the City of Milwaukee Police with these alcohol and loud party complaints in the UWM area.

### **f. Informing Employees and Students about Campus Security and Crime Prevention**

#### **(1) General Statement**

The Campus Security Act also known as the Clery Act is a federal law that requires colleges and universities to annually compile and publish statistics for their campuses and public property immediately adjacent to and accessible from the campus. This document comprises the UWM Annual Security Report. Hard copies are also available in the Office of the Dean of Students, 118 Mellencamp Hall. This report includes statistics from the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by the University of Wisconsin-Milwaukee; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as sexual assault and other matters.

#### **(2) Police Educational Programs**

The UWM Police Department provides a variety of informational programs to members of the campus community. Police officers make regular presentations to groups of new freshmen, offer workshops on crime prevention and personal safety on an ongoing basis to student groups, and present self-protection seminars which include demonstration of techniques. The University Police have a web page ([www4.uwm.edu/Dept/police/](http://www4.uwm.edu/Dept/police/)) where current information is available regarding safety information, crime reports, and more. Information booths are used during Campus Security Week, Alcohol Awareness Week, Career Days, and at other times to present students with important security and safety-related information. Finally, the UWM Police make outreach presentations to children at the UWM Child Care Center and local elementary schools on safety.

UWM provides several publications devoted to personal safety and crime prevention. University Police offer informational brochures on such topics as Identity Theft, Sexual Assault, How to Report a Crime, and the S.A.F.E. emergency phone system.

### **(3) Counselor Information about Crime Reporting**

The Norris Health Center Counseling and Consultation Service provides counseling for UWM students. While counselors are exempt from the crime reporting requirements of the Clery Act, the Norris Health Center counselors encourage students they are counseling to report crimes to the UWM Police Department on a voluntary basis.

#### **g. Alcohol and Illicit Drugs**

##### **(1) Introduction**

Substance use among college students impacts all aspects of University life, including student well-being, the educational environment, and the quality of life on campus and in the surrounding communities. In an ongoing effort to mitigate these high-risk behaviors, UWM has instituted a variety of alcohol and other drug abuse (AODA) prevention and intervention initiatives. On-campus assessment and treatment services are also available, and the University can assist in referring students and staff to appropriate community resources available to assist persons that are experiencing problems related to alcohol and other drug use, as well.

##### **(2) Health Effects of the Abuse of Alcohol and Other Drugs**

Alcohol is the most frequently used drug among college students. Nationally, 67% of college students are current alcohol users, as defined by having used alcohol in the past 30 days, and 41% are known to regularly engage in heavy episodic alcohol use (commonly referred to as “binge drinking”). Furthermore, research has shown that as many as 31% of college students meet the criteria for alcohol abuse, and 6% meet the criteria for alcohol dependence.

Alcohol acts as a depressant, inhibiting aspects of the central nervous system that control judgment and coordination. Such impairment can increase one’s risk for accidental injury, including those caused by automobile accidents. Nationally, 11% of college students report that they experienced nonfatal, accidental injuries in the previous year while under the influence of alcohol. Heavy episodic alcohol use is associated with a host of additional detrimental outcomes, as well, including illness, legal trouble, academic problems, regretted actions, high-risk sexual activity, and violence. For instance, incidents of violence and vandalism are often associated with the consumption of alcohol, and alcohol is a factor in 90% of the sexual assaults that occur on college campuses. Additionally, research consistently shows a strong correlation between frequent alcohol use and poor academic performance, and alcohol and other drug use is known to impact student retention rates.

Moreover, incidents of alcohol overdose (commonly referred to as “alcohol poisoning”) occur on college campuses each year. When consumed in high doses, alcohol can drastically impair respiration and heart rate, which can lead to death. Alcohol inhibits the gag reflex, as well, which can result in asphyxiation, should an individual vomit while unconscious. An alcohol overdose can also lead to seizures and sudden cardiac arrest.

Individuals who begin to use alcohol at a young age are more likely to experience subsequent health issues as a result of their use. Chronic alcohol abuse is associated with many serious health conditions, including addiction, liver disease, stomach ailments, memory problems, and damage to the heart and central nervous system.

Students who use alcohol are not the only individuals who are detrimentally impacted by alcohol use on campus. Indeed, students report having experienced various disturbances to their quality of life due to the

behaviors of their drunken peers. Such disturbances include personal property damage, being awakened or kept from studying, and feeling unsafe. Additionally, campus neighbors may also experience similar issues as a result of student behaviors that take place within the community surrounding campus.

While alcohol is the most commonly used drug among college students, the use of illegal drugs and prescription medications in a manner not prescribed by a healthcare professional is an issue of concern within the student community, as well. Substances such as marijuana, stimulants, narcotics, depressants, hallucinogens, “date rape” drugs, club drugs, and steroids have a presence on college campuses nationwide. Such substances carry the risk for serious health consequences, as detailed in Appendix 1. Moreover, the use of these substances in combination with alcohol or with each other can result in harmful and potentially lethal interactions.

### **(3) Drug and Alcohol Educational Programs**

In an ongoing effort to mitigate these high-risk behaviors, UWM has instituted a variety of alcohol and other drug abuse prevention and intervention initiatives. These include mandatory online alcohol education for incoming students; training programs for targeted student mentors/leaders to assist them in disseminating information regarding alcohol and other drug effects to their peers; numerous educational programs sponsored by Norris Health Center, University Housing, the Neighborhood Housing Office, Union Programming, and other campus entities; and the regular distribution of policy and educational information via campus-wide events, information tables, and bulletin boards, as well as within University Housing and campus resource centers.

Additionally, the campus promotes the e-CHUG, which is an online alcohol assessment and personalized feedback tool (available at [www.e-CHUG.uwm.edu](http://www.e-CHUG.uwm.edu)). UWM also offers an early intervention alcohol education program that combines cognitive-behavioral skill-building with norms clarification and motivational enhancement; research has demonstrated that such intervention techniques are effective in reducing alcohol and other drug abuse within college student populations. This two-session program – which includes a group seminar/alcohol skills class, brief assessment, and an individual feedback session – is available to students who are self-referred, referred by University Police or other law enforcement agencies, or are mandated to participate by University Housing or other University administrators. Students can register for this program at [www4.uwm.edu/ace/](http://www4.uwm.edu/ace/) or email [aceclass@uwm.edu](mailto:aceclass@uwm.edu) for more information. Finally, the Norris Health Center’s Counseling and Consultation Services offers alcohol and other drug screening, assessment, and treatment services to registered students, as well as weekly group therapy sessions for alcohol and other drug use. These services can be accessed by calling 414-229-4716.

Finally, Norris Health Center staff can also provide information regarding off-campus self-help support group and other community resources and treatment providers. Contact information for some of these is listed below.

Alcoholics Anonymous  
414-771-9119

Al-Anon/Alateen  
414-257-2415

Cocaine Anonymous  
414-445-5433

Families Anonymous  
414-384-8051

First Call for Help  
262-547-3388 or 211

Impact Alcohol and Other Drug Abuse Services  
414-256-4808

Milwaukee County Crisis Line (available 24/7)  
414-257-7222

Narcotics Anonymous  
866-913-3837

#### **(4) Prohibited Conduct**

The University of Wisconsin System and the University of Wisconsin-Milwaukee prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on university property or as part of university activities.

The use or possession of alcoholic beverages is prohibited on university premises except as permitted by the chief administrative officer or under institutional regulations in accordance with s. UWS 18.09(1)(a), Wis. Adm. Code. Without exception, it is illegal for anyone under 21 to consume alcohol, as governed by s. UWS 18.09(1)(a), Wis. Adm. Code.

The unlawful use, possession or distribution of illicit drugs (“controlled substances” as defined in ch. 961, Wis. Stats.) is prohibited in accordance with s. UWS 18.15, Wis. Adm. Code.

#### **(5) Disciplinary Sanctions**

Violation of these provisions by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion, as outlined in s. UWS 17.09, Wis. Adm. Code. University employees are also subject to disciplinary sanctions for violation of these provisions, up to and including termination from employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules as set forth in Wisconsin statutes, administrative rules and collective bargaining agreements. Referral for prosecution under criminal law is possible. Furthermore, violations of s. UWS 18.09(1)(a) Wis. Adm. Code, and UWS 18.15(1) Wis. Adm. Code, may result in additional penalties as allowed under ch. UWS 18, Wis. Adm. Code.

Employees that are convicted of any criminal drug statute violation occurring in the workplace must notify the dean, director or department chair within 5 days of the conviction, if the employees are employed by the university at the time of the conviction.

Chapters 17 and 18 of the Wisconsin Administrative Code are available online at the Office of Student Life website under “UW System Policies.”

#### **(6) Wisconsin Criminal Sanctions**

The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and outlines specific penalties for the violation of the regulations. A first-time conviction for possession of a controlled substance can result in a sentence of up to one year in prison and a fine of up to

\$5,000 (Sec. 961.41(3g)(am)-(g), Stats), depending on the drug. A person convicted of manufacturing a controlled substance, delivering a controlled substance, or possessing a controlled substance with an intent to manufacture or deliver, can be imprisoned for up to 40 years and fined up to \$100,000 (Sec 961.41(1m)(a)-(j), Stats). Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to the doubling of an authorized sentence term (Sec. 961.46 Stats).

Wisconsin has formidable legal sanctions that restrict the use of alcohol in various situations. It is illegal to procure for, sell, dispense or give away alcohol to anyone that has not reached the legal drinking age of 21 years (Sec. 125.07(1)(a)(1) Stats). Every adult has a legal obligation to prevent the illegal consumption of alcohol on premises owned by the adult or under the adult's control (Sec. 125.07(1)(a)(3) Stats). A first-time violator of either of the above subsections can be fined up to \$500. It is against the law for an underage person to procure or attempt to procure an alcoholic beverage, to represent falsely his or her age for the purpose of obtaining alcohol, to enter premises licensed to sell alcohol, or to consume or possess alcohol on licensed premises (Sec. 125.07(4) Stats). A first-time underage violator of Section 125.07(4) can be fined up to \$500, ordered to participate in a supervised work program, and have their his or her license suspended.

## **(7) Federal Criminal Sanctions**

The federal government has revised the penalties against drug possession and trafficking through its Federal Sentencing Guidelines that reduce the discretion that federal judges may use in sentencing offenders of federal drug statutes. Under these guidelines, courts can sentence a person for up to 6 years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana. A sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury. Possession of more than 5 grams of cocaine can trigger an intent to distribute penalty of 10 to 16 years in prison, U.S.S.G.s.2D2.1(b)(1).

Violations of these laws, statutes and regulations may lead to disciplinary sanctions, up to and including suspension or expulsion from the UW System. Referral for prosecution under criminal law is also possible. Monetary fines and prison sentences may result.

### **h. Sex Offenses**

#### **(1) Prevention of Sexual Assault**

Personal awareness and preventive measures are key elements in reducing the risk of sexual assault. Most sexual assaults are committed by acquaintances. The following guidelines may help you protect yourself.

- Avoid abuse of alcohol. It is often a factor in date rape and other sexual assaults.
- Express yourself clearly and expect that your wishes will be honored.
- Trust your instincts about possible danger. If someone or something makes you uneasy, get out or away.
- Be willing to ask for help to ensure your own well-being.
- Be committed to the safety of others. Make the effort to help friends and acquaintances get home safely.
- Know the person you are dating. Meet new people in public places. Date in groups.

- Be wary of anyone that acts jealous or possessive, displays anger or aggression, ignores your wishes, ignores your personal space boundaries, attempts to make you feel guilty or gets hostile when you say “no.”
- Don’t open your door to strangers. Don’t allow strangers inside your house or room.
- Be aware of your surroundings. Familiarize yourself with alternative routes. Whenever possible, walk with a group of people.
- If you are in immediate danger, yell “fire,” not “help” or “rape.” This has the potential for drawing a crowd and surprising the attacker.

## **(2) Prohibited and Illegal Acts**

The University of Wisconsin–Milwaukee prohibits sexual assault, sexual harassment, and other sex offenses (forcible or non-forcible) on university property or in conjunction with university activities. Wisconsin statutes define these offenses.

Sexual assault, including acquaintance rape, as described in Wisconsin Statutes ss. 940.225 and 948.02, is any sexual contact or sexual intercourse with a person without the consent of that person. Consent means words or overt actions by a competent person indicating freely given agreement to the sexual contact or intercourse. Consent is not a defense when the person involved is less than 16 years of age, unconscious or unable to communicate, or is suffering from mental illness or defect. Acquaintance rape is sexual assault committed by someone the victim knows. Date rape is acquaintance rape. At least one-third of all reported rape victims know their attacker.

Sexual harassment, as defined in Wisconsin Statutes s.111.32(13) and by UWM’s Discriminatory Conduct Policy (including Sexual Harassment), includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where the two parties are of unequal power. Harassment between equals is also possible. Conduct which unreasonably interferes with an individual’s work or educational performance or which creates an intimidating, hostile or offensive environment for work or learning also constitutes sexual harassment. UWM policy prohibits all sexual harassment and strongly discourages consenting amorous or sexual relationships between an instructor and student or an employee and supervisor. UWM’s Discriminatory Conduct Policy (including Sexual Harassment) can be found at:

[http://www.uwm.edu/Dept/SecU/acad%2Badmin\\_policies/S47.pdf](http://www.uwm.edu/Dept/SecU/acad%2Badmin_policies/S47.pdf)

Sexual exploitation by a therapist under s.940.22 includes intentional sexual contact by any therapist with a client during an ongoing therapist/client relationship. Consent is not an issue in these cases. Criminal Harassment under s.947.013 is also prohibited.

## **(3) Reporting Sex Offenses to Campus Authorities**

Incidents of sexual assault which occur on campus should be reported to the University Police (Sandburg WB90, 414/229-4627) for investigation and potential criminal prosecution AND the Vice Chancellor for Student Affairs (414/229-4038). If appropriate, UWM Police will notify the police in other jurisdictions.

The first priorities of a victim of a sexual assault at this university should be to get to a place of safety and then obtain necessary medical treatment. The UW-Milwaukee Norris Health Center (414/229-4716) provides walk-in counseling services and addresses medical concerns presented by students reporting incidents of sexual assault. Norris medical and counseling staff also facilitate referrals to the Aurora Sinai Samaritan Sexual Assault Treatment Center (“SATC”) for students who report the assault within 72

hours. Staff at the SATC collect forensic evidence that could assist in the possible identification and prosecution of perpetrators. Norris Health Center staff also works closely with the UWM Police, Women's Resource Center, and University Housing to ensure that the needs of survivors of sexual violence are met in a sensitive, timely manner. Norris also provides free professional counseling to students who are victims of sexual assault.

The University Police strongly advocates that a victim of sexual assault report the incident to the Police as soon as possible. Time is a critical factor for evidence collection and preservation. It may not be possible to successfully pursue criminal prosecution later, if evidence is not collected. Filing a police report does not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that a victim of a sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- provide the opportunity to pursue the investigation through the criminal justice system; and
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

After making the initial report and obtaining medical treatment, counselors at the Norris Health Center and staff at the Women's Resource Center are available to provide treatment and support. Other non-university organizations available to provide services include the Sexual Assault Treatment Center of Greater Milwaukee, National Sexual Assault Hotline, The Healing Center, and Pathfinders. Professional staff affiliated with these agencies/organizations can guide the victim through the available options and support the victim in his or her decision-making. See the section below on Education Programs and Other Resources.

The Office of Student Life ("OSL") (Mellencamp 118, 414/229-4632) is responsible for receiving disciplinary complaints, investigating and prosecuting cases involving students who commit sexual assault on campus or against another member of the campus community. OSL also implements disciplinary action against students that are found guilty of sexual offenses. OSL will assist a student in notifying campus or local police, if requested. OSL also will assist a victim with a request for a change in the victim's academic and/or living situation. Such changes could include allowing a student to break the housing contract or withdraw from a class without financial penalty.

The Office of Equity/Diversity Services ("EDS") (Mitchell 359, 414/229-5923) receives and investigates complaints regarding violations, by UWM employees, of the University policy on discrimination and sexual harassment.

#### **(4) Disciplinary Sanctions**

Sex offenses by a student may lead to university-imposed disciplinary procedures and sanctions under s. UWS 17.10, Wis. Admin. Code, which may include one or more of the following:

- a written reprimand;
- denial of specified university privileges;
- payment of restitution;
- educational or service sanctions, including community service;
- disciplinary probation;

- imposition of reasonable terms and conditions on continuous student status;
- removal from a course in progress;
- enrollment restrictions on a course or program;
- suspension; or
- expulsion.

University employees are also subject to disciplinary procedures and sanctions for sex offenses occurring on university property or during work time, up to and including termination of employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in Wisconsin statutes, administrative rules, faculty and academic staff policies, and collective bargaining agreements. Referral for prosecution under criminal law is also possible and is a standard procedure in cases of sexual assault.

In the case of campus disciplinary procedures, both the accuser and the accused are entitled to the same opportunities to have others present. Both the accuser and the accused will be informed of the outcome of any institutional proceeding that is brought alleging a sex offense. This does not constitute a violation of the Family Educational Rights Privacy Act (“FERPA”). The “outcome” of the proceeding means UWM’s final determination with respect to the alleged sex offense and any sanction that is imposed.

#### **(5) Education Programs and Other Resources**

The University Police Department, Norris Health Center, Women’s Resource Center, University Housing, LGBT Resource Center, and the Office of Student Life, among other departments, provide support services to students, serve on related committees, and communicate regularly regarding sexual assault education and prevention. The purpose of this cooperative approach is to reduce duplication of services, provide comprehensive services and programming which are inclusive of diverse populations, increase ease of referrals, and achieve greater accuracy in the provision of information about available education and services. Following is a description of only some of the campus programs.

The University Police Department offers sexual assault education and information programs to University students and employees upon request and at freshman orientations each fall. Literature and information on date rape education, and risk reduction is available at the University Police Department. The University Police offers R.A.D. (Rape Aggression Defense) training. The Rape Aggression Defense System is a program of realistic self-defense tactics and techniques for women. The R.A.D. System is a comprehensive, women-only course that begins with awareness, prevention, risk reduction and risk avoidance, while progressing on to the basics of hands-on defense training.

The Norris Health Center provides sexual assault education through counseling and outreach activities in collaboration with various departments on campus and in the community. The Norris Health Center coordinated the Sixth Annual UWM Campus and Communities United Against Violence Resource Fair, held on April 14, 2009, in collaboration with the UWM Peer Health Advocates, UWM Women’s Resource Center, UWM LGBT Resource Center, UWM Police, UWM Union Programming, and Milwaukee LGBT Community Resource Center. The Resource Fair included campus departments and community organizations that provide support services to survivors of sexual assault and domestic violence. The representatives from various departments on campus and community organizations offered interactive activities and distributed resource materials designed to further educate students and the campus community about the impact of sexual violence and inform them of various resources available to assist them related to prevention and treatment. During the Fair, resource materials were provided to 860 students. In addition, the UWM Peer Health Advocates within Norris Health Center’s Health Promotion and Wellness Department participate in events sponsored by the Rape, Abuse, and Incest National

Network (RAINN) and also sponsor a Sexual Assault Awareness and Prevention Fair which includes campus and community agencies that provide support services to survivors of sexual violence. The 2009 Fair was held on September 30, 2009, in the UWM Student Union.

The UWM Women's Resource Center ("WRC") also provides services and informational resources related to sexual assault and sexual harassment. WRC staff members create a welcoming and safe environment in the Center, providing supportive listening and making referrals to campus and community resources. Both the WRC Director and Assistant Director are professionally trained counselors and provide personal support, counseling, crisis intervention, and advocacy to students who have been sexually assaulted or harassed, as well as services to roommates, friends, family members, and others affected by the experience. The WRC library contains more than 50 free brochures pertaining to sexual assault and sexual harassment, and has 100 related books, dvds, and other materials that are available for loan to members of the UWM community. These resources are used both directly in support of students who have been assaulted or harassed, and by students seeking to learn more about the subjects for academic papers and projects. The WRC sponsors educational programs on these issues, and maintains strong collaborative relationships with campus and community resources serving needs of victims/survivors of sexual assault and sexual harassment. Regular and ongoing training of professional staff at the WRC on best practices for programming, prevention, treatment, and policy related to sexual assault, sexual harassment, and all forms of violence against women ensure the development and delivery of quality programs and services. The Women's Resource Center publishes information about sexual assault and harassment on its website at:

<http://www.wrc.uwm.edu>

Many of University Housing's educational efforts related to sexual assault occur simultaneously with education about the risks and consequences of alcohol and drug use. One such program is Housing's "Virtual House Party" program (attended by nearly 900 students in the Fall 2008 semester). The Virtual House Party is an experiential event, where students are led through a mock "house-party" situation and witness various scenarios that could happen at a house party. One of the scenarios involves an attempted sexual assault, with discussion about alcohol and its relationship to sexual assault.

University Housing also conducts many sexual health and personal safety-related programs in collaboration with the Norris Peer Health Educators, the Women's Resource Center, and the UWM Police Department (including student participation in R.A.D. classes). One large-scale joint program occurring in the last several years has been the "Safety Dance" program. "The Safety Dance" involves University Housing Resident Assistants and Security Staff working together to create and act out informational skits on staying safe on and around the UWM Campus. "The Safety Dance" has included skits on alcohol consumption in the residence halls and at off-campus parties, locking room and suite doors, walking/jogging at night by yourself, decisions about safe sex with a partner and myths about sex. It has also incorporated current popular music and presenters from all over campus including UMW Police, Norris Health Center and the Women's Resource center. Student feedback has been quite positive, and attendance each year has averaged about 250 students.

University departments also have developed partnerships with community organizations that provide sexual assault related services. For example, in 2006, UWM staff worked with the Healing Center of Milwaukee to generate feedback from Milwaukee-area sexual assault survivors regarding unmet service needs. The result was the creation of a support group for sexual assault survivors who are also dealing with substance abuse issues. Multiple campus and community groups also participate in a *Campus and Communities United Against Violence Resource Fair* and the creation of a *We Use Hands that Heal, Not Hands that Hurt* mural display. Contact information for community resources is provided below:

Sexual Assault Treatment Center of Greater Milwaukee  
414/219-5555  
[www.aurorahealthcare.org/services/sexual-assault/satc.asp](http://www.aurorahealthcare.org/services/sexual-assault/satc.asp)

The Healing Center of Milwaukee  
414/671-HEAL  
[www.thehealingcenter.org](http://www.thehealingcenter.org)

Pathfinders  
414/271-4610  
<http://pathfindersmke.org/>

The National Sexual Assault Hotline  
1-800-656-HOPE

#### **(6) Sex Offender Information**

The State of Wisconsin's maintains the official Sex Offender Registry web site at link to: <http://offender.doc.state.wi.us/public/>

In 1997, the State of Wisconsin enacted the Sex Offender Registration and Community Notification Law. This law was created to monitor and track people convicted of sex crimes and to provide access to this information for police, victims and the general public.

The official web site is designed to enhance public safety by making the information contained in the Sex Offender Registry easily accessible to the public. It also serves to enhance public awareness about sexual violence in our communities and provide valuable information about the ways in which individuals and communities can protect themselves and those they love from acts of sexual violence.

As part of Governor Doyle's Sex Offender Apprehension and Felony Enforcement (SAFE) Initiative, beginning on December 1, 2005, the site displays the current reported residence address of registered sex offenders who are in the community.

The State of Wisconsin encourages the public to notify the Wisconsin Sex Offender Registry of information on the web site believed to be inaccurate, as well as any information concerning the whereabouts of non-compliant registrants, through the new SAFE Tip line toll free at 877-234-0085 or through email at [docsafetips@doc.state.wi.us](mailto:docsafetips@doc.state.wi.us).

Information regarding registered sex offenders who are either enrolled or employed by the institution may be obtained by contacting the UWM Police Department.

## APPENDIX 1

### Health Effects of Drugs Other than Alcohol

Marijuana and hashish can cause mild to severe anxiety or mild paranoia in sensitive users. Its use has been associated with short-term memory problems and can interfere with the learning of new material, as well as the performance of complex motor tasks. Some research has associated long-term heavy use with increased risk for respiratory problems, decreased levels of sex hormones, the formation of precancerous cells in the lungs, impairment to the immune system, and decreased cognitive function. Marijuana use may result in psychological dependence, and withdrawal symptoms have been observed in some heavy users.

Cocaine and its freebase form, crack, are among the most potent of the stimulant drugs. These substances pose a high risk for addiction. Immediate negative effects include restlessness, irritability, anxiety, and depressed mood. Snorting of these substances can cause serious damage to the nasal membranes and nasal septum. High doses or prolonged use can cause irritability, mood disturbances, paranoia, and auditory hallucinations; prolonged use of crack may also result in particularly aggressive paranoid behavior. Medical complications can include disturbances in heart rhythm, heart attacks, chest pain, respiratory failure, strokes, and seizures.

Other stimulants with the potential for abuse and dependence include Ritalin, Adderall, amphetamine, and methamphetamine (commonly referred to as crystal meth, or ice). Short-term effects can include anxiety, headaches, and increased heart rate and blood pressure. In higher doses, there is risk for stroke, convulsions, and irregularities in the user's heart and respiration rates that can lead to death. Crushing and snorting stimulants and intravenous use greatly increase the risk for overdose. Large or prolonged doses can also cause weight loss, paranoia, auditory and visual hallucinations, and delusions, as well as significant post-use depression. Methamphetamine use can also cause irreversible damage to the blood vessels in the brain, which can lead to strokes; it has been associated with long-term decreased functioning of the brain areas that regulate motor control and memory.

Narcotics include prescription pain relievers, such as Demerol and Oxycontin, as well as opiates, such as opium, morphine, heroin, and codeine. About half of those who use narcotics develop a tolerance and dependence to them. Tolerance can cause users to consume higher doses in order to achieve the desired effect, which can increase the chance of overdose. Additionally, accidental overdose can result from the practice of inhaling drugs that are meant to be taken orally, as well as from different potency levels that might be found within illicit and unregulated forms. For narcotics taken intravenously, contamination of the drug and the use of unsterile needles can lead to infection and disease, including liver disease, hepatitis, tetanus, and HIV.

Depressants include substances that are typically prescribed as medications to relieve anxiety and induce sleep, such as Xanax, Ativan, Valium, and Ambien. These substances slow activity in the central nervous system and pose a risk if taken at higher dosages than prescribed. Indeed, accidents or injuries can occur due to loss of coordination, slowed reaction time, fatigue, and impaired judgment. Moreover, depressants have a high potential for physical and psychological dependence.

Tolerance can also develop, causing the user to need larger doses to achieve the desired effect, which can increase the chance of overdose and death.

Hallucinogens, such as LSD (acid), PCP, Psilocybin (magic mushrooms), mescaline, and peyote, can cause one's sense of direction, distance, time, sound, and visual perception to become distorted. These effects can last up to 12 hours. Psychological risks of hallucinogen use can include significant anxiety, confusion, depression, paranoia, and loss of emotional control. Flashbacks, violent behavior, or behaviors resembling psychosis may also result from the use of hallucinogens and may precipitate significant mental health problems in emotionally vulnerable individuals. Physical risks associated with the use of hallucinogens can include elevated heart rates and blood pressure, sleeplessness and tremors, decreased awareness of pain resulting in injury, convulsions, and coma.

GBH and Rohypnol are often referred to as "date rape drugs," because they can immobilize and cause unconsciousness in the user; in some cases, users describe a feeling of paralysis during which they could not move. Rohypnol can cause a type of amnesia in which the user may not remember what was said or done while under the influence of the drug.

Club drugs include the substances MDMA (ecstasy) and Ketamine. Ecstasy has been shown to cause long-term damage to nerve cells in the brain, which regulate emotion, memory, sleep, and pain. Some studies suggest that lasting negative effects may occur with experimental use of Ecstasy. In higher doses, it can cause dehydration, dangerous increases in heart rate and body temperature, heart attacks, seizures, and death. Ketamine is a depressant that has dissociative properties. In low doses, it produces psychedelic effects, but in higher doses it can lead to lack of coordination, slurred speech, paranoia, aggressive behavior, heart attacks, strokes, coma, or death.

Steroid use is associated with higher risks for heart attacks, strokes, and liver problems. Steroid use may cause acne and hair loss, mood problems, hostility, aggression, and paranoia, and in men, it may result in potentially irreversible breast development and genital shrinking.

## APPENDIX 2

### Information Provided by UW System on Sexual Assault and Sexual Harassment

#### a. 2008 - National, State, and Campus Statistics

#### NATIONAL, STATE, AND CAMPUS STATISTICS ON SEXUAL ASSAULT<sup>1</sup>

NATIONAL & STATE STATISTICS FOR FORCIBLE RAPE: Federal Bureau of Investigation, Crime in the United States report based on UCR category “forcible rape”<sup>2</sup>.

[http://www.fbi.gov/ucr/05cius/data/table\\_01.html](http://www.fbi.gov/ucr/05cius/data/table_01.html)

[http://www.fbi.gov/ucr/05cius/data/table\\_04.html](http://www.fbi.gov/ucr/05cius/data/table_04.html)

<u>YEAR</u>	<u>STATE</u>	<u>NATIONAL</u> <sup>3</sup>
2002	1,216	95,235
2003	1,184	93,883
2004	1,136	95,089
2005	1,142	93,934

STATE STATISTICS FOR SEXUAL ASSAULT<sup>4</sup>: Office of Justice Assistance, State of Wisconsin

<u>YEAR</u>	<u>NUMBER REPORTED</u>
2002	5,671
2003	5,296
2004	5,618
2005	5,357
2006	5,422

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<sup>1</sup>Sexual assaults as defined by Wis. Stats. §940.225 and §948.02

<sup>2</sup>Forcible rape, as defined in the Uniform Crime Reporting (UCR) Program, is the carnal knowledge of a female forcibly and against her will. Assaults or attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded.

<sup>3</sup>Based on data collected by law enforcement agencies

<sup>4</sup>Based on data collected from WI law enforcement agencies for six state of WI specified categories [forcible rape, forcible sodomy, assault with an object, forcible fondling, ejaculate/excrete upon victim, statutory rape].

**2008 - UW SYSTEM STATISTICS ON REPORTED SEXUAL ASSAULTS**

CAMPUS	CAMPUS <sup>5</sup> [acquaintances/not acquaintances/unknown]	OFF-CAMPUS <sup>6</sup> [acquaintances/not acquaintances/unk nown]	TOTAL acquaintances/not acquaintances/unkn own]
Eau Claire	3/0/1	8/2/0	11/2/1
Green Bay	8/0/0	7/1/2	15/1/2
La Crosse	5/0/0	4/4/6	9/4/6
Madison	11/3/0	16/11/3	27/14/3
Milwaukee	0/2/0	7/3/1	7/5/1
Oshkosh	11/0/4	6/1/0	17/1/4
Parkside	3/1/0	0/1/0	3/2/0
Platteville	2/0/1	1/0/1	3/0/2
River Falls	1/0/0	1/1/0	2/1/0
Stevens Point	3/1/1	3/0/3	6/1/4
Stout	3/1/0	7/6/0	10/7/0
Superior	4/0/0	1/0/0	5/0/0
Whitewater	5/1/0	5/1/0	10/2/0
Colleges	0[0]	0 [0]	0[0]
Extension	0[0]	0 [0]	0[0]
<b>System Total</b>	<b>59/9/7</b>	<b>66/31/16</b>	<b>125/40/23</b>

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<sup>5</sup> “Campus” for this report combines reports from the three geographic categories of “campus”, “non-campus” and “public property” as defined by the federal Jeanne Clery Act 20 U.S.C. §1092[f].

<sup>6</sup> “Off-campus” includes reports that did not occur within any of the three areas defined above as “campus” or that did not include information regarding the location of the assault.

**b. Relevant Wisconsin Statutes**

This section provides the text of the Wisconsin Statutes covering the definitions of and penalties for sexual assault and sexual harassment, as well as a description of the rights of victims and witnesses to crimes.

**Statutory Information UW Systems Institutions Are Required By  
Wisconsin Statute § 36.11(22) To Provide Annually To Students**

*Please Note: This information was current as of March 19, 2008. To be certain one is using the most current version of a statute, please refer to the Revisor of Statutes webpage at:  
<http://www.legis.state.wi.us/rsb/stats.html>*

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**Wis. Stat. § 36.11(22)**

**(22) ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL HARASSMENT.**

(a) The board shall direct each institution and college campus to:

1. Incorporate in its orientation program for newly entering students oral and written or electronic information on sexual assault and sexual harassment, as defined in s. 111.32 (13) , including information on sexual assault by acquaintances of the victims and on all of the following:

a. The legal definitions of, and penalties for, sexual assault under ss. 940.225 , 948.02 and 948.025 , sexual exploitation by a therapist under s. 940.22 and harassment under s. 947.013

b. Generally available national and state statistics, and campus statistics as compiled under par. (c) and as reported under par. (d) , on sexual assaults and on sexual assaults by acquaintances of the victims.

c. The rights of victims under ch. 950 and the services available at the institution or college campus and in the community to assist a student who is the victim of sexual assault or sexual harassment.

d. Protective behaviors, including methods of recognizing and avoiding sexual assault and sexual harassment and locations in the community where courses on protective behaviors are provided.

2. Annually supply to all students enrolled in the institution or college campus printed or electronic material that includes all of the information under par. (a)

(b) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) The report shall indicate the

methods each institution and college campus have used to comply with par. (a)

(c) Any person employed at an institution who witnesses a sexual assault on campus or receives a report from a student enrolled in the institution that the student has been sexually assaulted shall report to the dean of students of the institution. The dean of students shall compile reports for the purpose of disseminating statistical information under par. (a) 1. b.

(d) Annually, each institution shall report to the office of justice assistance in the department of administration statistics on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on each campus of the institution in the previous year. The office of justice assistance shall include the statistics in appropriate crime reports published by the office.

**Wis. Stat. § 111.32 (2004)**

111.32. Definitions.

When used in this subchapter:

(13) "Sexual harassment" means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Sexual harassment" includes conduct directed by a person at another person of the same or opposite gender. "Unwelcome verbal or physical conduct of a sexual nature" includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employees work performance or to create an intimidating, hostile or offensive work environment.

**Wis. Stat. § 940.225**

940.225. Sexual assault

(1) FIRST DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class B felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

(b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.

(c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

(cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

(g) Is an employee of a facility or program under s. 940.295(2)(b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

(h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685(1)(b) or 50.065(1)(c), and has sexual contact or sexual intercourse with a client of the entity.

(3) **THIRD DEGREE SEXUAL ASSAULT.** Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5)(b)2. or 3. with a person without the consent of that person is guilty of a Class G felony.

(3m) **FOURTH DEGREE SEXUAL ASSAULT.** Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

(4) **CONSENT.** "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (2)(c), (cm), (d), (g), (h), and (i). The

following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11(2):

(b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

**(5) DEFINITIONS.** In this section:

(abm) "Client" means an individual who receives direct care or treatment services from an entity.

(acm) "Correctional institution" means a jail or correctional facility, as defined in s. 961.01(12m), a juvenile correctional facility, as defined in s. 938.02(10p), or a juvenile detention facility, as defined in s. 938.02(10r).

(ad) "Correctional staff member" means an individual who works at a correctional institution, including a volunteer.

(ag) "Inpatient facility" has the meaning designated in s. 51.01(10).

(ai) "Intoxicant" means any alcohol beverage, controlled substance, controlled substance analog, or other drug or any combination thereof.

(ak) "Nonclient resident" means an individual who resides, or is expected to reside, at an entity, who is not a client of the entity, and who has, or is expected to have, regular, direct contact with the clients of the entity.

(am) "Patient" means any person who does any of the following:

1. Receives care or treatment from a facility or program under s. 940.295(2)(b), (c), (h) or (k), from an employee of a facility or program or from a person providing services under contract with a facility or program.

2. Arrives at a facility or program under s. 940.295(2)(b), (c), (h) or (k) for the purpose of receiving care or treatment from a facility or program under s. 940.295(2)(b), (c), (h) or (k), from an employee of a facility or program under s. 940.295(2)(b), (c), (h) or (k), or from a person providing services under contract with a facility or program under s. 940.295(2)(b), (c), (h) or (k).

(ar) "Resident" means any person who resides in a facility under s. 940.295(2)(b), (c), (h) or (k).

(b) "Sexual contact" means any of the following:

1. Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19(1):

- a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.

b. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.

2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

(c) "Sexual intercourse" includes the meaning assigned under s. 939.22(36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(d) "State treatment facility" has the meaning designated in s. 51.01(15).

(6) MARRIAGE NOT A BAR TO PROSECUTION. A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

(7) DEATH OF VICTIM. This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse

### **Wis. Stat. § 948.02**

#### 948.02. Sexual assault of a child

(1) FIRST DEGREE SEXUAL ASSAULT. (a) In this subsection, "sexual intercourse" means vulvar penetration as well as cunnilingus, fellatio, or anal intercourse between persons or any intrusion of any inanimate object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(b) Whoever has sexual intercourse with a person who has not attained the age of 12 years is guilty of a Class B felony.

(c) Whoever has sexual intercourse with a person who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony.

(d) Whoever has sexual contact with a person who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony if the actor is at least 18 years of age when the sexual contact occurs.

(e) Whoever has sexual contact with a person who has not attained the age of 13 years is guilty of a Class B felony.

(1) FIRST DEGREE SEXUAL ASSAULT. Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of one of the following:

(a) If the sexual contact or sexual intercourse resulted in great bodily harm to the person, a Class A felony.

(b) If the sexual contact or sexual intercourse did not result in great bodily harm to the person, a Class B

felony.

(2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class C felony.

(3) **FAILURE TO ACT.** A person responsible for the welfare of a child who has not attained the age of 16 years is guilty of a Class F felony if that person has knowledge that another person intends to have, is having or has had sexual intercourse or sexual contact with the child, is physically and emotionally capable of taking action which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.

(4) **MARRIAGE NOT A BAR TO PROSECUTION.** A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

(5) **DEATH OF VICTIM.** This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.

**Wis. Stat. § 948.025**

948.025. Engaging in repeated acts of sexual assault of the same child

<Text of subsec. (1), as affected by 2005 Act 430, §§ 5, 6>

(1) Whoever commits 3 or more violations under s. 948.02(1) or (2) within a specified period of time involving the same child is guilty of:

(a) A Class B felony if at least 3 of the violations were violations of s. 948.02(1)(b) or (c).

(ag) A Class B felony if at least 3 of the violations were violations of s. 948.02(1)(b), (c), or (d) but fewer than 3 of the violations were violations of s. 948.02(1)(b) or (c).

(ar) A Class B felony if at least 3 of the violations were violations of s. 948.02(1)(b), (c), (d), or (e) but fewer than 3 of the violations were violations of s. 948.02(1)(b), (c), or (d).

(b) A Class C felony if fewer than 3 of the violations were violations of s. 948.02(1).

<Text of subsec. (1), as affected by 2005 Act 437, §§ 3, 4>

(1) Whoever commits 3 or more violations under s. 948.02(1) or (2) within a specified period of time involving the same child is guilty of:

(ag) A Class A felony if at least 3 of the violations were violations of s. 948.02(1)(a).

(ar) A Class B felony if fewer than 3 of the violations were violations of s. 948.02(1)(a) but at least 3 of the violations were violations of s. 948.02(1)(a) or (b).

(b) A Class C felony if fewer than 3 of the violations were violations of s. 948.02(1).

<Text of subsec. (2), as affected by 2005 Act 430, §§ 7, 8>

(2)(a) If an action under sub. (1)(a) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02(1)(b) or (c) occurred within the specified period of time but need not agree on which acts constitute the requisite number and need not agree on whether a particular violation was a violation of s. 948.02(1)(b) or (c).

(ag) If an action under sub. (1)(ag) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02(1)(b), (c), or (d) occurred within the specified period of time but need not agree on which acts constitute the requisite number and need not agree on whether a particular violation was a violation of s. 948.02(1)(b), (c), or (d).

(ar) If an action under sub. (1)(ar) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02(1)(b), (c), (d), or (e) occurred within the specified period of time but need not agree on which acts constitute the requisite number and need not agree on whether a particular violation was a violation of s. 948.02(1)(b), (c), (d), or (e).

(b) If an action under sub. (1)(b) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02(1) or (2) occurred within the specified period of time but need not agree on which acts constitute the requisite number and need not agree on whether a particular violation was a violation of s. 948.02(1) or (2).

<Text of subsec. (2), as affected by 2005 Act 437, §§ 5, 6>

(2)(a) If an action under sub. (1)(ag) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02(1)(a) occurred within the specified period of time but need not agree on which acts constitute the requisite number.

(am) If an action under sub. (1)(ar) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02(1)(a) or (b) occurred within the specified period of time but need not agree on which acts constitute the requisite number.

(b) If an action under sub. (1)(b) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02(1) or (2) occurred within the specified period of time but need not agree on which acts constitute the requisite number and need not agree on whether a particular violation was a violation of s. 948.02(1) or (2).

(3) The state may not charge in the same action a defendant with a violation of this section and with a felony violation involving the same child under ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06, 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation occurred outside of the time period applicable under sub. (1). This subsection does not prohibit a conviction for an included crime under s. 939.66 when the defendant is charged with a violation of this section.

### **Wis. Stat. § 940.22**

940.22. Sexual exploitation by therapist; duty to report.

#### (1) DEFINITIONS.

In this section:

- (a) "Department" means the department of regulation and licensing.
- (b) "Physician" has the meaning designated in s. 448.01 (5)
- (c) "Psychologist" means a person who practices psychology, as described in s. 455.01 (5)
- (d) "Psychotherapy" has the meaning designated in s. 455.01 (6)
- (e) "Record" means any document relating to the investigation, assessment and disposition of a report under this section.
- (f) "Reporter" means a therapist who reports suspected sexual contact between his or her patient or client and another therapist.
- (g) "Sexual contact" has the meaning designated in s. 940.225 (5) (b)
- (h) "Subject" means the therapist named in a report or record as being suspected of having sexual contact with a patient or client or who has been determined to have engaged in sexual contact with a patient or client.
- (i) "Therapist" means a physician, psychologist, social worker, marriage and family therapist, professional counselor, nurse, chemical dependency counselor, member of the clergy or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy.

## (2) SEXUAL CONTACT PROHIBITED.

Any person who is or who holds himself or herself out to be a therapist and who intentionally has sexual contact with a patient or client during any ongoing therapist-patient or therapist-client relationship, regardless of whether it occurs during any treatment, consultation, interview or examination, is guilty of a Class F felony. Consent is not an issue in an action under this subsection.

## (3) REPORTS OF SEXUAL CONTACT.

(a) If a therapist has reasonable cause to suspect that a patient or client he or she has seen in the course of professional duties is a victim of sexual contact by another therapist or a person who holds himself or herself out to be a therapist in violation of sub. (2) , as soon thereafter as practicable the therapist shall ask the patient or client if he or she wants the therapist to make a report under this subsection. The therapist shall explain that the report need not identify the patient or client as the victim. If the patient or client wants the therapist to make the report, the patient or client shall provide the therapist with a written consent to the report and shall specify whether the patients or clients identity will be included in the report.

(b) Within 30 days after a patient or client consents under par. (a) to a report, the therapist shall report the suspicion to:

1. The department, if the reporter believes the subject of the report is licensed by the state. The department shall promptly communicate the information to the appropriate examining board or affiliated credentialing board.

2. The district attorney for the county in which the sexual contact is likely, in the opinion of the reporter,

to have occurred, if subd. 1. is not applicable.

(c) A report under this subsection shall contain only information that is necessary to identify the reporter and subject and to express the suspicion that sexual contact has occurred in violation of sub. (2) The report shall not contain information as to the identity of the alleged victim of sexual contact unless the patient or client requests under par. (a) that this information be included.

(d) Whoever intentionally violates this subsection by failing to report as required under pars. (a) to (c) is guilty of a Class A misdemeanor.

#### (4) CONFIDENTIALITY OF REPORTS AND RECORDS.

(a) All reports and records made from reports under sub. (3) and maintained by the department, examining boards, affiliated credentialing boards, district attorneys and other persons, officials and institutions shall be confidential and are exempt from disclosure under s. 19.35 (1) Information regarding the identity of a victim or alleged victim of sexual contact by a therapist shall not be disclosed by a reporter or by persons who have received or have access to a report or record unless disclosure is consented to in writing by the victim or alleged victim. The report of information under sub. (3) and the disclosure of a report or record under this subsection does not violate any persons responsibility for maintaining the confidentiality of patient health care records, as defined in s. 146.81 (4) and as required under s. 146.82 Reports and records may be disclosed only to appropriate staff of a district attorney or a law enforcement agency within this state for purposes of investigation or prosecution.

(b)

1. The department, a district attorney, an examining board or an affiliated credentialing board within this state may exchange information from a report or record on the same subject.

2. If the department receives 2 or more reports under sub. (3) regarding the same subject, the department shall communicate information from the reports to the appropriate district attorneys and may inform the applicable reporters that another report has been received regarding the same subject.

3. If a district attorney receives 2 or more reports under sub. (3) regarding the same subject, the district attorney may inform the applicable reporters that another report has been received regarding the same subject.

4. After reporters receive the information under subd. 2. or 3. , they may inform the applicable patients or clients that another report was received regarding the same subject.

(c) A person to whom a report or record is disclosed under this subsection may not further disclose it, except to the persons and for the purposes specified in this section.

(d) Whoever intentionally violates this subsection, or permits or encourages the unauthorized dissemination or use of information contained in reports and records made under this section, is guilty of a Class A misdemeanor.

#### (5) IMMUNITY FROM LIABILITY.

Any person or institution participating in good faith in the making of a report or record under this section is immune from any civil or criminal liability that results by reason of the action. For the purpose of any civil or criminal action or proceeding, any person reporting under this section is presumed to be acting in

good faith. The immunity provided under this subsection does not apply to liability resulting from sexual contact by a therapist with a patient or client.

**Wis. Stat. § 947.013**

947.013. Harassment.

(1) In this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(b) "Credible threat" means a threat made with the intent and apparent ability to carry out the threat.

(c) "Personally identifiable information" has the meaning given in s. 19.62 (5)

(d) "Record" has the meaning given in s. 19.32 (2)

(1m) Whoever, with intent to harass or intimidate another person, does any of the following is subject to a Class B forfeiture:

(a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

(1r) Whoever violates sub. (1m) under all of the following circumstances is guilty of a Class A misdemeanor:

(a) The act is accompanied by a credible threat that places the victim in reasonable fear of death or great bodily harm.

(b) The act occurs while the actor is subject to an order or injunction under s. 813.12 , 813.122 or 813.125 that prohibits or limits his or her contact with the victim.

(1t) Whoever violates sub. (1r) is guilty of a Class I felony if the person has a prior conviction under this subsection or sub. (1r) , (1v) , or (1x) or s. 940.32 (2) , (2e) , (2m) , or (3) involving the same victim and the present violation occurs within 7 years of the prior conviction.

(1v) Whoever violates sub. (1r) is guilty of a Class H felony if he or she intentionally gains access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation under sub. (1r)

(1x) Whoever violates sub. (1r) under all of the following circumstances is guilty of a Class H felony:

(a) The person has a prior conviction under sub. (1r) , (1t) or (1v) or this subsection or s. 940.32 (2) , (2e) , (2m) , or (3)

(b) The person intentionally gains access to a record in order to facilitate the current violation under sub. (1r)

(2) This section does not prohibit any person from participating in lawful conduct in labor disputes under s. 103.53

**Wis. Stat. § 950.01**

950.01. Legislative intent.

In recognition of the civic and moral duty of victims and witnesses of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and that the rights extended in this chapter to victims and witnesses of crime are honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants.

**Wis. Stat. § 950.02**

950.02. Definitions

In this chapter:

(1) Except in sub. (3), "child" means a person who is less than 18 years of age.

(1m) "Crime" means an act committed in this state which, if committed by a competent adult, would constitute a crime, as defined in s. 939.12.

(1t) "Custodial agency" means any person authorized to arrest or take into actual physical custody an individual who is alleged to have committed a crime. "Custodial agency" includes a law enforcement agency, a sheriff, superintendent or other keeper of a jail and a person authorized to take custody of a juvenile under s. 938.19 or 938.20 (4).

(2) "Department" means the department of justice.

(2m) "District attorney" means any of the following:

(a) The district attorney or other person authorized to prosecute a criminal case or a delinquency proceeding under ch. 938.

(b) A person designated by a person specified in par. (a) to perform the district attorney's duties under this chapter.

(3) "Family member" means spouse, minor child, adult child, sibling, parent, or legal guardian.

(3m) "Law enforcement agency" has the meaning given in s. 165.83 (1)(b).

(4)(a) "Victim" means any of the following:

1. A person against whom a crime has been committed.

2. If the person specified 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 granted under s. 950.04 or article I, 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.

(b) "Victim" does not include the person charged with or alleged to have committed the crime.

(4m) "Victim and witness office" means an organization or program that provides services for which the county receives reimbursement under this chapter.

(5) "Witness" means any person who has been or is expected to be summoned to testify for the prosecution, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.

**Wis. Stat. § 950.03**

950.03. Eligibility of victims.

A victim has the rights and is eligible for the services under this chapter only if the crime has been reported to law enforcement authorities.

**Wis. Stat. § 950.04**

950.04. Basic bill of rights for victims and witnesses

(1v) RIGHTS OF VICTIMS. Victims of crimes have the following rights:

(a) To have his or her interest considered when the court is deciding whether to grant a continuance in the case, as provided under ss. 938.315 (2) and 971.10 (3)(b)3.

(b) To attend court proceedings in the case, subject to ss. 906.15 and 938.299 (1). The court may require the victim to exercise his or her right under this paragraph using telephone or live audiovisual means, if available, if the victim is under arrest, incarcerated, imprisoned or otherwise detained by any law enforcement agency or is admitted or committed on an inpatient basis to a treatment facility under ch. 51,971 or 980, and the victim does not have a person specified in s. 950.02 (4)(a)3. to exercise the victim's right under this paragraph.

(bm) To be provided with appropriate intercession services to ensure that employers of victims will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.

(c) To be accompanied by a service representative, as provided under s. 895.45.

- (d) To request an order for, and to be given the results of, testing to determine the presence of a communicable disease, as provided under ss. 938.296 or 968.38.
- (dL) To not be the subject of a law enforcement officer's or district attorney's order, request, or suggestion that he or she submit to a test using a lie detector, as defined in s. 111.37(1)(b), if he or she claims to have been the victim of a sexual assault under s. 940.22(2), 940.225, 948.02(1) or (2), or 948.085, except as permitted under s. 968.265.
- (e) To be provided a waiting area under ss. 938.2965 and 967.10.
- (em) To have his or her interests considered by the court in determining whether to exclude persons from a preliminary hearing, as provided under s. 970.03 (4).
- (f) To have the parole commission make a reasonable attempt to notify the victim of applications for parole, as provided under s. 304.06 (1).
- (g) To have reasonable attempts made to notify the victim of hearings or court proceedings, as provided under ss. 302.113(9g)(g)2., 302.114(6), 938.27(4m) and (6), 938.273(2), 971.095(3) and 972.14(3)(b).
- (gm) To have reasonable attempts made to notify the victim of petitions for sentence adjustment as provided under s. 973.195(1r)(d).
- (i) To have, at his or her request, the opportunity to consult with intake workers, district attorneys and corporation counsel in cases under ch. 938, as provided under ss. 938.245 (1m), 938.265 and 938.32 (1)(am).
- (j) To have, at his or her request, the opportunity to consult with the prosecution in a case brought in a court of criminal jurisdiction, as provided under s. 971.095 (2).
- (k) To a speedy disposition of the case in which they are involved as a victim in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.
- (L) To have the district attorney or corporation counsel, whichever is applicable, make a reasonable attempt to contact the victim concerning the victim's right to make a statement, as provided under ss. 938.32 (1)(b) 2., 938.335 (3m)(b) and 972.14 (3)(b).
- m) To provide statements concerning sentencing, disposition or parole, as provided under [ss. 304.06 \(1\) \(e\)](#), 938.32 (1) (b) 1. [s. 938.32 (1) (b) 1g.], 938.335 (3m) (a) [938.335 (3m) (ag)] and 972.14 (3) (a).
- (n) To have direct input in the parole decision-making process, as provided by the rules promulgated under s. 304.06 (1)(em).
- (nn) To attend parole interviews or hearings and make statements as provided under s. 304.06 (1)(eg).
- (nt) To attend a hearing on a petition for modification of a bifurcated sentence and provide a statement concerning modification of the bifurcated sentence, as provided under s. 302.113(9g)(d).
- (o) To have information concerning the impact of a delinquent act on the victim included in a court report under s. 938.33 and to have the person preparing the court report attempt to contact the victim, as provided under s. 938.331.

(p) To have the person preparing a presentence investigation under s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15 (2m).

(pm) To have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim and have the information considered by the court.

(q) To restitution, as provided under ss. 938.245 (2)(a)5., 938.32 (1t), 938.34 (5), 938.345, 943.212, 943.23 (6), 943.245, 943.51 and 973.20.

(qm) To recompense as provided under s. 969.13(5)(a).

(r) To a judgment for unpaid restitution, as provided under ss. 895.035 (2m) and 973.09 (3)(b).

(rm) To compensation, as provided under subch. I of ch. 949.

(s) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence, subject to s. 968.205. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, property subject to preservation under s. 968.205, and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.

(t) To receive information from law enforcement agencies, as provided under s. 950.08 (2g).

(u) To receive information from district attorneys, as provided under s. 950.08 (2r).

(um) To have district attorneys make a reasonable attempt to notify the victim under s. 971.17 (4m) regarding conditional releases under s. 971.17.

(v) To have the department of corrections make a reasonable attempt to notify the victim under s. 301.046(4) regarding community residential confinements, under s. 301.048(4m) regarding participation in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under s. 301.46(3) regarding persons registered under s. 301.45, under s. 302.105 regarding release upon expiration of certain sentences, under s. 304.063 regarding extended supervision and parole releases, and under s. 938.51 regarding release or escape of a juvenile from correctional custody.

(vm) To have the appropriate clerk of court send the victim a copy of an inmate's petition for extended supervision and notification of the hearing on that petition under s. 302.114 (6).

(w) To have the department of corrections make a reasonable attempt to notify the victim under s. 303.068 (4m) regarding leave granted to qualified inmates under s. 303.068.

(x) To have the department of health and family services make a reasonable attempt to notify the victim under s. 971.17 (6m) regarding termination or discharge under s. 971.17 and under s. 51.37 (10) regarding home visits under s. 51.37 (10).

(xm) To have the department of health and family services make a reasonable attempt to notify the victim under s. 980.11 regarding supervised release under s. 980.08 and discharge under s. 980.09 (4).

(y) To have reasonable attempts made to notify the victim concerning actions taken in a juvenile proceeding, as provided under ss. 938.24 (5m), 938.25 (2m), 938.312 and 938.346.

(yd) To have the appropriate clerk of court make a reasonable attempt to send the victim a copy of a motion made under s. 974.07(2) for postconviction deoxyribonucleic acid testing of certain evidence and notification of any hearing on that motion, as provided under s. 974.07(4).

(ym) To have the governor make a reasonable attempt to notify the victim of a pardon application, as provided under s. 304.09 (2) and (3).

(z) To make a written statement concerning pardon applications, as provided under s. 304.10 (2).

(zm) To request information from a district attorney concerning the disposition of a case involving a crime of which he or she was a victim, as provided under s. 971.095 (6).

(zx) To complain to the department of justice concerning the treatment of crime victims, as provided under s. 950.08 (3), and to request review by the crime victims rights board of the complaint, as provided under s. 950.09 (2).

(2w) RIGHTS OF WITNESSES. Witnesses of crimes have the following rights:

(a) To request information from the district attorney about the final disposition of the case.

(b) To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court.

(c) To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.

(d) To be informed of financial assistance and other social services available as a result of being a witness of a crime, including information on how to apply for the assistance and services.

(e) To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.

(f) To be provided a waiting area under ss. 938.2965 and 967.10.

(fm) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.

(g) To be provided with appropriate intercession services to ensure that employers of witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.

(h) To be entitled to a speedy disposition of the case in which they are involved as a witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

**Wis. Stat. § 950.055**

950.055. Child victims and witnesses; rights and services

(1) **LEGISLATIVE INTENT.** The legislature finds that it is necessary to provide child victims and witnesses with additional consideration and different treatment than that usually afforded to adults. The legislature intends, in this section, to provide these children with additional rights and protections during their involvement with the criminal justice or juvenile justice system. The legislature urges the news media to use restraint in revealing the identity of child victims or witnesses, especially in sensitive cases.

(2) **ADDITIONAL SERVICES.** In addition to all rights afforded to victims and witnesses under s. 950.04 and services provided under s. 950.06 (1m), counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:

(a) Explanations, in language understood by the child, of all legal proceedings in which the child will be involved.

(b) Advice to the judge, when appropriate and as a friend of the court, regarding the child's ability to understand proceedings and questions. The services may include providing assistance in determinations concerning the taking of depositions by audiovisual means under s. 908.08 or 967.04(7) and (8) and the duty to expedite proceedings under s. 971.105.

(c) Advice to the district attorney concerning the ability of a child witness to cooperate with the prosecution and the potential effects of the proceedings on the child.

(d) Information about and referrals to appropriate social services programs to assist the child and the child's family in coping with the emotional impact of the crime and the subsequent proceedings in which the child is involved.

(3) **PROGRAM RESPONSIBILITY.** In each county, the county board is responsible for the provision of services under this section. A county may seek reimbursement for services provided under this section as part of its program plan submitted to the department under s. 950.06. To the extent possible, counties shall utilize volunteers and existing public resources for the provision of these services.

**Wis. Stat. § 950.06**

950.06. Reimbursement for services.

(1m) To be eligible for reimbursement under this section for the provision of services to victims and witnesses, a county shall provide all of the following services to victims and witnesses:

(a) Court appearance notification services, including cancellation of appearances.

(b) Victim compensation and social services referrals, including witness fee collection, case-by-case referrals and public information.

(c) Escort and other transportation services related to the investigation or prosecution of the case, if

necessary or advisable.

(d) Case progress notification services which may be combined with services under par. (a)

(dm) Assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony.

(e) Employer intercession services.

(f) Expedited return of property services.

(g) Protection services.

(h) Family support services, including child and other dependent care services.

(i) Waiting facilities.

(2) The costs of providing services under sub. (1m) shall be paid for by the county, but the county is eligible to receive reimbursement from the state for not more than 90% of the costs incurred in providing those services. The department shall determine the level of services for which a county may be reimbursed. The county board shall file a claim for reimbursement with the department. The department shall reimburse counties under this subsection from the appropriation under s. 20.455 (5) (k) , (kk) and (kp) and, on a semiannual basis, from the appropriations under s. 20.455 (5) (c) and (g)

(3) The county board shall provide for the implementation of the county's plan under sub. (4) Two or more counties may submit a joint plan under sub. (4)

(4) If the county seeks reimbursement under sub. (2) , the county board shall submit a program plan to the department for its approval. The county is eligible for reimbursement under sub. (2) only if the department has approved the plan. The program plan shall describe the level of services to victims and witnesses that the county intends to provide; the personnel or agencies responsible for related administrative programs and individual services; proposed staffing for the program; proposed education, training and experience requirements for program staff and the staff of agencies providing related administrative programs and individual services; the county's budget for implementing the program and other information the department determines to be necessary for its review. The plan shall provide that the district attorney, local law enforcement agencies and the courts shall make available to the person or agency responsible for administering the program all reports or files, except reports or 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. Each year, the county board shall submit a report to the department on the operation of the plan, including the provision of services under sub. (1m)

(5) The department shall review and approve the implementation and operation of programs and the annual reports under this section. The department may suspend or terminate reimbursement under sub. (2) if the county fails to comply with its duties under this section. The department shall promulgate rules under ch. 227 for implementing and administering county programs approved under this section.

#### **Wis. Stat. § 950.07**

950.07. Intergovernmental cooperation.

The county board, district attorney, local law enforcement agencies, local social service agencies,

victim and witness offices and courts shall all cooperate with each other to ensure that victims and witnesses of crimes receive the rights and services to which they are entitled under this chapter.

**Wis. Stat. § 950.08**

950.08. Information and mediation services.

(1) DUTIES OF DEPARTMENT; TOLL-FREE TELEPHONE NUMBER.

The department shall maintain a toll-free telephone number to provide crime victims and witnesses with all of the following services:

- (a) Information and referral to available services.
- (b) Crisis counseling and emotional support.
- (c) Assistance in securing resources and protection.

(2) DUTIES OF DEPARTMENT; GENERAL INFORMATIONAL PROGRAM.

The department shall provide an informational program to inform crime victims, the general public, criminal justice officials and related professionals about crime victim rights and services.

(2g) INFORMATION TO BE PROVIDED BY LAW ENFORCEMENT AGENCIES.

No later than 24 hours after a law enforcement agency has initial contact with a victim of a crime that the law enforcement agency is responsible for investigating, the law enforcement agency shall make a reasonable attempt to provide to the victim written information on all of the following:

- (a) A list of the rights of victims under s. 950.04 (1v)
- (b) The availability of compensation under ch. 949 and the address and telephone number at which to contact the department for information concerning compensation under ch. 949
- (c) The address and telephone number of the intake worker, corporation counsel or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings under ss. 938.27 (4m) and (6) , 938.273 (2) , 938.299 (1) (am) and 938.335 (3m) (b) or ss. 971.095 (3) and 972.14 (3) (b) , whichever is applicable, and to request the opportunity to confer under ss. 938.245 (1m) , 938.265 or 938.32 (1) (am) or s. 971.095 (2) , whichever is applicable.
- (d) The address and telephone number of the custodial agency that the victim may contact to obtain information concerning the taking into custody or arrest of a suspect in connection with the crime of which he or she is a victim.
- (e) The address and telephone number of the custodial agency that the victim may contact for information concerning release under s. 938.20 or 938.21 or ch. 969 , whichever is appropriate, of a person arrested or taken into custody for the crime of which he or she is a victim.
- (f) Suggested procedures for the victim to follow if he or she is subject to threats or intimidation arising out of his or her cooperation with law enforcement and prosecution efforts relating to a crime of which he or she is a victim.

(g) The address and telephone number at which the victim may contact the department or any local agency that provides victim assistance in order to obtain further information about services available for victims, including medical services.

(2r) INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL CASES.

As soon as practicable, but in no event later than 10 days after the initial appearance under s. 970.01 or 24 hours before a preliminary examination under s. 970.03, whichever is earlier, of a person charged with a crime in a court of criminal jurisdiction, a district attorney shall make a reasonable attempt to provide to each victim of the crime written information on all of the following:

- (a) A brief statement of the procedure for prosecuting a crime.
- (b) A list of the rights of victims under s. 950.04 (1v) and information about how to exercise those rights.
- (c) The person or agency to notify if the victim changes his or her address and wants to continue to receive notices and services under s. 950.04 or 971.095 (3)
- (d) The availability of compensation under ch. 949, including information concerning eligibility for compensation and the procedure for applying for compensation.
- (e) The person to contact for further information about a case involving the prosecution of a crime of which he or she is a victim.

(2s) INFORMATION CONCERNING JUVENILE CASES.

Notification of a victim of an act committed by a juvenile concerning the rights of victims under ch. 938 shall be provided as specified in s. 938.346

(3) DUTIES OF DEPARTMENT; MEDIATION.

The department may receive complaints, seek to mediate complaints and, with the consent of the involved parties, actually mediate complaints regarding the treatment of crime victims and witnesses by public officials, employees or agencies or under crime victim and witness assistance programs. The department may act as a liaison between crime victims or witnesses and others when seeking to mediate these complaints and may request a written response regarding the complaint from the subject of a complaint. If asked by the department to provide a written response regarding a complaint, the subject of a complaint shall respond to the departments request within a reasonable time.

**Wis. Stat. § 950.09**

950.09. Crime victims' rights board.

- (1) In this section, "board" means the crime victims rights board.
- (2) At the request of one of the involved parties, the board may review a complaint made to the department under s. 950.08 (3) regarding a violation of the rights of a crime victim. A party may not request the board to review a complaint under this subsection until the department has completed its action on the complaint under s. 950.08 (3) In reviewing a complaint under this subsection, the board may not begin any investigation or take any action specified in pars. (a) to (d) until the board first determines that there is probable cause to believe that the subject of the complaint violated the rights of a crime

victim. Based on its review of a complaint under this subsection, the board may do any of the following:

(a) Issue private and public reprimands of public officials, employees or agencies that violate the rights of crime victims provided under this chapter, ch. 938 and article I, section 9m, of the Wisconsin constitution

(b) Refer to the judicial commission a violation or alleged violation by a judge of the rights of crime victims provided under this chapter, ch. 938 and article I, section 9m, of the Wisconsin constitution

(c) Seek appropriate equitable relief on behalf of a victim if such relief is necessary to protect the rights of the victim. The board may not seek to appeal, reverse or modify a judgment of conviction or a sentence in a criminal case.

(d) Bring civil actions to assess a forfeiture under s. 950.11 Notwithstanding s. 778.06 , an action or proposed action authorized under this paragraph may be settled for such sum as may be agreed upon between the parties. In settling actions or proposed actions, the board shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Forfeiture actions brought by the board shall be brought in the circuit court for the county in which the violation is alleged to have occurred.

(3) In addition to its powers under sub. (2) , the board may issue reports and recommendations concerning the securing and provision of crime victims' rights and services.

(4) Actions of the board are not subject to approval or review by the attorney general.

(5) The board shall promulgate rules establishing procedures for the exercise of its powers under this section.

#### **Wis. Stat. § 950.095**

950.095. Confidentiality of complaints.

(1)

(a) The records of the department relating to a complaint made under s. 950.08 (3) are confidential unless the subject of the complaint waives the right to confidentiality in writing to the department.

(am) Before a finding of probable cause under s. 950.09 (2) , a complaint referred to the crime victims rights board under s. 950.09 (2) is confidential unless the subject of the complaint waives the right to confidentiality in writing to the crime victims rights board.

(b) If a complaint becomes known to the public before the completion of action by the department under s. 950.08 (3) or a finding of probable cause by the crime victims rights board under s. 950.09 (2) , the department or the crime victims rights board, whichever is applicable, may issue statements in order to confirm that a complaint has been made or is being reviewed, to clarify the procedural aspects of actions taken under ss. 950.08 (3) and 950.09 (2) , to explain the right of the subject of the complaint to respond to the complaint, to state that the subject of the complaint denies the allegations, if applicable, to state that action under ss. 950.08 (3) and 950.09 (2) has been completed and no basis for the complaint was found or to correct public misinformation.

(1m) In investigating a complaint made under s. 950.08 (3) or being reviewed under s. 950.09 (2) , the department or the crime victims rights board, whichever is applicable, shall do all of the following:

- (a) Act to avoid unnecessary embarrassment to and publicity for the subject of the complaint.
  - (b) Request any person contacted for information not to disclose that an investigation is being conducted or the nature of any inquiries made by the department or the crime victims rights board.
- (2) This section does not preclude the department or the crime victims' rights board from doing any of the following:
- (a) Informing the person who made the complaint of the outcome of any action by the department or review by the crime victims' rights board.
  - (b) Referring to the judicial commission information relating to alleged misconduct by or an alleged disability of a judge or court commissioner.
  - (c) Referring to an appropriate law enforcement authority information relating to possible criminal conduct or otherwise cooperating with a law enforcement authority in matters of mutual interest.
  - (d) Referring to an attorney disciplinary agency information relating to the possible misconduct or incapacity of an attorney or otherwise cooperating with an attorney disciplinary agency in matters of mutual interest.
  - (e) Disclosing to the chief justice or director of state courts information relating to matters affecting the administration of the courts.

**Wis. Stat. § 950.10**

950.10. Limitation on liability; grounds for appeal.

(1) No cause of action for money damages may arise against the state, any political subdivision of the state or any employee or agent of the state or a political subdivision of the state for any act or omission in the performance of any power or duty under this chapter or under article I, section 9m, of the Wisconsin constitution or for any act or omission in the performance of any power or duty under ch. 938 relating to the rights of, services for or notices to victims.

(2) A failure to provide a right, service or notice to a victim under this chapter or ch. 938 or under article I, section 9m, of the Wisconsin constitution is not a ground for an appeal of a judgment of conviction or sentence and is not grounds for any court to reverse or modify a judgment of conviction or sentence.

**Wis. Stat. § 950.11**

950.11. Penalties.

A public official, employee or agency that intentionally fails to provide a right specified under s. 950.04 (1v) to a victim of a crime may be subject to a forfeiture of not more than 1,000.