



Wisconsin Victim Witness Professionals

March 1, 2021

Clerk of Supreme Court
Attention: Deputy Clerk – Rules
P.O. Box 1688
Madison, WI 53701-1688

To Whom It May Concern:

Re: Rule Petition 20-09, In re Amendment of SCR 70.19, Wis. Stat. §§ 753.24, 753.26, 757.12, 757.14, 757.70, 807.14, 885.52, 885.54, 885.56, 885.58, 885.60, 967.09, and 971.04 Relating to the Location of Court and the Use of Videoconferencing Technology

The Wisconsin Victim Witness Professionals Association (WVWP) is comprised of individuals providing crime victim services and advocacy in District Attorneys' Offices, the Department of Justice, the Department of Corrections and within community-based organizations. As the Vice-President of WVWP, I am writing to submit comment in support of Rule Petition 20-09 on behalf of the Association and its members. The Office of State Courts submitted Rule Petition 20-09 to promote and expand the continued use of videoconferencing technology for court proceedings.

During the past year of the COVID-19 pandemic, as videoconferencing was broadly introduced for court proceedings, victim service providers working within the criminal justice system have witnessed a substantial increase in the number of victims attending court hearings. Crime victims have reported improved access, safety and satisfaction with participating in the justice system. Rule Petition 20:09, by promoting and even expanding the continued use of videoconference technology for court proceedings, enhances and secures victims' rights in Wisconsin.

WVWP members from throughout Wisconsin have provided numerous examples of their experiences with videoconferencing and the many benefits experienced by crime victims.

Often a victim's inability to attend a hearing is erroneously assumed to be lack of cooperation, without taking into consideration the other reasons they are not in attendance. The option to videoconference does provide a greater opportunity for victims to stay engaged with the court process, to be informed, to have a voice and to have their time respected. In some cases, this flexibility has made the difference in maintaining victim cooperation.

For example, we have a very dangerous offender who has multiple open cases within our office (domestic violence, non-fatal shooting, drug charges, felony bail jumping, intimidation). His bail had been reduced, and he was able to have someone pay it and then made very credible threats toward multiple victims---several who were not cooperative because they were so afraid of him and his connections. When he was picked up on a new charge, videoconferencing provided the victims the option of attending a bail review hearing online. One particular victim had to relocate because the concerns around her safety were (and still are) so significant. She was able to join the hearing from her new location and tell the judge how the initial bail reduction had impacted her, and all she's had to go through to keep herself and her family safe, and why a high cash bail amount was so important to her. Without the option of videoconferencing, she would not have been able to attend the hearing at all.



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We do our best to communicate the concerns of our victims, but it carries so much more weight when that information comes directly from victims themselves. We also have an upcoming plea and sentencing hearing for a co-defendant case. Many of the victims are elderly (they were in fact targeted because of their age), and a few are disabled. Most have compromised immune systems. Videoconferencing is a great option for them. I've been working with them (and sometimes their children/grandchildren) on how they can use smart phones/tablets/computers to connect via ZOOM to 'attend' these hearings and make their Victim Impact Statements. These are individuals who likely would not have been able to attend in person, despite really wanting to do so.

I have an elderly and partially disabled victim who wants to 'attend' all the court dates/events. She doesn't wish to address the court, but says she wants to 'see it all' so that she 'doesn't miss anything'. Her grandson was able to connect her computer to a 58" television. When she videoconferences in, she keeps the computer on mute, and watches all the hearings from her large TV screen. She is often with a family member or two. After the hearing, we have a conversation to check in and discuss any questions she or her family has. She feels empowered and connected to our office. She also knows that if this goes to trial, she will have to testify in person. The option to videoconference has provided her with the opportunity to gain a familiarity with the court process that she otherwise might not have been able to establish.

*Thank you,
Celena Zonoozi
Community Victim Witness Specialist-Project Safe Neighborhood Grant
Milwaukee County District Attorney's Office-Violent Crimes Unit*

I have a client who was set on fire, badly burned, and is still intubated. She has been able to participate in every hearing by Zoom. Because of her medical condition and her injuries, she would not have been able to attend any hearings in person.

Kathy Attewell
Milwaukee County Victim Assistance Specialist

I have had a couple of victims that were assaulted physically and/or sexually by the defendants that felt they would not be able to attend and see the defendant personally. One of the victims is from another state and the other is from a city about 3 hours away. The Zoom option, whether by telephone or video, has been a great comfort to victims.

*Darla Adams
Grant County Victim Witness Coordinator*

I have had several cases where out-of-state victims have been able to participate fully in the sentencing hearing. They were able to make an impact statement and see the process safely from Zoom. We have managed many hearings where many of the other parties appeared in person and there were others appearing by Zoom. It is a very valuable option!

Dione Knop
Sheboygan County Victim Witness Coordinator



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Our county had a complete stranger sexual assault case. The offender broke into a college student's home and raped her. She had no clue who he was and he never found out who she was. He was discovered through DNA as he was on the sex offender registry. He received the maximum sentence on a 2nd Degree Sexual Assault. The victim was able to watch and participate via Zoom without him ever having to see her. To this day we believe we have kept her identity unknown to him.

*Jessica Bryan
Eau Claire County Victim Witness Coordinator*

The ability to have access has been so important to our victims. Most of our victims are working, and working jobs that are hourly with no paid time off. The ability to just “take a day off work” to come to court is not something a lot of people are able to do . . . no work = no paycheck. Especially right now in the midst of the pandemic. At least with Zoom and/or our livestream, they are able to have it on their phone in the background, or can step away momentarily to make a statement to the Judge and then go back to work. That is not something that would have been possible in the past.

*Kristin McGowan
Victim Witness Specialist – Domestic Violence Unit
Milwaukee County District Attorney's Office*

Like most counties, I have had more victims attend remotely (some giving impact statements) knowing they would not have to be in the same room as the defendant. When I speak to them after the hearings they are still traumatized, but find strength in knowing they were able to speak and be part of the proceedings without having to be in the same room as the defendant.

I have also had two victims appear while they had COVID. They had always attended in person, but on the day of the sentencing they wanted the case over. They were grateful they could attend remotely instead of having to request an adjournment and prolong the length of the case even more.

Also, some victims with mental health issues. Normally they would not attend because their anxiety would get the best of them. When they were able to appear and participate by phone, just knowing no one knew they were listening in and knowing they could hang up at any time undetected gave them the comfort (and power) to listen into the hearing.

*Jane Iwanski
Portage County Victim Witness Coordinator*

In Milwaukee, victims have to find parking, and worry about paying for parking. Also, for child victims, if they can avoid being in a courtroom I think it is better for them. In addition, because of video technology I have had more participation from parents in my cases.

*Tina Pohl
Milwaukee County Victim Witness Specialist*



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We have a homicide case where a family member of the victim is out-of-state, she has been able to attend every hearing since COVID video appearances have been happening, making her able to exercise her rights as a victim in a real, meaningful way.

Pam Steffen-Karls

Victim Witness Program Coordinator - Marathon County District Attorney's Office

I have had victims that have been able to be heard at a bond hearing last minute and ask for cash bond. They have been able to give the court more information to secure a cash bond when otherwise the prosecutor would not have had that additional information. Victims are safer in so many ways, victims are empowered, and it lessens their fears and anxiety to testify if a case does go to trial because they are becoming familiar with the way the court process works, who the participants are, etc. Victims participate more in the court process - I am amazed at all the victims that join by video.

Jill Schrobilgen

Vernon County Victim/Witness Coordinator

Transportation is another. My clients have lost their vehicles, can't pay for parking, gas or public transportation. Additionally, hearings can be held no matter what the weather is like outside.

Jill Sweeney

Dane County

Clearly, victim service providers in Wisconsin have witnessed the important benefits to crime victims of having access to videoconferencing technology to attend court proceedings. Indeed, the introduction of the option to participate in the criminal justice system through remote video technology has given true meaning to the spirit of the Wisconsin Constitutional Amendment for victims' rights and to Chapter 950 of the Wisconsin Statutes. On behalf of myself, the dedicated victim service professionals mentioned herein, and the Wisconsin Victim Witness Professionals Association, I respectfully request that you support Rule Petition 20:09 to maintain this significant, recent advancement in victims' rights.

Respectfully,

Jennifer Dunn

Vice-President, WVWP