



Wisconsin Department of Justice

Law Enforcement Bulletin

April 2024

Wisconsin Department of Justice

Cuts to the federal Victim of Crime Act (VOCA) funding will have significant impact on law enforcement

The Victim of Crime Act (VOCA) is a federal formula grant program awarded to states and territories by the U.S. Department of Justice Office for Victims of Crime. VOCA is the largest source of funding for victim services in the state and is administered by the Wisconsin Department of Justice Office of Crime Victim Services (OCVS). Beginning October 2024, drastic decreases in federal VOCA funding will result in the amount the Wisconsin Department of Justice (DOJ) is able to provide decreasing by over \$30 million annually, bringing the amount of support for victim services from \$44.5 million to \$13 million annually. This cut will have harmful effects on all our Wisconsin communities. Without finding other sources of funding, we anticipate that hundreds of victim service providers will lose their jobs and the ripple effects of this on law enforcement and investigation will be substantial.

Attorney General Josh Kaul is leading a bipartisan coalition of 42 attorneys general in urging the U.S. Senate and House of Representatives to authorize much-needed 2024 bridge funding. Without prompt action by Congress, many victim service programs across the country may be forced to close. Here in Wisconsin, DOJ is also advocating for the state legislature to find a way to help fill the funding gap.

The partnership between law enforcement and victim services is critical. After law enforcement officers first make contact with a victim of violent crime, immediate crisis support is often needed. Law enforcement officers work with local victim service providers to stabilize the victim and offer immediate services; however, a decrease in funding will impact the availability of these services, including emergency shelters, vouchers for hotel stays, emergency funding for food and transportation, as well as advocates' ability to provide on-scene crisis response. In addition, low staffing of emergency/crisis lines operated 24/7, especially after hours, will cause crisis lines to go dark or increase long response times for victims and professionals looking for immediate advocate support.

There will be a tremendous impact on the long-term advocate case management services required to support victims who are part of an investigation and prosecution. Working alongside law enforcement, both community- and systems-based advocates support and sustain victim engagement throughout the criminal justice process and both types of

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advocates will be impacted by the VOCA cuts. In some cases, it will be more difficult for law enforcement to maintain contact with victims who are unsupported by long-term advocates and victim-based prosecution will become increasingly more challenging.

Culturally specific advocates who help bridge the cultural and linguistic gap between law enforcement and immigrant residents in Wisconsin will be increasingly less available. Many of these advocates possess a unique understanding of how to navigate the complex intersection of the immigration and criminal justice systems.

There will be more pressure on the criminal justice system, notably law enforcement and prosecution, to find ways to support domestic abuse, sexual assault, and stalking victims who would typically receive legal advocacy from a local victim service provider when creating and filing for restraining orders.

Our communities are facing significant harm with the upcoming VOCA cuts. These examples of impacts to law enforcement highlight how systems rely on one another to create safer communities. Our criminal justice system depends on its partnership with victim services to ensure victims receive the support, healing, resources, and attention they need to move forward.

If you would like to get involved in efforts that advocate for VOCA funding, please contact Wisconsin DOJ Government Affairs Chris McKinny, mckinnycj@doj.state.wi.us.



STATE OF WISCONSIN - DEPARTMENT OF JUSTICE

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Message from the Administrator



Dear Law Enforcement Partners,

The Division of Law Enforcement Services is proud to announce that Wisconsin's 567 law enforcement agencies are 100% complaint for use of force reporting! Wisconsin is one of the few states in the nation who is 100% complaint and the largest by the number of agencies that are 100% complaint. We appreciate your hard work and the work of the Bureau of Justice Information and Analysis (BJIA) to provide this statutorily required data. Please see the BJIA website to locate the interactive dashboard to review this data.

As a side note, please remember that your use of force policy must be available on your agency website, or if no website, then the municipalities web site. This is noted in Wis. Stat. §66.0511(2). Body camera written policy must also be available on the agency web site if an agency has a web site. This is noted in Wis. Stat. §165.87(1)(e).

Drug take back is fast approaching... April 27th, 2024! Wisconsin has been the national leader for the past several Drug Take Backs. Let's not lose our momentum and keep the us at the top of the leader board!

Fiscal year 2025 begins July 1, 2024. All required training, including 24 hours of recertification training and the handgun qualification (which can be included in the 24 hours) must be completed by June 30, 2024. Failure to do so will result in the loss of reimbursement training funds and potential decertification. Pursuit driving biennium will end on June 30, 2025.

We are asking agencies to check Acadis for accurate email contact information. It is critical that we can successfully provide you up to date information from the Department of Justice and the Law Enforcement Standards Board.

If you have questions regarding training requirements or updating contact information, please contact the Training and Standards Bureau staff at tsb@doj.state.wi.us.

Have a safe and enjoyable spring!

~ Steve

Steven A. Wagner ~ Administrator
Division of Law Enforcement Services

Division of Criminal Investigations

This legislative session has been very active surrounding the topic of Human Trafficking in Wisconsin. Several bills have been proposed during this session, and three have passed by the Assembly and the Senate and have been sent to the Governor for action.

Those three are listed below with links to content:

[AB-973](#) **Human Trafficking Training** (Gundrum, Rick) Mandatory training regarding human trafficking for employees of community-based residential facilities and owners of certain entities and certain other employees and granting rule-making authority. *Passed, (Voice Vote). Messaged.*

[AB-976](#) **Human Trafficking** (Billings, Jill) The testimony of a child in a criminal proceeding for a human trafficking crime. *Passed, (Voice Vote). Messaged.*

[AB-978](#) **Human Trafficking Council** (O'Connor, Jerry) Creation of a Human Trafficking Council and requiring the establishment of county sex trafficking task forces. *Passed, (Voice Vote). Messaged.*

New Alert Legislation

On January 30, 2024, several Wisconsin senators (cosponsored by multiple Senators and Representatives) proposed new alert legislation that will expand alerts for missing children. The Wisconsin Department of Justice Clearinghouse for Missing and Exploited Children and Adults (Clearinghouse) will be responsible for administering this new alert, similar to AMBER and Silver Alerts. While a new name for the alert has not been decided, discussions continue regarding what this new alert will be called.

The new bill will require law enforcement agencies to contact the Clearinghouse on-call person to request an alert issuance whenever a child under 10 years old goes missing. The process for how to request an alert and the ways in which the alert will be disseminated is under development.

The bill has been presented to the Governor for action.

BJA Patrick Leahy Bulletproof Vest Partnership (BVP)

The [Bureau of Justice Assistance \(BJA\)](#) is pleased to announce that the Fiscal Year (FY) 2024 [Patrick Leahy Bulletproof Vest Partnership \(BVP\) Program](#) application period opens today, Wednesday **April 24, 2024**. All applications must be submitted online at [Patrick Leahy Bulletproof Vest Partnership: Login \(usdoj.gov\)](#) by **6:00 pm Eastern Time on Monday, June 10, 2024**.

The purpose of the BVP Program is to reimburse states, units of local government, and federally recognized Indian tribes, i.e., jurisdictions, for up to 50 percent of the cost of body armor vests purchased for law enforcement officers. Please see the new [BVP Fact Sheet](#) for detailed information on the BVP Program. In addition, updated BVP Frequently Asked Questions (FAQs) can be found at https://secure-web.cisco.com/1BUZtzyuNKI4u4X4QvYsJsTLzEFUgTzll4bN-GrvxzY70ifFPtfSx5w5aZx7q6A-wphxJGX9twety2leJysiq8HKtU0_Pz-qiivUOGjOgRSXSGi4xmUIdbEMYwLzTuIWMjvt6eH_HymxivWxcdRDfmHboB7FCDNZz_Rpa8gyXlrAqygkAEnoCNQ8cJar2GySFuO0O32CiW8FQPPXYyKpmXhVtFYbulUDVDTG0XFCWQF8ixMPoQyXbC8G7pMkn_EU7UhJrO6M7vPygtR7A4j4ymtbzPJ9HeEv-d-042M1nzmYPkITy59-1wsTq4YiVDcCdbB0Uv8JGLd0XXNDVFM6xqrW1t0sbzEaAf6oVqPprKCWTCL_TUAaEuD8tT5ot4lvqWHRc9XEc-yfwbSCJWB4zHsRWzCVwPtWv9S6fDnszXLq1TASqpapafqodY9AfQsLnV0IYmtlSC-jqQK-oq4QK_GbkKp3UQa-fCS35tk5yYDM/https%3A%2F%2Fwww.ojp.gov%2Fprogram%2Fbulletproof-vest-partnership%2Ffaqs, and detailed guides and training materials for the BVP application process and the payment request process can be found at [BVP Program Resources](#).

FY 2024 BVP Program and Application Requirement Highlights

Detailed information can be found in the [BVP FAQs](#).

- **Eligibility:** States, units of local government, and federally recognized Indian tribes, i.e., jurisdictions, that employ eligible law enforcement officers are eligible to apply for BVP funds. Multiple law enforcement agencies (LEAs) within the same jurisdiction must submit their own application information and vest needs to the jurisdiction. The jurisdiction will then submit the LEA applications in one submission to BJA. This includes colleges and universities. All public colleges and universities are considered LEAs under their respective jurisdiction.

System for Award Management (SAM) Registration Requirement: An active registration in SAM is required to receive funds. Jurisdictions not registered with SAM are strongly encouraged to access the SAM website at [SAM.gov](#) as soon as possible in order to obtain information on and complete the online SAM registration process. Applicants should ensure that current bank routing and bank account information is included in the SAM.gov profile, as the banking information in the SAM at the time of application will be used to transfer reimbursement funds to your jurisdiction. For more information about renewing and updating your existing SAM registration, or registering in SAM as a new entity, please access the SAM support materials here [SAM Help](#). The SAM Helpdesk can be reached at (866) 606-8220.

Body Armor Vest Requirements: Body armor vests purchased with BVP funds must have been tested through the National Institute of Justice (NIJ) [Compliance Testing Program \(CTP\)](#) and found to comply with the most current NIJ body armor standards, appear on the [NIJ Compliant Products List](#) as of the date the body armor was ordered, be uniquely fitted, and be made in the United States. NIJ has started adding vests to the compliant products list for the new [0101.07 Standard](#). FY 2024 BVP funds may be used towards the purchase of eligible vests listed on the 101.06 Standard and the 0101.06 Standard. In addition, applicants must have a written mandatory wear policy for uniformed patrol officers in place at the time of application. Detailed information on the mandatory wear requirement can be found in the [Mandatory Wear FAQs](#).

BJA Patrick Leahy Bulletproof Vest Partnership (BVP)

DIAMD Registration Requirement: The first step to obtain access to the BVP system is onboarding to OJP's Digital Identity and Access Management Directory (DIAMD), which replaced the former BVP access control system in January 2023. DIAMD is a modern single-sign-on gateway service with multi-factor authentication. If you are an OJP grant program applicant or recipient, you may already have an account registration with DIAMD, and your BVP user account will be added to the OJP systems you access through DIAMD. Please see the BVP login page for details: https://secure-web.cisco.com/1U8dfL5Bixd249YEifBHPQNp0qx7oY8Vc6KKAqTl8qvV-Cc7Te1bdpuFWx_eubbqGsOra2qN-fH2JG4nyD7BDzweU4nEfqPZuCvypOQxPF-Fgl9RyqSAOIPq_znifKkoX6xG4FWnwpX-d96RZ1WaxUWLTOGW5o6ciBlw8HAILc44PdR7WG2SPGcNDfM6mleAWy9SMWzliTTi3DrsvLFgkGqVZlsRHAaBzYFYc-BtPN-h3IDLxi_FUEyT_T-OCj1qYE2sAA4vl7bapajNtflv94IY6uQhHELVo8cVDjeQzjWf1TF4Nno6kg3EsJ_I5vYxOR1FOEqEnJraJ1RP1ZyFJ1pX2fJ3rABFztSt9ZLLNVUOuel-Qln4ugAz3UCuvy-zb5DK-aq4N3WNo4CKg8zBUdYPykbhbUrYxqvNaxllvfIDsFhTrBoYa7VvHmVH9Yz0CkF2be63FZuR4XLpdXjM5RLIQoKPjgc8TF-1RmXty4/https%3A%2F%2Fvests.bja.ojp.gov%2Fbvp%2Flogin%2FexternalAccess.jsp. Detailed instructions can be found in the [User Account Activation Guide](#) and in the [BVP FAQs](#).

- **Items to Review:** To ensure that program participants are submitting applications that accurately reflect their vest needs for the next two years, please review the program guidance below. Prior to submitting an application for FY 2024 BVP funds:
 - Verify that the number of vests indicated on the application does not exceed actual agency needs. Review all currently deployed vests for those that will need to be replaced during the next two years, according to the replacement cycle indicated on your BVP system profile. Applications for funds should reflect the number of vests your agency needs to replace within the next two years, and vests for officers your agency anticipates hiring in the next two years. (New hires can be anticipated based on the average number of officers hired over the most recent three years.)
 - Ensure that the application accurately reflects the current market cost for the vests identified on the application. Review previous year(s) BVP funding to identify any unspent funds that might currently be available for BVP needs.

Your careful attention to actual vest needs will help ensure that all eligible jurisdictions submitting requests will receive the maximum award allowable based on the appropriation and distribution guidelines.

For questions regarding this email or for assistance with the online application process, please do not hesitate to call the BVP Help Desk at 1-877-758-3787, or email vests@usdoj.gov.

In addition, please visit BJA's Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative website to obtain other information regarding officer safety: [VALOR Officer Safety and Wellness Initiative | Overview | Bureau of Justice Assistance \(ojp.gov\)](#). The VALOR Initiative is a comprehensive set of programs that deliver no-cost officer safety, wellness, resilience training, resources, and technical assistance to law enforcement throughout the country. VALOR brings together the latest research and practices to address current and emerging officer safety and wellness issues/threats. Please see the BJA [VALOR Initiative](#) booklet for a detailed synopsis of this important initiative.

Sincerely,

BVP Program Team
Bureau of Justice Assistance



WI DEPARTMENT OF JUSTICE 2024 BASIC PEER SUPPORT TRAINING PROGRAM

The Wisconsin Department of Justice through a grant by the US Department of Justice, COPS Law Enforcement Mental Health and Wellness Act Funds has established a basic peer support program including an instructor cadre, curriculum, and a two-day training program for our state.

Date	Location	Register
June 12-13, 2024	Vilas County Sheriff	Link to Register
May 22-23, 2024	Northwood Tech – Superior	Link to Register

We are pleased to provide this FREE training program regionally throughout our state. Every agency should have officers with training and experience to provide support as a trained peer member to the officers in their department. Please register to attend any of the courses offered at any of the locations that fit your agencies' schedules.

[Peer Support Website](#)

Who Should Attend: Law Enforcement, Jail Officers, Juvenile detention officers, Dispatchers, Chaplains, and civilian agency staff members who support your staff and peer teams.

Cost: Registration is **FREE**, lunch is on your own each day.

Questions on registration and this training program can be directed to Stacy Lenz at lenzse@doj.state.wi.us. We will be hosting courses again in the fall of 2024, if you are interested in hosting a course, please email Stacy Lenz. Thank you!



Division of Forensic Sciences

The New Milwaukee Crime Laboratory Sneak Peek and Request for Assistance

The construction of the new Milwaukee Crime Laboratory is finally underway. This new facility will be co-located with the Milwaukee County Medical Examiner's Office and the Milwaukee County Office of Emergency Management, on the Milwaukee Regional Medical Center campus. The new laboratory location and space will be better suited for forensic scientific innovation to accommodate evolving needs while also facilitating the expanding demands of the criminal justice system.



In preparation for relocation of laboratory operations, the Milwaukee Crime Laboratory must prioritize the return of evidence for all completed cases to submitting agencies. To undertake this demanding task, the laboratory will be returning all evidence for completed cases to submitters via the mail (contracted courier) beginning **June 01, 2024**. The laboratory will work with all agencies through May 2024 to accommodate scheduled requests to pick up evidence onsite.

We recognize that this is a shift in operations on the part of the Milwaukee Crime Laboratory, and we are available to address any questions or concerns you have over the next few months. All questions and feedback can be directed to the Milwaukee Crime Laboratory Director, Carlton Cowie, cowiec@doj.state.wi.us or (414) 382-7500.

This is an exciting time for the Wisconsin State Crime Laboratories and for our law enforcement partners!

Division of Forensic Sciences

AFIS UNIT NAME CHANGE

Recently the Division of Forensic Sciences' Automated Fingerprint Identification System (AFIS) Unit changed their name. We are now called the Friction Ridge Database (FRDB) Unit. This rebranding better represents the work being performed in the Unit and is more consistent with terminology being used in the field.

The Friction Ridge Database Unit conducts Quality Control of incoming tenprint records, performs 1st stage verification on Unsolved Latent Comparisons (ULV), and completes non-evidentiary print comparisons against the database for a variety of customers.

If assistance is needed in locating a submitted record, or a non-evidentiary comparison of fingerprints to the WI AFIS database or NGI system is desired, please contact the Friction Ridge Database Unit via the new email address:

dojcrimelabfrdb@doj.state.wi.us

Requests are answered during standard Crime Laboratory business hours: M-F, 7:45am to 4:30pm. You can also reach us by contacting the Madison Crime Laboratory (608) 266-2031. however, email is the best method for contact.

Submission of Controlled Substances Cases to the Crime Lab

The current submission guidelines for Controlled Substances cases have been updated to require at least two months prior to submission of evidence for work to be completed by the deadline results are needed (jury trial, pre-trial etc.). If testing results are needed by the court before the jury trial date, please submit the items at least two months earlier than that date and make a note on the transmittal of evidence. Additional time is necessary if a large number of items need to be tested or if multiple disciplines are requested.

~~Discontinued: [Biological Stain Collection Kit](#): For use by law enforcement at a crime scene for the collection of biological stains for submission to the Wisconsin State Crime Laboratory. (\$8.74, SKU 1206D)~~

Effective in 2024, the **Biological Stain Collection Kit (SKU 1206D)** has been discontinued and will no longer be available to order through DOA Document Sales and Distribution or the Crime Laboratories. The discontinuation of this product was made due to infrequent orders placed for this kit, as the vast majority of our law enforcement customers currently purchase their own swabs and envelopes to collect and submit samples to the crime labs for DNA testing. Please contact the Crime Laboratories if you have any questions regarding the discontinuation of this product and thank you.

Division of Forensic Sciences

New Latent Impression Development Technology

The Latent Prints & Footwear Unit at the Madison Crime Laboratory recently purchased a Vacuum Metal Deposition (VMD) chamber which will provide an additional tool to assist in processing items of evidence for latent impressions (e.g., friction ridge, footwear). VMD is one of the most sensitive latent print development techniques available that has been shown to generate results on items which previously yielded little to no results such as evidence from **cold cases** (including items previously processed for latent impressions), items which have been exposed to harsh and adverse environmental conditions, **fired cartridge casings**, and some fabrics.

VMD is a physical, non-destructive process in which very thin layers of metal are deposited on an item, in a vacuum chamber, to help visualize latent impressions. In the standard process, gold + zinc or silver metals are evaporated in a vacuum chamber and deposited onto the surface of the item, resulting in strong contrast between the item and the impressions.

VMD has been an accepted technique for developing latent prints for over 50 years and can develop latent impressions on a large variety of surface types. Please contact the Madison Laboratory (608-266-2031) with any questions about this new, exciting addition to the unit.



WI Prosecutor Newsletter – February 2024

The Wisconsin Court of Appeals has issued a published decision in *State v. VanderGalien*, 2023AP458-CR, holding that: (1) there is a rational basis for including inactive, non-impairing metabolites of cocaine in the definition of a “restricted controlled substance” for purposes of prosecution under the motor vehicle code; (2) VanderGalien’s claim that his due process rights were violated due to an alleged prosecutorial conflict of interest was forfeited by his failure to timely raise it, and Wis. Stat. 978.045(1r)(bm) does not mandate that district attorneys request a special prosecutor; and (3) he was not due a hearing on his claims that he misunderstood the effect of the read-in charges.

While traveling 77 mph down the wrong lane of the highway in a 55 mph zone, VanderGalien clipped one vehicle and collided head-on with another. Six occupants suffered injuries and a seventh was killed. VanderGalien was med-flighted from the scene. Accordingly, his blood could not be drawn until four hours later. Test results showed a .06 BAC and 240 ng/mL of the cocaine metabolite benzoylecgonine (BE). The State charged him with several offenses alleging that he was operating a motor vehicle with a detectable amount of a restricted controlled substance (RCS) in his blood. VanderGalien pled to three charges with the rest read in. A legal assistant in the DA’s office knew the deceased victim and submitted a victim impact statement. A week before sentencing, VanderGalien submitted a sentencing memorandum claiming this raised an inference that the DA was biased against him and asked the circuit court to evaluate the sentencing recommendation accordingly. He received 21.5 years of initial confinement and 18 years of extended supervision.

On appeal, VanderGalien argued that including cocaine metabolites in the definition of RCS lacked a rational basis because the metabolites of cocaine are inactive and non-impairing, thus the statute was unconstitutional. The court of appeals disagreed. It noted that the Legislature took a “zero tolerance, strict liability” approach to combat drugged driving due to lack of reliable measures of impairment. Because cocaine metabolizes quickly but its metabolites are detectable in the blood for much longer, there will be cases where the individual was driving with cocaine in their blood but it was metabolized before the person was stopped or their blood could be drawn—especially in cases like this one where there is a collision and multiple people require immediate medical attention. The Legislature could thus rationally conclude that including cocaine metabolites in the definition of RCS was a reasonable means to combat drugged driving.

VanderGalien next claimed that the DA’s legal assistant’s relationship with the victim created a prosecutorial conflict of interest requiring “invalidation of the entire proceedings.” The court of appeals held that VanderGalien forfeited this claim by failing to move to invalidate the proceedings when he received the victim impact statement. It further held that he could not show that his attorney was ineffective because it was a reasonable strategic decision to use this information to seek leniency at sentencing instead, given the reduction in sentencing exposure from the plea. Relatedly, it rejected VanderGalien’s claim that Wis. Stat. 978.045(1r)(bm) & (1r)(bm)8. mandates that district attorneys request special prosecutors rather than simply providing when a judge may appoint one.

Finally, the court of appeals held that the allegations in VanderGalien’s postconviction motion claiming that his attorney did not adequately explain the read-ins did not contain sufficient facts to establish that he did not understand them or explain why he would not have accepted the plea otherwise, and the record showed that they were explained to him during the plea colloquy. Accordingly, the circuit court properly denied his plea withdrawal request without a hearing.

[State v. Dustin VanderGalien](#), 2024 WI App 4 (Wis. Ct. App., opinion issued December 29, 2023, Assistant Attorney General Lisa E.F. Kumfer).

WI Prosecutor Newsletter – January 2024

The Wisconsin Court Of Appeals Has Issued A Published Decision In State v. Ramirez, No. 2021AP1590-CR, Concluding That Admission Of An Eight-Year-Old's Statements To Emergency Room Medical Providers Made In The Course Of Receiving Treatment For A Sexual Assault Were Not Testimonial, And Thus Did Not Violate The Defendant's Confrontation Right.

In 2001, a jury found Antonio Ramirez guilty of four child sex crimes stemming from two sexual assaults of his stepdaughter. One night in 1999, the victim's mother came home to find her eight-year-old daughter crying on the toilet and her husband Ramirez coming out of the child's bedroom pulling up his pants. She called police, who took the child and mother to the emergency room. The officer was present for part of the examination. But he did not direct the medical providers interactions with the mother and child. And he was not present when the child disclosed that a prior vaginal injury for which she received emergency treatment was, in fact, caused by Ramirez, not a "bathtub fall." The child did not testify at trial, and the mother recanted. The child's out-of-court statements made to the ER doctors and nurses were admitted, as were statements she made to the officer and other law enforcement. Ramirez's convictions were upheld on direct review in 2007, and on a collateral challenge in 2014.

In 2019, the U.S. District Court for the Western District of Wisconsin granted Ramirez's petition for a writ of habeas corpus, concluding that postconviction counsel rendered ineffective assistance by not pursuing a claim that admission of the child victim's and witness's out-of-court statements violated Ramirez's Sixth Amendment right to confrontation under *Crawford v. Washington*, 541 U.S. 36 (2004). The Seventh Circuit affirmed and ordered reinstatement of Ramirez's right to direct appeal in state court to allow him to argue the unraised *Crawford* claim.

Ramirez filed his motion for a new trial under Wis. Stat. § (Rule) 809.30 in 2021, raising his confrontation claim and a fair trial claim related to an order limiting cross-examination of one of three doctors to testify about the cause of the victim's 1998 vaginal injuries. The Kenosha County Circuit Court, the Honorable David P. Wilk, granted the motion on both grounds, and the State appealed.

The Wisconsin Court of Appeals, District II, reversed. In opinion authored by Judge Mark Gundrum, the court rejected Ramirez's confrontation claim, concluding that the bulk of the victim's statements, particularly those made to emergency room doctors and nurses in receiving treatment for the 1999 sexual assault, were nontestimonial, and thus not barred by the Confrontation Clause under *Crawford*. Admission of any testimonial statements, like some to law enforcement, was harmless error. Second, the court of appeals also concluded that the order limiting impeachment testimony of the doctor's testimony, if error, was also harmless. The court ordered the case remanded to the circuit court to reinstate Ramirez's conviction.

The court of appeals' confrontation analysis in its decision is thorough, methodically applying the state supreme court's multi-factor test in *State v. Mattox*, 2017 WI 9, 373 Wis. 2d 122, 890 N.W.2d 2, in determining whether the statements were testimonial. It contains helpful language about how statements made to medical providers, and in receiving emergency treatment, generally do not implicate the Confrontation Clause. Ramirez has filed a petition for review.

[State v. Antonio G. Ramirez, Jr.](#), 2023 WI App 63 (Wis. Ct. App., opinion issued Nov. 15, 2023, Assistant Attorney General Jake Wittwer).

LEGAL CORNER

State v. Ashley Campbell 2020AP1813 (Recommended for Publication)

Decided by the WI Court of Appeals 1/23/2024

Issue:

Whether the “instinct exception” allows a canine to search the inside of a car without probable cause of criminal activity.

Facts:

A trooper stopped a car for a seatbelt violation and also for not having a front license plate. Once the vehicle was stopped, the trooper discovered that neither the driver (the defendant) nor the passenger had a valid driver's license. While the trooper stuck to the mission of the stop, a second trooper arrived with a trained canine and had the defendant and her passenger exit the vehicle so the dog could sniff the exterior of the car. The defendant left her door open when she exited the vehicle. As the canine sniffed the exterior of the vehicle, it got into the car through the open door and sniffed the driver's area of the car, eventually alerting on the driver's purse. The dog made a second pass around the car and again alerted to the purse inside the vehicle on the floor. The canine handler searched the purse and located marijuana.

The defendant was charged with possession of THC and possession of drug paraphernalia. She moved the circuit court to suppress all evidence derived from the canine's entry into her car. The circuit court denied her motion, finding that the canine entered the car “without any direction from law enforcement.” The circuit court adopted the “instinct exception” from other jurisdictions and held that it applies “when a [canine] jumps instinctively through an open car door without any facilitation by its handler.” Applying the exception to the facts here, the circuit court found that the canine's entries to the car did not violate the Fourth Amendment prohibition against unreasonable searches. The defendant pleaded guilty to possession of THC and appealed.

The Defendant's Argument:

The defendant asserted that the canine's entries to her vehicle were illegal searches that violated her Fourth Amendment rights.

The State's Argument:

The State asked the Court to adopt the “instinct exception” used by other jurisdictions and find that the canine's entries to the vehicle did not violate the defendant's Fourth Amendment rights, as they were not at an officer's direction, assistance, or encouragement.

The Court's Holding:

The Court of Appeals conducted its own research into the facts of the case and determined that the canine's entries to the vehicle constituted illegal searches. The Court held that the canine handler “had full control of the canine and implicitly encouraged it to enter through the driver's side door.” The Court did not address the validity of the “instinct exception,” as it found the exception would not apply to the facts here. In its view of the squad video, the Court held that the handler had the canine “under control” on a six-foot leash. Further, the appellate court repeatedly emphasized that the handler did not try to get the canine out of the car once it entered.

The Court acknowledged that the defendant left the car door open, but held that law enforcement “created the opportunity” for the canine to enter the vehicle and that law enforcement “demonstrated a desire to facilitate” a search of the interior.

In a footnote, the Court mentions that inevitable discovery might save the search, but does not explain how.

Practical Application

First, a dog sniff of the interior of any vehicle is a search. Consequently, law enforcement generally needs probable cause for a dog to enter a vehicle. Second, the court did not find facts to support the State's contention that the canine acted instinctively when it searched the vehicle. If you can distinguish the facts of your case from the facts here, you can still urge the court to apply the instinct exception. This case may still go to a higher court, but for now, use extreme caution conducting canine sniffs of vehicles with open door or windows. The safer course of action is



WI DOJ CONFERENCES – MARK YOUR CALENDER!



2024 CIB Conference
Week of September 9, 2024
Green Bay, WI



2024 Crime Lab Symposium
October 8-9, 2024
Green Bay, WI



5th Annual Domestic Violence Summit
October 3-4, 2024
Green Lake, WI





CAREER DEVELOPMENT TRAINING

WI COMMAND COLLEGE – CLASS #11

The Wisconsin Command College, a nationally accredited leadership and management development training program, is a joint venture of the Wisconsin Department of Justice and the University of Wisconsin - Madison, Local Government Education Program. Law enforcement leaders who complete this intense, six-week in-residence program will be recognized as a Certified Public Manager® by the University of Wisconsin.

A highly regarded program in our state, with limited number of seats, this is a competitive program and intended for those who are looking to move into a chief executive positions in their agency.

The application period is open on our website linked below:

<https://wisdoj.eventsair.com/wi-command-college-class-11>



Registration Deadline: May 3, 2024

2025 NEW CHIEFS & SHERIFFS TRAINING WEEK

All newly appointed police chiefs and sheriffs are invited to attend the Department of Justice's annual New Chiefs and Sheriffs Training seminar. This program is geared specifically to meet the needs of new chief executives as they transition into their role as an agency leader.

Dates: January 27-31, 2025

Registration Fee:

There is no cost to attend this training program. WI DOJ will enter the training time into ACADIS upon completion of the training.

Training Times:

Training will be Monday through Thursday 8:00 am - 4:00 pm and Friday 8:00 am - Noon.

[Register Link](#)





LEADERSHIP IN POLICE ORGANIZATION

LEADERSHIP IN POLICE ORGANIZATION LPO uses a behavioral science approach to leading people, groups and organizations. The course is based on material developed for the U.S. Military Academy at West Point. Focused on cultivating leaders at all levels of the organization, LPO training is highly interactive. Small group case studies, videos and class exercises are used to reinforce learning. The three-week course is generally taught one week a month over three months.

Lunch is provided onsite for each full day of the course.

LOCATION	DATES	REGISTER
WAUSAU POLICE DEPT.	WEEK 1: August 19—23, 2024	LINK TO REGISTER
	WEEK 2: Sept. 16—20, 2024	
	WEEK 3: Oct. 21—25, 2024	
CVMIC—WAUWATOSA	WEEK 1: Sept. 30—Oct.4, 2024	LINK TO REGISTER
	WEEK 2: Nov. 4—8, 2024	
	WEEK 3: Dec. 9—13, 2024	

Registration for this course is now on a first register basis. Please register early to secure a seat.

Questions on registration, course program or becoming a host for the LPO program, please contact Program Manager, Stacy Lenz at lenzse@doj.state.wi.us



SEXUAL ASSAULT BEST PRACTICES FOR THE FIRST RESPONDING OFFICER

Wisconsin Department of Justice has developed a 15-hour virtual learning course for law enforcement on “Sexual Assault Response Best Practices for First Responding Officers.” Training material and instructions will be delivered via an online learning platform that provides for synchronous learning and participation, including small group and large group discussion.

Participants will register for two days of training, each day for a total of 7.5 hours of learning. Day one will cover modules 1-4, and day two will cover modules 5-8. The scheduled training sessions will be facilitated by a team of trainers, including DOJ staff, community-based advocates, and local law enforcement. External collaborators have demonstrated advanced knowledge of the best practices for the investigation of sexual assaults, as well as an ability to effectively train officers using appropriate adult learning methods. DOJ’s Violence Against Women Act (VAWA) Resource Prosecutor, within the Division of Law Enforcement Services, will facilitate the 15 hours of training with other members of the team joining as scheduled. For each module, participants will be introduced to the learning objectives and materials through self-guided activities allowing for processing of the various content. Participants will come together in scheduled large group discussions throughout the day to collaborate and review lessons learned.

There is no cost to attend this course - funding is provided by a federal grant.

COURSE OUTLINE:

MODULE 1 - OVERCOMING GENDER BIAS IN SEXUAL ASSAULT INVESTIGATIONS

MODULE 2 - SEXUAL ASSAULT DYNAMICS AND THE IMPACT ON SURVIVORS

Register for our upcoming dates:

MODULE 3 - IMPACT OF TRAUMA

MODULE 4 - MINIMAL FACTS INTERVIEWING OF SEXUAL ASSAULT VICTIM BY THE FIRST RESPONDING OFFICER

May 7-8, 2024

[REGISTER](#)

June 5-6, 2024

[REGISTER](#)

MODULE 5 - SCENE IDENTIFICATION AND PRESERVATION

MODULE 6 - WITNESS INTERVIEWS

MODULE 7 - REPORT WRITING

MODULE 8 - TESTIFYING IN A SEXUAL ASSAULT TRIAL

Attendee Feedback: ** A Perfect mix, was able to stay very engaged with a great mix of learning.*

** Loved the lessons learned from the victim’s story. * Expert instructors!!*

DCI Death Investigation School

Sept 9—13 and Sept 15—20, 2024

Apply by 07/05/2024—[Click Here](#)

The course is intended to equip the criminal investigator with the skills and knowledge necessary to conduct a professional death investigation. Included in the agenda are presentations concerning the detection and recovery of buried bodies, the identification of human remains, and the determination of how, when and where the victim died, and who, if anyone, was responsible for their deaths. All commonly encountered means of death are discussed including firearms, poison, sharp and blunt force, asphyxiation, and fire/explosions. In the second week, students are exposed to a variety of formal and informal investigative techniques used to identify and develop suspects.

The cost of this training is \$250.00

Training Location:

Green Lake Conference Center
W2511 State Road 23
Green Lake, WI 54941

DCI Basic Fire Investigation School

Mid October, 2024

Stevens Point, WI

Check WILENET Mid May

DCI ICAC Investigation School

End of October 2024

TBD

Check WILENET Mid May

Mark your calendars

2025 Drug Endangered Children (DEC) Conference

April 15—17, 2025

April 15 1:00—5 pm

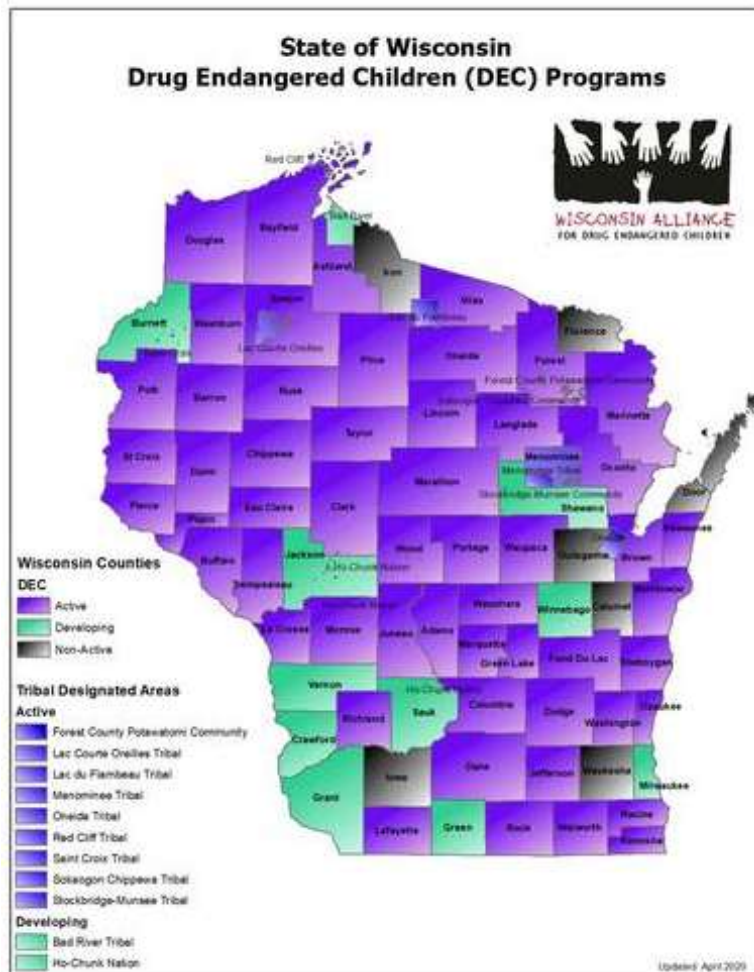
April 16, 8am—5 pm

April 17, 8 am—noon

Holiday Inn Stevens Point Convention Center

1001 Amber Ave

Stevens Point, WI 54481





WIBRS Did You Know?

Wisconsin Department of Justice
Bureau of Justice Information & Analysis

2024-Q4-1

When Is An Offender Unknown?

When a crime is reported, law enforcement documents the incident and shares this information with both the State and the FBI. According to the NIBRS Manual if the, "agency knows nothing about the offenders—i.e., no one saw the offenders, there were no suspects, and the number of offenders is unknown—then the agency should enter 00 = Unknown."

However, in cases where there has been some form of contact with the offender(s), whether through a victim or a witness, the offender(s) should be identified with a specific number ranging from 1 to 99. This also requires the agency to also note the victim's Relationship to Offender.

Examples

- *A victim finds their car window broken and their guitar stolen, without any witnesses to the act. The reporting agency should list the offender number as 00, and no relationship code is needed.*
- *A victim witnesses a 14–16-year-old white female, who they don't know, break their car window and steal their guitar. The agency should record the offender number between 1 and 99 and use the Relationship to Offender Code "ST" (Stranger)*
- *A burglary occurs with the sole piece of evidence being a low-quality Ring Doorbell video depicting the silhouettes of two individuals entering the home. Because the video establishes the presence of two offenders, the category "Unknown" or "00" cannot be applied for the number of offenders. Instead, the reporting agency must submit it as involving "Offender #1" and "Offender #2." All demographic information would be listed as unknown and the Relationship to Offender as RU (Relationship Unknown).*
- *A sexual assault occurs, and the victim can only identify the offender's gender. The agency should use Offender #1, with the appropriate gender and relationship code based on the victim's account. For instance, if the victim stated the offender was a stranger, ST (Stranger) should be used. Offender 00, Unknown should not be used.*

*Online resources regarding this and other important topics can be found at:
<https://ucr.doj.wi.gov/Resources/Training>*

Questions? Reach out to us at: statsanalysis@doj.state.wi.us

Preventing School Violence

Trish Kilpin, MSSW

Director, Wisconsin Department of Justice, Office of School Safety

Digital Mapping Grants Still Available for Wisconsin Communities

The Wisconsin Legislature has replenished 2021 Wisconsin Act 109 digital mapping grant funds, with an additional \$2.5 million added to this opportunity. The Office of School Safety continues to seek applications from Wisconsin public, private, charter, and tribal schools interested in obtaining digital mapping data. The data must include information that can best assist first responders in an emergency, such as building numbers, floors, suite designations, room numbers, or other available relevant location information. The mapping data The grant announcement is available here: [School Safety Grants](#). Please email schoolsafetygrants@doj.state.wi.us with any questions.

<https://www.doj.state.wi.us/sites/default/files/school-safety/grant-instructions.pdf>

Office of Crime Victim Services

WI Crime Victim Compensation Program

Information for Law Enforcement

Why Should LE be aware of CVC? LE actually has a statutory responsibility to provide information about crime victim rights and compensation per chapter 949. Officers are required by law to provide a sheet called the “Victim Information Form” to victims on scene or when they meet for follow up, etc. Victims may have no other way of knowing about our program, especially if there is not a criminal court process through the county DA’s office.

Why does CVC need police reports? This is how CVC makes eligibility determinations. The CVC claims specialists read the police reports and determine if the claim is eligible based on our program requirements in Chapter 949. Chapter 949 also requires that law enforcement *shall* provide copies of police reports upon request in order for the program to determine that a victim is eligible for an award under 949. We do need the *full* LE investigative reports in order to make a determination (not a summary or partial reports). This is because there may be a piece of information that makes or breaks whether or not someone meets the requirements of the program. Some people do not qualify for very specific reasons based on their role and involvement in the incident. Also, additional people may qualify for CVC that were not the “primary” victim in a particular incident. Other information CVC needs may include:

- ◆ Confirm when the crime was reported in relation to when it happened
- ◆ Very identifying information of victims, suspects, witnesses, etc.
- ◆ The type of crime (we can only approve “compensable” crimes” per 949
- ◆ Victim role (innocent victim vs. committing a crime or contributory conduct)
- ◆ Disposition of incident (arrest, referral to DA, citation, etc.)

Office of Crime Victim Services

What can CVC help victims pay for? Most typically, CVC helps pay for medical, mental health, and dental bills, funeral and burial expenses, wage loss, loss of support, and property collected as evidence or damaged by crime lab. Please note that CVC does NOT cover stolen property, or damaged property (except securing a crime scene and crime scene clean-up). We also do not provide any relocation or travel expenses.

Thank you for all you do. Together we can help victims and hold offenders accountable!!

Questions?

Please contact Keri Berling, Director of the WI Crime Victim Compensation Program at: Berlingkj@doj.state.wi.us, or 608-261-8139.

Resources:

IACP (International Association of Chiefs of Police) <https://www.theiacp.org/resources/document/law-enforcements-role-in-victim-compensation-faq-sheet>

YouTube video on CVC and LE: <https://www.youtube.com/watch?v=kVixTpCXSDU>

LEDR (Wisconsin Law Enforcement Death Response)

The Wisconsin Law Enforcement Death Response (LEDR) Team works in collaboration with other organizations to provide support and assistance before and after the death of a current law enforcement officer.

The LEDR team is a passionate group of law enforcement professionals who volunteer their time to assist agencies and survivors who have experienced a law enforcement death, regardless of circumstances. The team is comprised of current and former law enforcement officers, licensed mental health providers and other professionals.

LEDR provides an immediate response and help with death notifications, stress management debriefings, peer counseling and family support. Additional services include assistance with funeral planning, media coordination, and the long-term work of obtaining benefits and other services for survivors. The LEDR team also provides statewide training to agencies in the areas of Prevention and Preparation. The LEDR mission expanded to include the concept of a wellness app pursuant to a project by Captain Chris Tarmann of University of Oshkosh Police Department in Class #7 of the Wisconsin Command College.

The process to accessing these services is simple and convenient:

- ◆ visit www.wiledr.org
- ◆ click on the “Resources” tab
- ◆ click on the “WILE Guardian App” on the pull down menu
- ◆ download the app from the App Store or Google Play

Tremendous resources are available through the free app. For example:

- ◆ A list of vetted, law enforcement friendly wellness providers broken down by region and occupation (mental health, nutritionist, chiropractor/acupuncturist, and physical therapist)
- ◆ Links to wellness resources on topics pertinent to law enforcement such as mental health, nutrition, physical health, resiliency, sleep, spiritual and stress

LEDR (Wisconsin Law Enforcement Death Response)

- ◆ Contact information to law enforcement chaplains throughout the state and broken down by region
- ◆ Contact information to Peer Support team members and Executive Peer Support team members by region
- ◆ Links to training opportunities
- ◆ Links to various law enforcement resources (on duty tools) such as DOT cameras, Wisconsin statutes, 2023 bond book, Google translate, partner tracker, DRE information and many other tools.

The “Mission. Vision. Values” statement from the Wisconsin Law Enforcement Guardians App states the following:

“Through the development of this project we determined that the Law Enforcement Death Response Team would become a major role player in the development and oversight of this app. This happened because it is a very strong way to proactively reduce the necessity of this team. Ultimately, when we save lives of our own we don’t have to use this team. It’s not about the value of the team, it’s more about the value of the lives who this team works for, when they are activated.”



Protect Wisconsin's Seniors, Report Elder Abuse.

Elder Abuse can be verbal, physical, emotional, sexual or financial. It can also be intentional or unintentional neglect. Unfortunately, Elder Abuse is a growing problem in Wisconsin, negatively impacting the lives of our senior citizens and their families.

In fact, Wisconsin's population of seniors 65 and older is projected to increase by more than 70% in the next 20 years. That's why all Wisconsinites share the responsibility to help protect our senior citizens by recognizing and reporting any signs of Elder Abuse.

If you feel that you are a victim of Elder Abuse or you believe it has been inflicted upon someone you know or love, REPORT IT!

RESPECT YOUR ELDERS
REPORT ABUSE



Call the Wisconsin Elder Abuse Hotline

1-833-586-0107

or visit ReportElderAbuseWI.org

SEXTORTION

YOU'RE NOT ALONE - YOU CAN ASK FOR HELP



SEXTORTION is a type of blackmail used to acquire sexual content from a child, coerce them into sexual activity or obtain money.

- Remember, it's not your fault!
- Show a parent or a trusted adult right away.
- Do not pay money or comply with the blackmailer's requests.
- Report the account through the platform's safety feature.
- Block the suspect, but **DO NOT DELETE** the messages or your profile.
- Report the crime to law enforcement or at [Report.CyberTip.org](https://www.fbi.gov/report-cyber-tip).



GET THE FACTS AT



#STOPSEXTORTION

Division of Criminal Investigation



Wisconsin Internet Crimes Against Children Task Force Victim Services Program

The Wisconsin Department of Justice Division of Criminal Investigation now offers state-wide ICAC-focused victim services support. DCI recently expanded programming to help victims and families navigate the overwhelming complexities of the criminal justice system and address the unique needs victims of technology facilitated crimes experience.

The victim services team provides support to both youth and adult survivors of technology facilitated crimes. Our services include, but are not limited to, on-scene response with law enforcement during interviews and search warrants, follow-up support throughout the criminal justice process, referrals to local and national resources, and prevention education to parents, teachers, and other community partners working with children.

On the next page is an ICAC victim services brochure which can be shared with your staff and distributed to victims and families as an additional resource. Also attached is a one-page ICAC victim services reference sheet which can be distributed amongst your agency for awareness of the program.

For more information about our program or to contact us about a referral, please email us at ICACServices@doj.state.wi.us.



Resources

WI DOJ Office of Crime Victim Services Homepage
www.doj.state.wi.us/ocvs

WI ICAC Homepage
ICAC.widoj.gov

National Center for Missing and Exploited Children
www.missingkids.org/

Content Removal
www.missingkids.org/gethelpnow/cybertipline

VINE Link: Victim Notification Network
www.vinelink.com/#state-election

2.1.1: Comprehensive Source for Local Social Services
www.211.org/

Wisconsin Internet Crimes Against Children Victim Service Support

The Division of Criminal Investigation ICAC Task Force victim services team is available to support law enforcement agencies during any stage of an ICAC investigation. We support children, non-offending parents/guardians, and adults who are survivors of childhood abuse.



On-Scene Response

Our victim services team is available to respond on-scene during search warrants and interviews. The victim service specialists can provide crisis intervention, answer questions regarding victim rights and the criminal justice system, and assist with safety planning.



Follow-Up Support

Our team provides emotional support throughout the criminal justice system, makes referrals to local resources (mental health, confidential victim service agencies, legal support, etc.), helps coordinate forensic interviews, and assists victims with applying to eligible programs.



Image Removal Assistance

Victims and survivors have reported revictimization and long-term impacts from their CSAM images and videos being circulated on the internet. Our team can help survivors and their families with the process of removing these images from the internet.



Education

The victim services team provides education to children, families, community members, and professionals to help promote healthy conversation and discussion about online safety and supporting children who have experienced online exploitation or abuse.

To make a referral or to contact the victim services team,
please email ICACServices@doj.state.wi.us

The Crime Victim Compensation Program

Who is eligible?

- A person who is injured or killed as a result of a compensable crime
- A person who is injured or killed while attempting or succeeding in:
 - ◊ Preventing a crime/aiding law enforcement,
 - ◊ Apprehending an offender of a crime, or
 - ◊ Aiding a victim of a compensable crime
- Compensable crimes are listed in Wis. Stat. §949.03(1)(b)- *see reverse side*
- Victim must have suffered actual bodily harm, or mental/psychological trauma.
- Examples:
 - ◆ A person who has been physically assaulted
 - ◆ A person who reports a sexual assault
 - ◆ A victim of domestic violence
 - ◆ A family member, domestic partner, or someone who resides with a homicide victim
 - ◆ A person who was victimized as a child and is now an adult.

What can CVC pay for?

- Medical expenses
- Dental expenses
- Mental health for both victims and parents of minor victims
- Net lost wages for victims, parents of minor victims and family/household members of homicide victims
- Loss of support
- Caregiver services
- Clothing/bedding held as evidence
- Computer/mobile phone held as evidence
- Property destroyed by crime lab testing
- Securing/cleaning of a crime scene
- Funeral/burial expenses

The maximum benefit per claim is \$40,000.

Property loss or damage is not covered other than those items described above. The victim must have suffered a physical injury or mental/psychological trauma.

What makes a claim ineligible?

- The victim engaged in conduct which substantially caused or contributed to his/her injury or death
- The victim committed a crime that caused or contributed to his/her injury or death
- The incident was not reported to law enforcement within 5 days of the crime or within 5 days of when the crime could reasonably have been reported*
- The application is not filed with the program within one year of the date of the crime*
- The victim does not cooperate with law enforcement, through prosecution.
 - However, criminal charges do not have to be filed; a crime victim can still apply and be found eligible.

*Note that these timelines may be waived in certain instances, particularly if the application involves a child or vulnerable adult.

*Exceptions also apply to adults that were victimized as children.

Examples:

- A victim who does not cooperate with the investigation or prosecution
- A victim who is injured or killed while engaged in an illegal drug transaction
- A victim whose wallet has been stolen

How do victims apply?

- Victims can call the toll free line at 1-800-446-6564 to have an application sent to them
- The application can also be accessed on the website: www.doj.state.wi.us/ocvs

The program does not cover property crime, property loss, legal fees, or stolen money or prescriptions.

Law enforcement is required by statute to **provide information about crime victims'** rights, including information about the Crime Victim Compensation Program, to all victims.



Law Enforcement Employment Opportunities

Please visit the Department of Justice WILENET webpage at [Employment Opportunities | WILENET](#)

You will find the most up-to-date Law Enforcement Employment Opportunities across the state located here.

Quarterly Newsletter

Are you missing the
newsletter in your inbox?



Email us at:
trainingevents@doj.state.wi.us

to be added to the email list to receive a copy .



Contact Us

Address:
P.O. Box 7857
Madison, WI 53707-7857

(608) 266-1221

To send an email, go to the
following webpage:

www.doj.state.wi.us/ag/contact

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