

CRIME VICTIMS' RIGHTS IN CASES INVOLVING DEFENDANTS WITH MENTAL ILLNESSES

This document, created by the End Domestic Abuse Wisconsin — Wisconsin Coalition Against Domestic Violence — Legal Department, does not constitute legal advice.

Responding to People Who Have Been Victimized by Individuals with Mental Illnesses

The Council of State Governments Justice Center has published a guide detailing the rights of crime victims when the perpetrator has a mental illness. This guide addresses the issues that crime victims face in acquiring services and information when their perpetrators are found to be incompetent or not guilty by reason of insanity (NGI) and enter custody of the mental healthcare system instead of the justice system. This publication also serves as a “best practice” guide for policymakers in creating victims’ rights statutes that include victims of mentally ill perpetrators. This publication is available on the Council of State Governments Justice Center’s [website](#).

A Guide to the Role of Crime Victims in Mental Health Courts

Mental health courts are a type of specialized court docket for certain defendants with mental illnesses. Mental health courts screen, assess, and process participants through a judicially-supervised treatment plan developed by court officials and mental health professionals. Many states in the United States have implemented some form of mental health court; however, operational models vary state-by-state as there is no national model for how a mental health court should operate. Many of these courts focus on admitting defendants who are charged with non-violent crimes; however, some courts do admit defendants who have committed violent crimes and whose cases involve crime victims. Because of mental health courts’ lack of focus on crimes with victims, it may be difficult for a victim to negotiate mental health court proceedings or understand their rights. The Council of State Governments Justice Center has published a guide to the role of crime victims in mental health courts, which is available on the Council’s [website](#).

Mental Health Court Resources

- The United States Department of Justice’s Bureau of Justice Assistance funds some mental health court programs and also has information and resources on mental health courts on its [website](#).
- The Criminal Justice Coordinating Council of Wisconsin maintains a list of counties which offer mental health court programs throughout the state. Currently, mental health courts are available in [Eau Claire](#), [Outagamie](#), and [Brown](#) Counties.

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- Wisconsin Crime Victims' Rights: for a list of statutory rights of victims of crime, view [Chapter 950](#) of the Wisconsin Statutes.