



SAFE AT HOME

WISCONSIN ADDRESS CONFIDENTIALITY PROGRAM

GUIDE FOR LAW ENFORCEMENT



WISCONSIN DEPARTMENT OF JUSTICE

OFFICE OF CRIME VICTIM SERVICES

UPDATED AUGUST 2018

Overview

Effective April 1, 2017, 2015 WI Act 356 created Safe at Home, a statewide address confidentiality program that provides victims of actual or threatened domestic abuse, child abuse, sexual abuse, stalking, trafficking, and those who fear for their physical safety with a legal substitute address to be used for both public and private purposes. The intent of Safe at Home is for those who fear for their safety to be able to maintain a private, confidential home, work, or school address and gain some peace of mind.

Safe at Home participants are responsible for notifying entities that they are enrolled in the program and updating their records to reflect the substitute assigned address. All entities, both public and private, must accept the substitute assigned address as a program participant's legal address. Law enforcement and other entities may verify an individual's participation in the program by requesting to view their Safe at Home provided Authorization Card, or if necessary, contact Safe at Home directly for verification.

Safe at Home is governed by Wis. Stat. § 165.68 and administered by the Department of Justice Office of Crime Victim Services.

Program Eligibility

A person is eligible to participate in Safe at Home if he or she attests to ALL of the following:

1. That he or she is a resident of Wisconsin.
2. That at least one of the following applies:
 - a. He or she is a victim of an act or threat of abuse, a parent or guardian of a person who is a victim of an act or threat of abuse, or a resident of a household in which a victim of an act or threat of abuse also resides.
 - b. He or she fears for his or her physical safety or for the physical safety of his or her child or ward.
3. That he or she resides or will reside at a location in Wisconsin that is not known by the person who committed the abuse against, or who threatens, the applicant or his or her child or ward.
4. That he or she will not disclose his or her actual address to the person who committed the abuse against, or who threatens, the applicant or his or her child or ward.

[Wis. Stat. § 165.68(2)(a)]

NOTE:

A person is eligible to participate in Safe at Home regardless of whether:

- Any criminal charges have been brought
- A restraining order has been sought, or
- The abuse has been reported to law enforcement

[Wis. Stat. § 165.68(2)(b)]

Disclosure of an Actual Address

Safe at Home cannot disclose a program participant's actual address to any person except:

1. Pursuant to a court order, or
2. To a law enforcement officer for official purposes. Disclosure to law enforcement is at the discretion of Safe at Home. [Wis. Stat. §§ 165.68(4)(d)1. and 2.]

Criminal Penalty for Disclosure

A person who intentionally releases a program participant's actual address information is guilty of a misdemeanor. [Wis. Stat. § 165.68 (7)]

Safe at Home Contact Information

By Mail:

Safe at Home
Wisconsin Department of Justice
P.O. Box 7035
Madison, WI 53707-7035

Phone: (608) 266-6613 (M-F, 8:30 a.m. – 5:00 p.m.)

Email: safeathome@doj.state.wi.us

Website: www.safeathomewi.gov

Key Points:

- The Safe at Home assigned address is the LEGAL ADDRESS for participants and must be accepted by law enforcement.
- If law enforcement makes contact with a Safe at Home participant FOR ANY REASON (they are a victim, witness, suspect, etc.), the law requires any documentation of the participant's address to reflect the Safe at Home assigned address only.
- Safe at Home participants may use the assigned address on their state-issued driver's license, but should also provide their Safe at Home Authorization card to verify that they are in the program.
- Under open records law, the right to inspect or copy information in a record DOES NOT APPLY to the actual address of a Safe at Home participant. [Wis. Stat. § 19.35(1)(am) 2m] The actual address SHALL NOT be disclosed on documents.

Frequently Asked Questions

- Q. What should be done if an individual indicates that they are a Safe at Home participant during a routine traffic stop?
- A. Verify that the individual is a Safe at Home participant by requesting to view their authorization card. The individual's driver's license will most likely also reflect the Safe at Home assigned address. If the individual does not have their authorization card available during the stop, you may contact Safe at Home directly to verify participation. The Safe at Home assigned address is a participant's legal address and should be used for any reports and/or citations.

- Q. How should law enforcement establish jurisdiction if the actual address is not in the report?
- A. Reports may reflect the municipality and county jurisdiction without violating the law that governs Safe at Home. If a circumstance arises where the actual address is needed to meet jurisdictional requirements, law enforcement may contact Safe at Home or consult with their local district attorney's office for additional guidance. It is recommended that law enforcement agencies create internal procedures that comply with the requirements of Wis. Stat. § 165.68 to note when the Safe at Home address is used in a report. As a general rule, the Safe at Home assigned address should be placed in all reports with a reference to the fact that the person is enrolled in Safe at Home.

- Q. What if the Sheriff's Office needs to serve process on a Safe at Home applicant?
- A. Program participants are required to certify that Safe at Home is the participants' designated agent for service of process. [Wis. Stat. § 165.68(3)(b)4.g.] Legal paperwork that does not require personal service may be sent via U.S. Postal Service mail to the Safe at Home participant's assigned address.

Legal paperwork that does require personal service should not be served to a Safe at Home participant at their assigned address or their actual home, work, or school address. The Department of Justice will receive service of process on behalf of any enrolled participant, if personal service is required. Personal service to a Safe at Home participant will be accepted by the Department of Justice at the Office of the Attorney General in the Wisconsin State Capitol Building (114 East, State Capitol) during business hours.

- Q. What if a Safe at Home participant calls 911?
- A. If a Safe at Home participant calls 911, they are asking for an emergency response and are voluntarily releasing their address information for that purpose. If a participant notifies the responding officers of their participation in Safe at Home and shows their authorization card, the substitute address must go on the report. A participant may also need to work with the agency to request redaction of the information that was released in connection with the emergency service.

- Q. Is the Safe at Home assigned address confidential?
- A. No. The Safe at Home assigned address (3902 Milwaukee Street, P.O. Box 7188, Madison, WI 53707) is not confidential, but it should be made clear within your own records that this is not the actual location at which the individual resides.
- Q. Is the Safe at Home authorization card an official form of identification?
- A. No. The Safe at Home authorization card only provides evidence of participation in Safe at Home. State and local government agencies may contact Safe at Home to confirm participation.
- Q. Can someone enroll in Safe at Home to avoid arrest or criminal prosecution?
- A. Safe at Home is operated by the Wisconsin Department of Justice and will not protect participants from lawful criminal investigation, arrest, or prosecution. Under Wis. Stat. § 165.68(4)(d)2, Safe at Home may disclose a program participant's actual address to law enforcement for official purposes or pursuant to a court order.
- Q. Is there a criminal penalty for disclosing a Safe at Home participant's actual address?
- A. Yes. Intentional disclosure of a Safe at Home participant's actual address in violation of Wis. Stat. § 165.68 holds a misdemeanor criminal penalty.