



## FORMAL VICTIM RIGHTS COMPLAINTS

### Key Terms Used During the CVRB Review

**Complainant** The person who filed the CVRB complaint.

**Crime** An act committed in this state which, if committed by a competent adult, would constitute a crime, as defined in s. 939.12. See [Wis. Stat. § 950.02\(4\)](#).

**Respondent** The person or agency against whom a CVRB complaint is filed.

**Victim** *Important Note:* *Victim* is defined in both state statute and the state constitution in slightly different ways. Those differences matter in some situations and an individual may need legal guidance to fully understand their rights/status given their circumstances. The following is not legal analysis. It is provided as a starting point to show that for the purpose of rights and services, the term *victim* can be broad in Wisconsin. To read the language, see [Wis. Const. Art. I, sec 9m 1.](#) and [Wis. Stat. § 950.02\(4\)](#).

- **A *victim* is a person against whom a crime has been committed.**
- **If the person against whom the crime was committed is a child,** *victim* also means a parent, legal guardian, legal custodian, or other lawful representative of the child.
- **If the person against whom the crime was committed is physically or emotionally unable to exercise his or her rights,** *victim* also means a person designated by that person, his or her spouse, child, sibling, parent, legal guardian, or other lawful representative.
- **If the person against whom the crime was committed is deceased,** *victim* means a spouse, child, sibling, parent, legal guardian, or other lawful representative or a person who resided with the deceased.
- **If the person against whom the crime was committed has been adjudicated incompetent in this state,** *victim* means the legal guardian of the person or other lawful representative.
- ***Victim* does not include** the person charged with or alleged to have committed the crime.
- The constitution further states that ***victim* does not include** the accused or a person who the court finds would not act in the best interests of a victim who is deceased, incompetent, a minor, or physically or emotionally unable to exercise his or her constitutional victim rights.