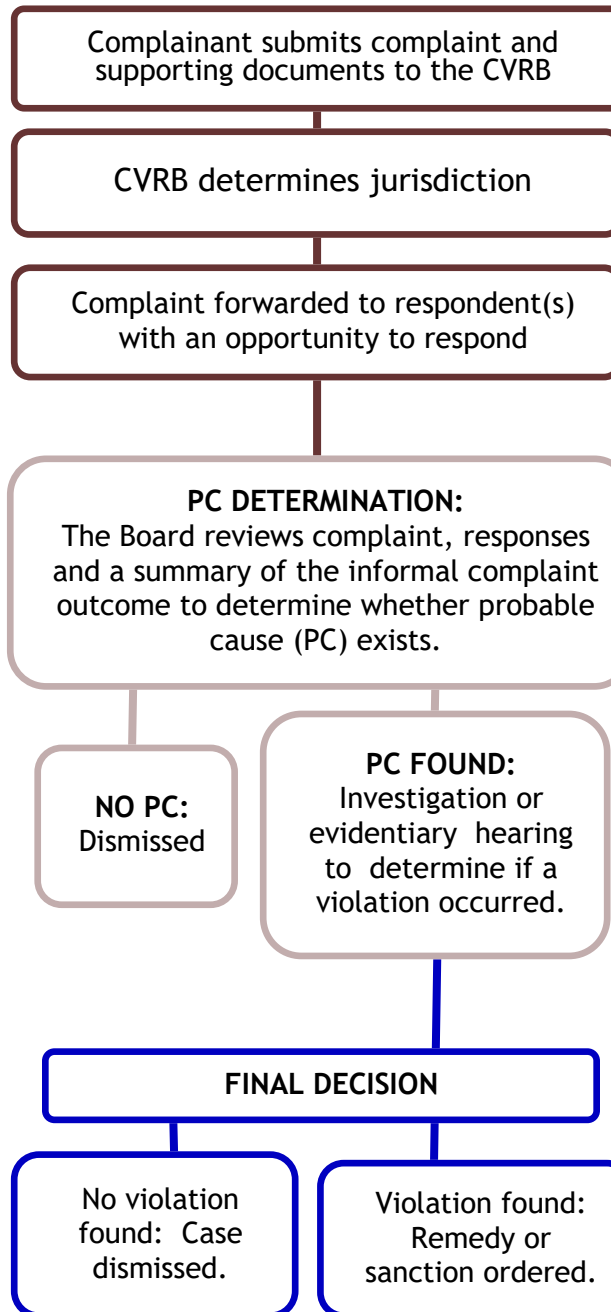


FORMAL COMPLAINT PROCESS



THE FORMAL
VICTIMS' RIGHTS
COMPLAINT
PROCESS IN
WISCONSIN

[CONTACT INFORMATION]

Mailing Address:

Wisconsin CVRB
17 West Main Street - 8th Floor
Madison, WI 53703

[CVRB Online](#)

[Email the CVRB Director](#)

All parties have appeal rights

OVERVIEW

Authority & Independence of the Wisconsin Crime Victims Rights Board (CVRB)

The CVRB operates by the authority of Ch. § 950.09 to review victim rights complaints filed by victims of crime against public officials, public employees and public agencies. DOJ staff are assigned to assist the Board with operations. However, it is an independent body and its decisions are not subject to review by the attorney general.

Appointees

The CVRB is made up of five members who are appointed to 4-year terms by the governor, the attorney general, the WI District Attorney's Association, and the Wisconsin Crime Victims Council.

Jurisdiction

The CVRB may only review complaints against public officials, agencies or employees involving statutory or constitutional crime victim rights. The Board may not review complaints involving judges.

Complaint Forms

Complaint forms are obtained at the conclusion of the informal complaint process overseen by the WI DOJ Victim Resource Center (VRC). For more information about the VRC: 1-800-446-6564

www.doj.state.wi.us/ocvs

FORMAL COMPLAINT PROCEDURE

Filing a Complaint: The person filing the complaint (the “complainant”) has the burden of proof and must provide detailed information to support allegations. If the complaint is within the Board’s jurisdiction, it is sent to the person or agency the complaint is against (the “respondent”). The respondent is given an opportunity to submit a written answer to the Board. Parties to a complaint may hire attorneys to help them present their positions if they wish, but attorneys are not required.

Probable Cause (PC): The Board reviews materials submitted by the parties and a summary from the VRC informal complaint process to decide whether probable cause exists. PC is not a finding of wrongdoing. It means there is enough evidence that a violation may have occurred to warrant further review. The PC decision is sent to all parties in writing. A finding of ‘No PC’ is a final decision of the Board. If the Board determines that PC exists, it may open an investigation or hold a fact-finding hearing to resolve disputes of material issues to determine if a violation occurred.

Final Decision: At the conclusion of its investigation (or hearing, if one is held), the Board deliberates and issues a written *Final Decision and Order*. The decision outlines findings of fact, conclusions of law and any remedy or sanction to be imposed if a violation was found to have occurred.

Appeals: Parties may request a rehearing (if a hearing was held) or a judicial review of the Board’s final decision. The Board may grant a rehearing on the basis of a material error of law, a material error of fact or the discovery of new evidence. The procedure for a judicial review is governed by Wis. Stat. Chapter 227.

REMEDIES FOR VIOLATIONS

The Board may not seek to reverse, appeal or modify a judgment of conviction. The Board may do the following, based on its review of a case:

- **Issue a Private Reprimand**
- **Issue a Public Reprimand**
- **Bring A Civil Action** to assess a forfeiture, not to exceed \$1,000 for an intentional violation.
- **Seek appropriate equitable relief** on behalf of a victim.
- **Refer to the Judicial Commission** an allegation involving a judge.

Reports & Recommendations: The Board has an additional authority under Wis. Stat. § 950.09 (3) to issue reports and recommendations concerning the securing and provision of crime victims’ rights and services. Such reports are distributed throughout the criminal justice system and are posted on the CVRB’s webpage.

Click on the links below for more information about victims’ rights or the complaint process:

[CVRB Webpage](#)

[DOJ Victim Resource Center](#)

[DOJ Office of Crime Victim services](#)