



OVERVIEW OF THE CVRB COMPLAINT PROCESS

Authority of the CVRB

The CVRB operates by the authority of Wis. Stat. § 950.09 to review victim rights complaints against public officials, employees and agencies. DOJ staff are assigned to assist the CVRB with operations. However, it is an independent body and 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.

Limited Action Cases

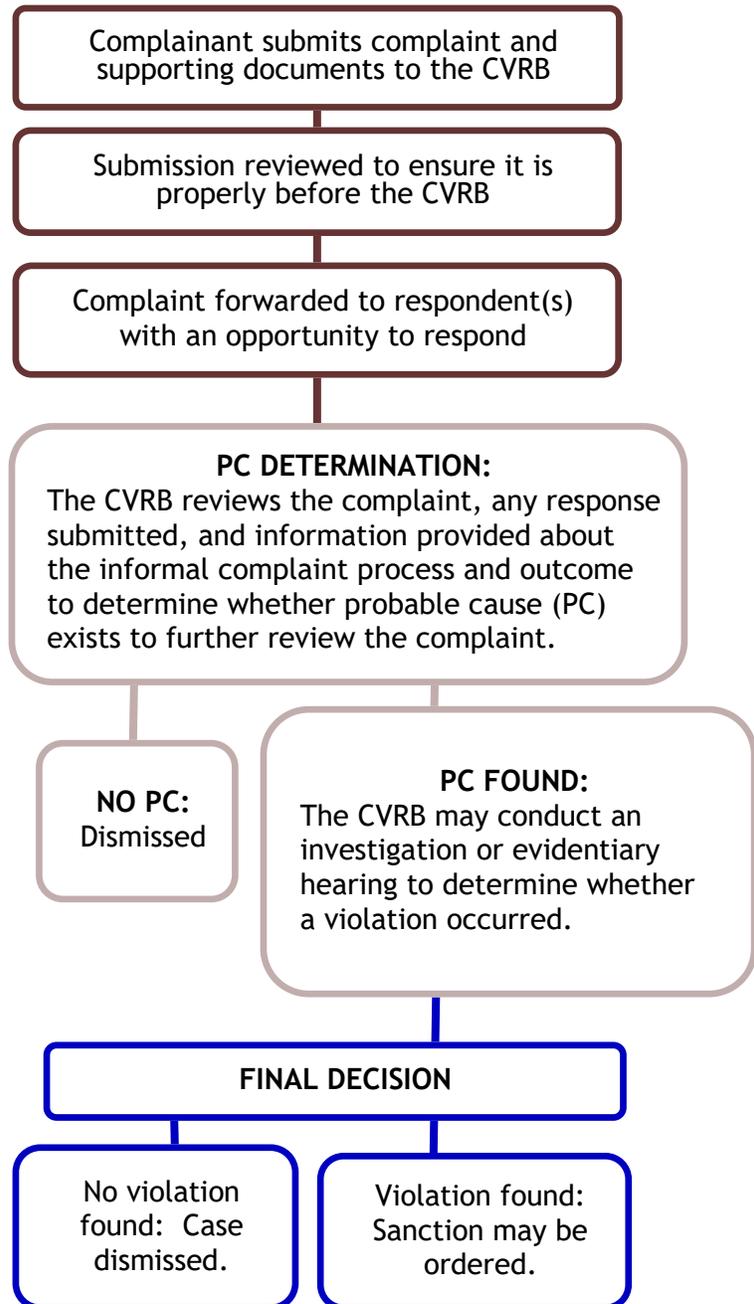
In some cases, the law limits the actions the CVRB may take. It may not review complaints against judges but can refer such complaints to the Judicial Commission. If a victim doesn't consent to or sign a complaint, the CVRB may only seek equitable relief or issue a report and recommendation. If a complaint is filed more than three years after the conduct being complained about, the CVRB may only issue a report and recommendation.

How to File

Before filing a CVRB complaint, the alleged victim rights violation(s) must be addressed in an informal process with the WI DOJ Victim Resource Center (VRC). For information about the VRC process, go to www.doj.state.wi.us.

To file a complaint, a completed CVRB form is mailed to the CVRB. Please note: the complaint is confidential until a finding of probable cause, unless the person/agency being complained about waives their confidentiality in writing.

CVRB REVIEW PROCESS



All parties have appeal rights



OVERVIEW OF THE CVRB COMPLAINT PROCESS

Filing a Complaint: The person filing the complaint (the *complainant*) has the burden of proof and must provide detailed information to describe and support their allegations. If the complaint is within the CVRB'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 CVRB. 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 CVRB reviews materials submitted by the parties and a summary from the VRC of the VRC process and outcomes 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 that dismisses the complaint. If the CVRB determines that there is PC to continue the review, it may open an investigation or hold a fact-finding hearing to gather the information needed to determine whether a violation occurred.

Final Decision: At the conclusion of an investigation (or hearing, if one is held), the CVRB 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. The CVRB does not always issue a remedy or sanctions for violations.

Appeals: Parties may request a rehearing (if an evidentiary hearing was held) or a judicial review of the final decision. The CVRB may grant a rehearing on the basis of a material error of law, a material error of fact or the discovery of new evidence. Judicial reviews are governed by Wis. Stat. Chapter 227.

Reports & Recommendations: The CVRB 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 shared with justice system stakeholders and are posted on the CVRB's web page. They may be issued independently or in relation to a case.

SANCTIONS FOR VIOLATIONS

The CVRB may do the following (subject to the limitations described earlier), based on its review of a case:

- ◆ **Issue a Private Reprimand**
- ◆ **Issue a Public Reprimand**
- ◆ **Refer a complaint involving a judge to the Judicial Commission**
- ◆ **Seek Appropriate Equitable Relief** on behalf of a victim.
- ◆ **Bring a Civil Action** to assess a forfeiture, not to exceed \$1,000 for an intentional violation (money does not go to parties, it goes into a state fund).

The CVRB may not seek to reverse, appeal or modify a judgment of conviction. It cannot seek monetary damages, change or force a charging decision, order a law enforcement investigation or investigate the crime from which the alleged violation arose.

FIND MORE INFORMATION ONLINE AT: WWW.DOJ.STATE.WI.US/OCVS