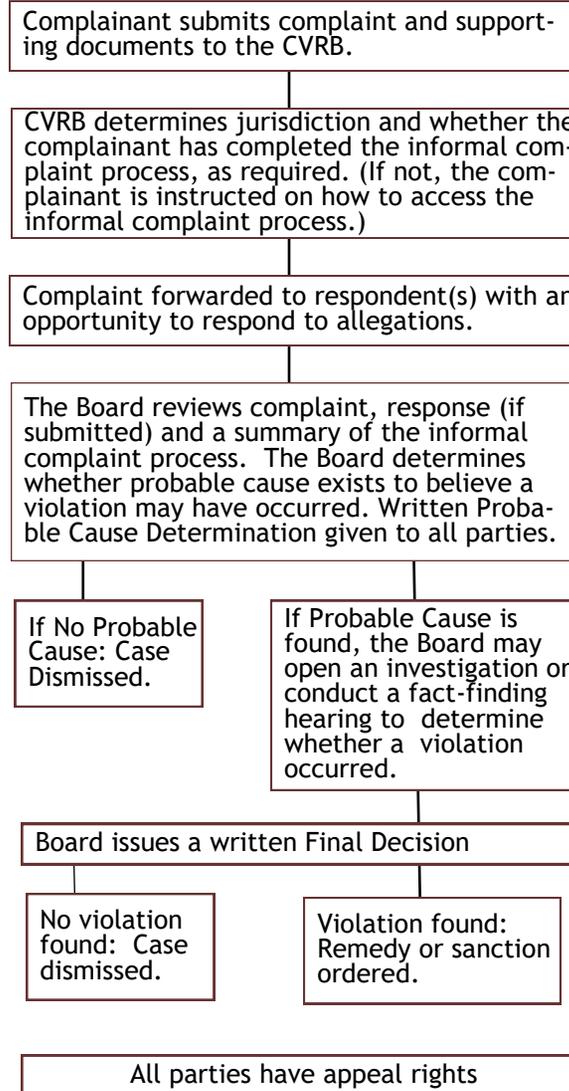


“...the legislature declares its intent in this chapter, to ensure that all victims and witnesses of crime are treated with **dignity, respect, courtesy and sensitivity**; and that the rights extended in this chapter to victims and witnesses of crime are **honored and protected** by law enforcement agencies, prosecutors and judges in a manner **no less vigorous** than the protections afforded criminal defendants.”

Wisconsin Statutes §950.01

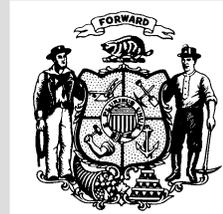
FORMAL COMPLAINT PROCESS



C V R B Mailing Address

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www.doj.state.wi.us/ocvs
Click on “Crime Victims Rights Board” tab



THE FORMAL COMPLAINT PROCESS

*Victims’ rights
in Wisconsin*

INTRODUCTION

The Wisconsin Crime Victims Rights Board (CVRB)

The CVRB was created by the legislature through Wis. Stat. Chapter 950 to review victims' rights complaints filed by victims of crime against public officials, public employees and public agencies.

The CVRB has limited administrative attachment to the Department of Justice (DOJ) for operational purposes. DOJ staff are assigned to assist the Board in carrying out its statutory duties. However, it is an independent agency 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.

Filing A Complaint

The CVRB is prohibited from taking a complaint until the victim has completed an informal process with the DOJ Victim Resource Center (VRC). Most complaints are resolved during this process. Information about the VRC is online at www.doj.state.wi.us/ocvs or victims can call 1-800-446-6564 during business hours.

FORMAL COMPLAINT PROCEDURE

Filing a Complaint: The person filing the complaint (the "complainant") has the burden of proof and should, therefore, provide detailed information and documentation to support his or her allegation(s). The Board can only review complaints involving victims' statutory or constitutional rights. [Information about these rights can be found at www.doj.state.wi.us/cvs.] 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 response to the Board. Complainants and respondents may hire attorneys to help them present their positions if they wish, but attorneys are not required.

Probable Cause: The Board reviews materials submitted by the parties and a summary from the VRC to decide whether probable cause exists. Probable cause (PC) means there is enough evidence that a violation may have occurred to warrant further review. This decision, and the legal basis for it, is sent to all parties in a written *Probable Cause Determination*. If no PC is found, the case is dismissed. If the Board determines that PC exists, it may conduct an investigation or hold a fact-finding hearing to determine if a violation occurred.

Final Decision: At the conclusion of its investigation (or hearing, if one is held), the Board issues a written *Final Decision and Order* to the parties. The decision outlines the findings of fact, conclusions of law and any remedy or sanction to be imposed if violations of victims' rights are found.

Appeals: Parties may request a rehearing (if a hearing was held) or a judicial review of the Board's 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.

Find more online, including links to related laws:

www.doj.state.wi.us/ocvs/victim-rights/crime-victims-rights-board