

IN THE MATTER OF COMPLAINT
AGAINST THE MILWAUKEE POLICE
DEPARTMENT and THE MILWAUKEE
COUNTY DISTRICT ATTORNEY'S OFFICE,

Case No. 21-322

Respondents.

DISMISSAL ORDER

On March 23, 2021, the Crime Victims Rights Board (“the Board”) considered a complaint filed against the Milwaukee Police Department (“MPD”) and the Milwaukee County District Attorney’s Office (“the DA’s Office”), wherein the complainant alleges a violation of her right to privacy as a crime victim.

The Board finds that no constitutional or statutory victim right to privacy is implicated by the allegations in the complaint.

The complainant alleges that a case record was improperly transmitted from the prosecutor (the DA’s Office) to the investigating agency (MPD) in a case in which she was the victim. The complainant was employed by MPD before and after the investigation and referral to the DA’s Office. The complainant also alleges that her employer’s consideration of this shared record during her candidacy for a promotion was improper and the reason she did not receive the promotion.

The Board finds that no victim right to privacy was implicated when the DA's Office gave the record to MPD because both agencies were properly in possession of the record. It is common practice for a prosecuting agency to return all record evidence to the investigating agency when there is no prosecution. The manner in which the record evidence is returned is within the discretion of the agencies.

Further, the Board finds that the internal investigation related to the promotional opportunity does not implicate a victim right and is therefore beyond the purview of the Board.

The allegations in the complaint do not involve a constitutional or statutory victim right over which the Board has jurisdiction. For this reason, the complaint cannot be reviewed and is dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED:

1. That the complaint cannot be reviewed and is hereby dismissed because no constitutional or statutory victim right is implicated by the allegations in the complaint.

2. That the Board hereby provides notice to the complainant of the right to seek judicial review of this final decision pursuant to Wis. Stat. § 227.52. Attached to this decision is a summary of appeal rights.

3. That judicial review of this final decision is governed by Wis. Stat. §§ 227.52–227.59. *See* Wis. Admin. Code CVRB § 1.10.

4. That a copy of this dismissal order shall be provided to the complainant in accordance with Wis. Admin. Code CVRB § 1.05(8), as identified in the Service List below.

Dated this 10th day of May, 2021.



Chairperson Jennifer Dunn
Crime Victims Rights Board

SERVICE LIST

M.N.

[street address withheld]

Julie Braun

CVRB Operations Director

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