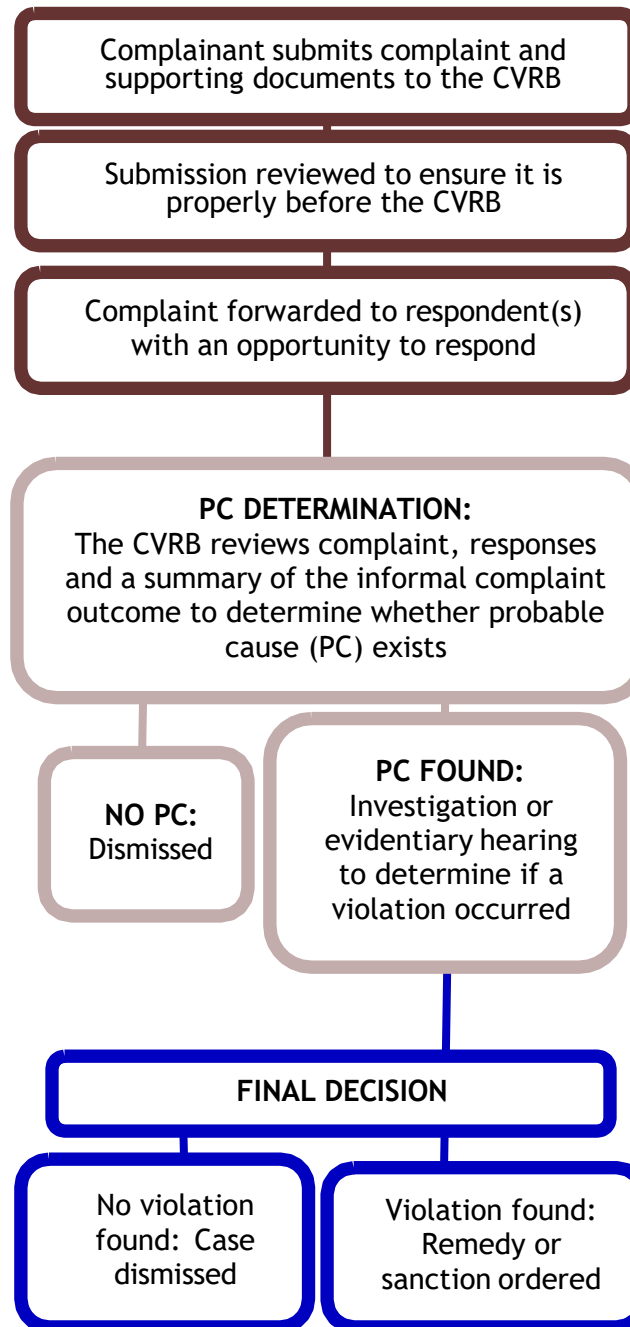




THE FORMAL VICTIMS' RIGHTS COMPLAINT PROCESS IN WISCONSIN

FORMAL COMPLAINT PROCESS



All parties have appeal rights

[CONTACT INFORMATION]

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OVERVIEW

Wisconsin Crime Victims Rights Board (CVRB) Authority

The CVRB operates by the authority of Ch. § 950.09 to review victim rights complaints against public officials, employees and agencies. DOJ staff are assigned to assist the CVRB with operations. However, 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 may refer such complaints to the Judicial Commission. If a victim doesn't sign or consent to 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

A complaint must first be addressed in an informal process with the WI DOJ Victim Resource Center (VRC). When that process is completed, a CVRB complaint form is provided. *Records from the informal process are not forwarded to the CVRB.* For more information about the VRC process, call 1-800-446-6564 or see 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 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. If the CVRB determines that PC exists, it may open an investigation or hold a fact-finding hearing to determine if 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.

Appeals: Parties may request a rehearing (if a 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. The procedure for a judicial review is governed by Wis. Stat. Chapter 227.

REMEDIES FOR VIOLATIONS

The CVRB may not seek to reverse, appeal or modify a judgment of conviction. 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**
- **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. (Forfeiture money does not go to the complainant)
- **Refer to the Judicial Commission** an allegation involving a judge.

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.

LINKS TO RELATED LAW:

[Chapter 950 Rights](#) * [Juvenile Justice Code](#) * [CVRB Procedure](#) * [Constitutional Victims Rights](#)