

An Overview of the Crime Victims Rights Board

*Office of Crime Victim Services
November 2024*

Wisconsin Crime Victims Rights Board

The Wisconsin Crime Victims Rights Board (CVRB) is the state's victim rights enforcement body. The CVRB is an independent, fact-finding body with legislative authority to issue sanctions for violations of statutory or constitutional victim rights by public officials, agencies or employees.

The Law:

Wis. Stat. §950.04(1v)(zx): Victims of crime have the right “to complain to the department of justice concerning the treatment of crime victims, as provided under s. [950.08 \(3\)](#), and to request review by the crime victims rights board of the complaint, as provided under s. [950.09 \(2\)](#)”.

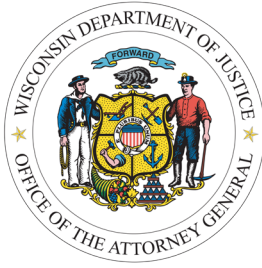
The CVRB is an independent quasi-judicial body that operates by authority of [Wis. Stat. Chapter 950.09](#) and [Wisconsin Administrative Code CVRB 1](#) to review complaints regarding possible violations of the rights of crime victims by public officials, employees or agencies.

Operations:

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.

The CVRB was created with a limited administrative attachment to the Department of Justice (DOJ), meaning DOJ provides operational support to the Board, but the actions of the Board are not subject to the review or approval of the attorney general. DOJ provides an Operations Director, CVRB Executive Assistant, and an Assistant Attorney General to support the operations of the CVRB.

On October 6, Anne Kessenich started as the Operations Director for the CVRB. Anne is responsible for the executive management functions of the CVRB and ensuring that procedures protect the interests of all parties involved in a formal review.



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Filing Process:

Before filing a CVRB complaint, the potential victim rights violation(s) **must** be addressed through the informal complaint process with the WI DOJ Victim Resource Center (VRC).

For the CVRB process, 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.

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.

Probable cause is not a finding of wrongdoing. It means there is enough evidence that a violation may have occurred to warrant further review. The probable cause decision is sent to all parties in writing. A finding of "No Probable Cause" is a final decision that dismisses the complaint.

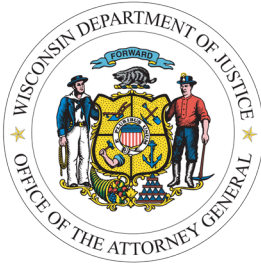
If the CVRB determines that there is probable cause to continue the review, it may open an investigation or hold a fact-finding hearing to gather the information needed to determine whether a violation occurred.

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.

Sanctions for Violations:

The CVRB may do the following 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



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- 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.

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.