

IN THE MATTER OF COMPLAINT
AGAINST THE CHIPPEWA COUNTY
SHERIFF'S OFFICE, and
THE BLOOMER POLICE DEPARTMENT,

Case No. 21-312

Respondents.

PROBABLE CAUSE DETERMINATION

1. The Crime Victims Rights Board (the "Board") reviewed a complaint filed by SR¹ against the Chippewa County Sheriff's Department (the "Sheriff's Department") and the Bloomer Police Department (the "Police Department"). The Board evaluated the complaint to determine whether it stated probable cause that the respondents violated SR's rights as a crime victim. *See Wis. Stat. § 950.04(1v)*. The Board finds no probable cause.

BOARD PROCEDURE

2. SR filed a complaint with the Board on November 4, 2021.
3. Upon receipt of the complaint, the Board contacted the Department of Justice (DOJ) Office of Crime Victim Services, which verified

¹ SR filed this complaint on behalf of her minor daughter, MR. The Board uses initials to protect the privacy of the complainant, her daughter, and other minors referred in this decision.

that the substance of the complaint had been presented to DOJ and that DOJ had completed the informal complaint process as to the issues raised in the complaint. *See Wis. Admin. Code CVRB § 1.05(1), (4).*

4. The Board gave a copy of the complaint to the respondents and invited them to answer the complaint. *See Wis. Admin. Code CVRB § 1.05(5).* The Police Department filed a response on December 9, 2021, and the Sheriff's Department filed a response on December 30, 2021.

5. The Board made this probable cause determination at a meeting on February 23, 2022. *See Wis. Admin. Code CVRB § 1.05(6).*

6. In making the probable cause determination, the Board considered all relevant information, including the complaint and responses. *See Wis. Admin. Code CVRB § 1.05(7)(a)–(c).*

7. The Board notifies the parties and DOJ of its conclusions through the issuance of this probable cause determination. *See Wis. Admin. Code CVRB § 1.05(8).*

STATEMENT OF THE CASE

8. In her complaint, SR alleges that her daughter, MR, was “the victim of persistent online harassment” by DM, a fellow student at her school. (Compl. 4.) SR reported the alleged harassment to the Police Department and the Sheriff's Department. SR claims both respondents were dismissive of her

complaint and violated her victim rights to be treated with fairness and dignity, to be provided with reasonable and timely updates on her case, and to receive protection from harm and threats arising out of her cooperation with law enforcement.

9. Both respondents filed written responses with supporting exhibits, including dozens of incident reports and a spreadsheet comprised of over 350 messages sent through various social media platforms. The respondents submitted the exhibits under seal to protect the identity of MR and the other minors referenced in the exhibits. After an extensive investigation spanning several months, both respondents concluded that there was no credible evidence that DM, or anyone else, committed a crime against MR. In fact, the respondents believed that MR may have sent the harassing online messages to herself.

PROBABLE CAUSE DETERMINATION

10. Probable cause is “a reasonable basis for belief, supported by facts, circumstances, and reasonable inferences strong enough to warrant a prudent person to believe that a violation probably has been or is being committed as alleged in the complaint.” Wis. Admin. Code CVRB § 1.02(9). Probable cause is satisfied by a believable or plausible account that the respondent probably has violated or is violating the victim’s rights. *See State v. Sorenson*, 143 Wis. 2d 226, 251, 421 N.W.2d 77 (1988).

11. At the probable cause stage, the Board evaluates the limited information available to it in the light most favorable to the complainant. The probable cause determination is not the proper time to debate and resolve credibility issues if essential facts, circumstances, and reasonable inferences are strong enough to warrant a prudent person to believe a violation probably has occurred or is occurring. *See State ex rel. Huser v. Rasmussen*, 84 Wis. 2d 600, 614, 267 N.W.2d 285 (1978).

12. The Board employs a three-step methodology to analyze the complaint: (1) whether the complainant was a crime victim; (2) whether the allegations implicate any constitutional or statutory victim rights; and (3) whether the respondent failed to comply with any duty imposed by a constitutional or statutory provision.

13. This case fails at the first step.

14. Whether a person is a crime victim is determined by statute. “A crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both.” Wis. Stat. § 939.12. A crime victim is “[a] person against whom a crime has been committed.” Wis. Stat. § 950.02(4)(a)1. If the crime victim is a child, his or her parent, guardian, or legal custodian is a victim. Wis. Stat. § 950.02(4)(a)2. “Victim’ does not include the person charged with or alleged to have committed the crime.” Wis. Stat. § 950.02(4)(b).

15. A person may meet the statutory definition of victim at one point in time but not another, when more information comes to light. The Board evaluates this threshold question using the facts available at the time of analysis.

16. The Board has reviewed the complaint and both responses with supporting exhibits. The Board finds that the conduct SR reported to the respondents constituted a crime, which both respondents treated as such and investigated. The initial investigation was limited because SR provided the respondents with screenshots that lacked any reference to who may have created or sent the messages. The respondents subsequently conducted a forensic examination of the phones, subpoenaed internet service records, and examined logins associated with the messages. The respondents determined that some of the messages in question were sent from SR's household IP address, leading them to believe that she likely sent the messages herself. Based on this information and the entire record before the Board, the Board finds no reasonable basis to believe that the complainant and her daughter meet the statutory definition of "victim." *See* Wis. Stat. § 950.02(4)(a). Therefore, the Board finds no probable cause that a victim rights violation occurred.

ORDER

Based on the foregoing, it is hereby ORDERED:

1. That there is no probable cause that a victim rights violation occurred, so the complaint is dismissed. A finding of no probable cause is a final decision of the Board under Wis. Admin. Code CVRB § 1.05(8).

2. That the Board hereby provides notice to the parties 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 probable cause determination will be provided to all parties in this proceeding and in accordance with Wis. Admin. Code CVRB § 1.05(8), as identified in the service list below.

Dated this 12th day of April, 2022.



Chairperson Jennifer Dunn
Crime Victims Rights Board

SERVICE LIST

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