

IN THE MATTER OF COMPLAINT
AGAINST THE ST. CROIX COUNTY
DISTRICT ATTORNEY'S OFFICE and
DISTRICT ATTORNEY MICHAEL NIESKES,

Respondents.

DISMISSAL ORDER

On July 29, 2021, the Crime Victims Rights Board (“the Board”) considered a complaint filed against the St. Croix County District Attorney’s Office (“the DA’s Office”) and former District Attorney Michael Nieskes.

The complainant alleges that in 2015, during the investigation of an unrelated case, he told police he was sexually abused as a child. The complainant says his attorney told him Nieskes would not allow the complainant to make a statement about the alleged abuse until after the other case was resolved. On June 2, 2016, the complainant made a statement about the alleged abuse, and he met with police again in December 2016 and November 2017. Police sent their reports to the DA’s Office on December 13, 2018. Nieskes declined to issue charges.

The complainant objects to Nieskes’s decision not to issue charges. He says “it is a conflict of interest with D.A. Nieskes and St. Croix County to move

ahead without charges and my rights as a victim were violated because of the unrelated case.” (Compl. 4.)

The Board finds that Nieskes’s discretionary decision not to issue charges does not implicate a constitutional or statutory victim right and is therefore beyond the purview of the Board. Further, to the extent the complainant claims his victim rights were violated during the investigation in 2016 and 2017, those claims—even assuming they implicated a victim right—are barred by the three-year statute of limitations and may not be considered by the Board. *See* Wis. Admin. Code CVRB § 1.04(5). For these reasons, the complaint cannot be reviewed and is hereby 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 24th day of August, 2021.



Chairperson Jennifer Dunn
Crime Victims Rights Board

SERVICE LIST

T.R.

[street address withheld]

Julie Braun

Wisconsin Department of Justice

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