

IN THE MATTER OF COMPLAINT  
AGAINST THE HOBART-LAWRENCE  
POLICE DEPARTMENT,

Case No. 22-001

Respondent.

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### FINAL DECISION

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1. The Crime Victims Rights Board finds that complainant AJ<sup>1</sup> has shown by clear and convincing evidence that the respondent Hobart-Lawrence Police Department violated AJ's rights as a crime victim. *See Wis. Stat. § 950.04(1v).*

### BOARD PROCEDURE

2. AJ and her father, through counsel, filed a complaint with the Board on January 25, 2022.

3. Upon receipt of the complaint, the Board contacted the Department of Justice (DOJ) Office of Crime Victim Services, which verified 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).*

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<sup>1</sup> This final decision uses the initials of the victim and others involved in the case to protect the victim's privacy.

4. The Board gave a copy of the complaint to the Department and invited it to answer the complaint. *See Wis. Admin. Code CVRB § 1.05(5)*. The Department, through counsel, filed a response on March 15, 2022.

5. At a meeting on May 17, 2022, the Board found probable cause. *See Wis. Admin. Code CVRB § 1.05(6)*.

6. The Board notified the parties and DOJ of its conclusions through the issuance of a written probable cause determination. *See Wis. Admin. Code CVRB § 1.05(8)*.

### **PROBABLE CAUSE DETERMINATION**

7. The Board found probable cause that the Department violated AJ's right to fairness, dignity, and respect for privacy when officers allegedly disclosed information about AJ to other victims. *See Wis. Stat. § 950.04(1v)(ag)*; *see also Wis. Const. art. I, § 9m(2)(a), (b)*. The Board found no probable cause as to AJ's other allegation.

8. The Board ordered an investigation to gather more information about the allegation on which probable cause was found.

### **INVESTIGATION**

9. The Board requested additional information from the parties regarding the Department's interviews with the other victims (BO and PB), including the dates of the interviews, who was present, and any corroboration for the statements made during the interviews.

10. The Department submitted 33 pages of documents, including case reports documenting the Department's interactions with BO and PB, and the report from the dispatch call involving PB at the sexual assault center. The Board allowed the Department to submit these documents under seal due to the sensitive and identifying information contained therein.

11. AJ submitted 100 pages of documents, including an email AJ's attorney sent to himself documenting a text he received from AJ's mother; an unsigned statement from PB's brother; a transcript of the deposition of PB's mother in a civil case AJ filed against her alleged perpetrator; and an excerpt from PB's signed statement describing her contact with the Department. AJ also submitted a video recording of a FaceTime conversation between BO and AJ, during which BO describes what the Department said to her about AJ's case.

### **FINDINGS OF FACT**

12. The Board's evidentiary standard for resolving disputed factual questions is the "[c]lear and convincing evidence" standard. "Clear and convincing evidence' means evidence which satisfies and convinces the Board, because of its greater weight, that a violation occurred." Wis. Admin. Code CVRB § 1.07(7).

13. The burden of proof is on the complainant. This burden of proof is very important and can be the deciding factor in the Board's resolution of

factual disputes. Where the evidence on a particular factual question is equally believable or plausible, the effect of the burden of proof is that the Board must find that the complainant failed to prove the point by clear and convincing evidence.

14. On September 1, 2018, 14-year-old AJ reported that she was sexually assaulted by 20-year-old Taylor Conklin during a sleepover at a friend's house several months earlier, on June 2, 2018. (Compl. 3; Resp. 1.)

15. The Department investigated and issued a report, detailing the information gathered during the investigation. (Compl. 14–15; Resp. 3.)

16. The Department did not refer the case to the district attorney for charging at that time, but Conklin was later charged for assaulting AJ after another victim came forward. (Compl. 8–12 (criminal complaint in Brown County Case No. 21-CF-0622).)

17. On February 15, 2019, another teen girl, PB, reported a sexual assault to the Department. PB reported that she too was assaulted at the residence where AJ's assault allegedly took place, but by a different perpetrator. (Resp. Investigation Docs. 32; Compl. Investigation Docs. 100.)

18. Officer Randy Radloff interviewed PB at the Green Bay Sexual Assault Center. (Resp. Investigation Docs. 32.)

19. PB did not want to discuss her assault at that time, and instead wanted to provide information about AJ's case. (Resp. Investigation Docs. 32; Compl. Investigation Docs. 39, 100.)

20. The information PB provided was based on things AJ had told her. (Resp. Investigation Docs. 32.)

21. Radloff explained that the district attorney had decided not to prosecute AJ's case at that time due to the lack of evidence. (Resp. Investigation Docs. 32.)

22. Radloff did not write an incident report after his interview of PB because PB did not want to report her alleged sexual assault at that time. (Resp. Investigation Docs. 32.)

23. AJ alleges that when PB and her family met with Radloff on February 15, 2019, Radloff made comments about AJ's family, her credibility, and the weakness of her case. (Compl. 5.)

24. The Department does not specifically dispute that Radloff made comments of that nature. (Resp. 4–5.)

25. To the extent there is a factual dispute as to Radloff's comments, the Board resolves that dispute in favor of AJ because the evidence submitted by the parties supports AJ's version of the facts:

a. PB's mother testified at a deposition in AJ's civil lawsuit that Radloff stated that AJ's family was "just trying to sue them to get money

and they're creating all kinds of havoc in the village” and asked if AJ’s family paid PB to come forward. (Compl. Investigation Docs. 39, 46.)

b. PB’s mother further testified that Radloff stated that AJ “brought this onto herself” and “has no credibility” due to “her own issues with the law.” (Compl. Investigation Docs. 45, 47.)

c. PB’s mother also testified that she was so upset by what happened with Radloff that she immediately called the chief of police. (Compl. Investigation Docs. 47–48.)

d. PB indicated in a signed statement that she overheard Radloff say that AJ was not credible and that AJ’s family was probably paying PB to come forward. (Compl. Investigation Docs. 100.)

e. PB further stated that based on Radloff’s comments about AJ, PB was disinclined to report her own sexual assault, fearing similar treatment. (Compl. Investigation Docs. 100.)

f. PB’s brother, in an unsigned statement, corroborated his mother’s and sister’s accounts of the meeting with Radloff, including Radloff’s disparaging comments about AJ’s family and credibility. (Compl. Investigation Docs. 5–6.)

g. The Department’s report documenting Radloff’s September 1, 2018, meeting with AJ details factual inconsistencies in

AJ's allegations that are similar to what Radloff told PB and her family about AJ. (Compl. 14–15.)

26. In June 2021, another teen girl, BO, reported a sexual assault to the Department. Her report was taken by Officers Radtke and Schroeder on June 11 and 14, respectively. (Resp. Investigation Docs. 13–15, 31.)

27. BO reported that she was assaulted by her ex-boyfriend at her home about a month earlier. (Resp. Investigation Docs. 13–15.)

28. BO's assault is unrelated to AJ's, but BO and AJ are friends. (Compl. Investigation Docs. 2; BO video.)

29. AJ alleges that when Radtke and Schroeder met with BO, they made comments about AJ's credibility and the weakness of her case. (Compl. 4.) Officers Radtke and Schroeder deny that they made the comments AJ attributes to them. (Resp. 4.) The Board finds there is insufficient evidence to resolve this factual dispute.

## VICTIM RIGHTS AT ISSUE

30. **Right to be treated with fairness, dignity, and respect for privacy.** A crime victim has a right to “be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies.” Wis. Stat. § 950.04(1v)(ag); *see also* Wis. Const. art. I, § 9m(2)(a), (b) (right to “be treated with dignity, respect, courtesy, sensitivity, and fairness” and right to “privacy”). This right “does not impair the right or duty of a public official or

employee to conduct his or her official duties reasonably and in good faith.”  
Wis. Stat. § 950.04(1v)(ag).

### CONCLUSIONS OF LAW

31. The Board concludes that AJ was a crime victim because she reported that she was the victim of a sexual assault, conduct prohibited by state law and punishable by a fine or imprisonment or both. *See* Wis. Stat. §§ 939.12, 950.02(1m), (4).

32. The Board concludes that the Department is a public agency subject to the authority of the Board. *See* Wis. Stat. § 950.09(2)(a).

33. The Board concludes AJ’s allegations about the Department’s conduct during its interviews of PB in February 2019 and BO in June 2021 are not time-barred under Wis. Admin. Code CVRB § 1.04(5).

34. The Board concludes that the allegations in the complaint implicate AJ’s constitutional and statutory rights as a victim, specifically her right to “be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies.” Wis. Stat. § 950.04(1v)(ag); *see also* Wis. Const. art. I, § 9m(2)(a).

35. The Board concludes that the Department violated AJ’s right to be treated with respect for privacy. AJ presented credible evidence that the Department made comments about AJ’s family, her credibility, and the weakness of her case to at least one other victim. Ultimately, AJ’s assault *was*

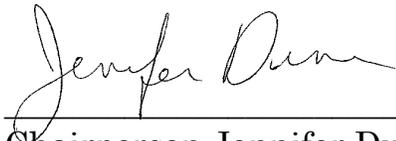
charged and prosecuted, after a different victim came forward. But in the meantime, the Department's comments about AJ's case may have dissuaded at least one other victim from reporting her assault. The Board concludes that the Department's actions, as shown by clear and convincing evidence, disrespected AJ's privacy in violation of her rights under Wis. Const. art. I, § 9m(2)(a), (b) and Wis. Stat. § 950.04(1v)(ag).

## ORDER

Based on the foregoing, it is hereby ORDERED:

1. That the complainant has shown by clear and convincing evidence that the respondent violated her rights as a crime victim.
2. That the Board sanctions the respondent with a private reprimand. *See* Wis. Stat. § 950.09(2). The reprimand will be sent under separate cover to the respondent.
3. That the Board will also issue a report and recommendation about the right to respect for privacy. The report will be devoid of identifying information and will be sent under separate cover to the parties and distributed widely to justice system stakeholders.
4. That this is a final, appealable order of the Board, and as such makes final and appealable any previous non-final orders of the Board.
5. That judicial review of this final decision is governed by Wis. Stat. §§ 227.52–.59. *See* Wis. Admin. Code CVRB § 1.10.
6. That a copy of this final decision shall 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 21st day of March 2023.

A handwritten signature in black ink that reads "Jennifer Dunn". The signature is written in a cursive style with a large initial "J".

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Chairperson Jennifer Dunn  
Crime Victims Rights Board

## SERVICE LIST

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