

IN THE MATTER OF COMPLAINT
AGAINST THE TOWN OF BELOIT
POLICE DEPARTMENT,

Case No. 233-005

Respondent.

FINAL DECISION

1. The Crime Victims Rights Board finds that the complainant, AW,¹ has shown by clear and convincing evidence that the respondent, Town of Beloit Police Department (the “Department”), violated AW’s rights as a crime victim.

BOARD PROCEDURE

2. AW filed a complaint with the Board on March 1, 2023.

3. Upon receipt of the complaint, the Board contacted the Department of Justice, Office of Crime Victim Services, Victim Resource Center (VRC), which verified that the substance of the complaint had been presented to the VRC and that the VRC had completed its action under Wis. Stat. § 950.08(3). *See* Wis. Admin. Code CVRB § 1.05(1), (4).

¹ This decision uses the victim’s initials to protect her 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 filed a response on May 8, 2023.

5. At a meeting on June 21, 2023, the Board found probable cause that AW's victim rights had been violated. *See Wis. Admin. Code CVRB § 1.05(6)*.

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

7. The Board found probable cause that the Department violated AW's right to a speedy disposition of the case and her right to information about the status of the case.

8. The Board did not request an investigation. *See Wis. Admin. Code CVRB § 1.06*.

9. Neither party requested a hearing. *See Wis. Admin. Code CVRB § 1.07*.

FINDINGS OF FACT

10. 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).

11. 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.

12. The Board finds the following facts.

13. On December 9, 2021, AW’s son was shot at her home. Several other people were shot during the incident, one fatally.

14. AW’s home was again struck by gunfire on January 15, 2022.

15. The Department responded to the second incident.

16. On May 6, 2022, AW contacted the Department for an update.

17. The officer she spoke with told AW that the Rock County Sheriff’s Office (the “Sheriff’s Office”) was handling the investigation of the January 2022 incident because it was related to the December 2021 incident, which the Sheriff’s Office was investigating.

18. The officer told AW that he would follow-up and contact her with an update. The Department has no record that the officer had any further contact with AW.

19. The Department's records show that officers requested that reports from the January 2022 incident be routed to the Sheriff's Office.

20. All law enforcement agencies in Rock County use the Spillman Records Management System to complete incident reports and list any persons, property, or evidence associated with the incident. Related incidents are electronically linked in the system, regardless of the agency where they originated, and are available to all law enforcement agencies in Rock County.

21. The Department's records show that Rock County Sheriff's Detective Luke DuCharme accessed the Department's reports from the January 2022 incident on February 22 and May 25, 2022.

22. The Department's reports from the January 2022 incident do not list AW as a victim, rather she is listed as "mentioned."

23. According to the reports, AW was not home when shots were fired at her house on January 15, 2022, but she later provided officers with information about a possible suspect vehicle that she obtained from social media. The Department disseminated the information to the Sheriff's Office and the City of Beloit Police Department.

24. On December 1, 2022, AW emailed the VRC.

25. In addressing AW's complaint, the VRC contacted the Department's Deputy Chief Brian Hasse. Deputy Chief Hasse contacted

Detective DuCharme, who confirmed that the Sheriff's Office was interested in the evidence from the January 2022 shooting.

26. Deputy Chief Hasse confirmed in an email received by the VRC on January 9, 2023, that the Sheriff's Office took possession of the evidence from the January 2022 shooting.

27. The Department had no contact with AW, or anyone involved in the incident, from May 6, 2022 (when AW called) until January 4, 2023 (when the VRC contacted the Department).

28. The Department assumed that all victim contact and follow-up would be handled by the Sheriff's Office.

29. Because the Department is small and has no detectives, it relies on the Sheriff's Office to handle and investigate complex crimes, like the shootings at issue here.

30. According to the Department, the Sheriff's Office had access to the Department's reports and list of evidence relating to the January 2022 incident via the Spillman Records Management System.

31. The Department did not, however, provide the actual evidence to the Sheriff's Office until after the VRC contacted the Department. In a follow-up email received by the VRC on January 9, 2023, the Department confirmed the evidence was turned over to the Sheriff's Office.

32. The Department states that its investigation into AW's complaint has shed light on the limitations of the Spillman Records Management System. Although the system can be accessed by all Rock County law enforcement agencies, there is no system by which agencies are notified of related incidents.

33. As a result, the Department has changed its practice so that when an incident is related to an incident from another agency, the Department will make direct phone or email contact with the other agency to confirm that it is aware of the association.

ALLEGATIONS OF VICTIM RIGHTS VIOLATIONS

34. **Right to a speedy disposition of the case.** A crime victim has a right to "a speedy disposition of the case in which they are involved as a victim in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter." Wis. Stat. § 950.04(1v)(k); *see also* Wis. Const. art. I, § 9m(2)(d).

35. **Right to information about the status of the case.** A crime victim has a right to receive, "[u]pon request, . . . reasonable and timely information about the status of the investigation and the outcome of the case." Wis. Const. art. I, § 9m(2)(o).

CONCLUSIONS OF LAW

36. The Board concludes that AW is a crime victim because she reported that her house was shot at causing extensive damage, which is

conduct prohibited by state law and punishable by a fine or imprisonment or both. *See* Wis. Stat. § 943.01(2)(d) (criminal damage to property).

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

38. The Board concludes that none of the allegations in the complaint occurred outside the three-year limitations period. *See* Wis. Admin. Code CVRB § 1.04(5).

39. The Board concludes that the allegations in the complaint implicate AW's victim rights and that the Department violated those rights as explained below.

Right to a speedy disposition of the case.

40. In analyzing an alleged violation of the right to a speedy disposition, the Board (1) identifies each delay, (2) determines the cause of the delay, (3) determines whether the delay was reasonable, and (4) if the delay was unreasonable, determines whether the delay was attributable to the respondent.

41. The Board identifies two periods of delay: from January 15, 2022 (the date of the incident) until May 6, 2022 (when AW contacted the Department) and from May 6, 2022, until January 9, 2023 (when the Department confirmed the evidence was turned over to the Sheriff's Office).

42. During that time, the Department did not contact AW or anyone involved in the incident, nor did the Department send the evidence to the Sheriff's Office or confirm that the Sheriff's Office was handling the investigation. The Department explained that it assumed the Sheriff's Office was handling the investigation and, therefore, would manage victim contact and follow-up and could access the Department's reports via the Spillman Records Management System. The Department did not, however, confirm that the Sheriff's Office was handling the investigation, nor did it send the evidence to the Sheriff's Office until after it was contacted by the VRC. Based on these undisputed facts, the Board concludes that the Department violated AW's right to a speedy disposition of the case. *See* Wis. Stat. § 950.04(1v)(k); Wis. Const. art. I, § 9m(2)(c), (d).

Right to information about the status of the case.

43. There is no dispute that the Department never initiated contact with AW. The Department explains this was because she was not listed as a victim in the reports and the Department assumed the Sheriff's Office was handling the investigation, along with victim contact and follow-up. When AW contacted the Department on May 6, 2022, she was told that the Sheriff's Office was handling the incident, but she was not given accurate information about the evidence, which was still in the possession of the Department and was not sent to the Sheriff's Office until months later. Based on these undisputed facts,

the Board concludes that the Department violated AW's right to information about the status of the investigation. *See* Wis. Const. art. I, § 9m(2)(o).

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 which will be sent under separate cover. *See Wis. Stat. § 950.09(2).*
3. 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.
4. That judicial review of this final decision is governed by Wis. Stat. §§ 227.52–.59. *See Wis. Admin. Code CVRB § 1.10.*
5. 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 13th day of December 2023.



Chairperson Jennifer Dunn
Crime Victims Rights Board

SERVICE LIST

AW

[street address withheld]

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Beloit, WI 53511

Julie Braun
Wisconsin Department of Justice
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Madison, WI 53703