

IN THE MATTER OF A COMPLAINT  
AGAINST THE PLOVER POLICE DEPARTMENT Case No. 233-010

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**FINAL DECISION**

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1. The Crime Victims Rights Board (“Board”) concludes that the complainant CRV<sup>1</sup> has shown by clear and convincing evidence that the respondent Plover Police Department (“PPD”) violated CRV’s rights as a crime victim.

**BOARD PROCEDURE**

2. CRV filed a complaint with the Board dated August 24, 2023.
3. Upon receipt of this complaint, the Board contacted the Department of Justice’s 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).
4. The Board gave a copy of the complaint to the PPD. The Board invited the PPD to answer the complaint. *See* Wis. Admin. Code CVRB § 1.05(5). PPD’s legal counsel filed a response on its behalf.

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<sup>1</sup> The Board uses initials to protect CRV’s privacy.

5. At a meeting on February 28, 2024, the Board found probable cause that the PPD violated CRV's right to be treated with dignity, respect, courtesy, sensitivity, and fairness. Wis. Const. art. I, § 9m(2)(a); Wis. Stat. § 950.04(1v)(ag). The Board found no probable cause that the PPD violated CRV's right to a timely disposition. Wis. Const. art. I, § 9m(2)(d); Wis. Stat. § 950.04(1v)(k).

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).

### **FINDINGS OF FACT**

7. After CRV and her estranged husband CJV<sup>2</sup> had a physical altercation, Officer Kyle Jolin of the PPD visited CRV to get a statement.

8. Officer Jolin came to the conversation with CRV with a preconceived notion of what had occurred.

9. As Officer Jolin was interviewing CRV, she almost immediately alleged that CJV had battered her.

10. Officer Jolin told CRV that she should stop instigating confrontations with CJV. He also asked her questions in a direct and accusatory manner.

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<sup>2</sup> The Board uses initials to protect CJV's privacy.

11. Officer Jolin cut CRV off, spoke over her, and discounted her version of events.

12. On a subsequent visit, after he watched the bodycam video of the initial visit, Officer Jolin apologized to CJV for how he behaved during his initial visit.

13. The PPD acknowledged that Officer Jolin's initial meeting with CRV was a "teaching moment."

### **VICTIM RIGHT AT ISSUE**

14. **Right to be treated with dignity, respect, courtesy, sensitivity, and fairness.** A crime victim is entitled to "be treated with dignity, respect, courtesy, sensitivity, and fairness." Wis. Const. art. I, § 9m(2)(a). The parallel statutory provision provides that 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).

### **CONCLUSIONS OF LAW**

15. 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).

16. 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.

17. The Board concludes that CRV was a crime victim because she reported that CJV, her estranged husband, battered her, which is conduct prohibited by state law and punishable by a fine or imprisonment or both. *See* Wis. Stat. §§ 940.19(1); 968.075(1)(a).

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

19. The Board concludes that none of the allegations in CRV's complaint occurred outside the three-year limitations period.

20. The Board concludes that CRV's complaint implicated the right to "be treated with dignity, respect, courtesy, sensitivity, and fairness." Wis. Const. art. I, § 9m(2)(a); Wis. Stat. § 950.04(1v)(ag).

21. The Board concludes that the PPD violated that right on Officer Jolin's initial visit with CRV. Officer Jolin's conduct during that visit demonstrated that he had made up his mind as to what had happened between CRV and CJV before hearing CRV's side of the story. He questioned her in an

accusatory manner. He also cut CRV off, spoke over her, and discounted her version of events.

22. To Officer Jolin's credit, he reviewed the bodycam video of his initial visit with CRV. After that review, he made a subsequent visit to CRV in which he apologized for how he had treated her during his initial visit.

### **ORDER**

Based on the foregoing, it is hereby ORDERED:

1. That CRV has shown by clear and convincing evidence that the PPD violated her rights as a crime victim.

2. That the Board declines to issue a sanction. 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 19th day of September 2024.



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Chairperson Jennifer Dunn  
Crime Victims Rights Board

## SERVICE LIST

CRV

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