

IN THE MATTER OF COMPLAINT
AGAINST THE ST. CROIX COUNTY
DISTRICT ATTORNEYS OFFICE,

Case No. 24-003

Respondents.

FINAL DECISION

1. The Crime Victims Rights Board (“the Board”) finds the following:

I. The complainant has shown by clear and convincing evidence that the respondents, the St. Croix County District Attorney’s Office (SCDA), violated P.G.’s right to timely notification of proceedings and timely information about the status of the investigation and outcome of the case.

II. The complainant has shown by clear and convincing evidence that the SCDA violated P.G.’s right to confer.

BOARD PROCEDURE

2. On October 7, 2024, P.G., filed a complaint with the Board.¹

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).

¹ This determination uses the initials of the victim to protect the victim’s privacy.

4. On October 30, 2024, P.G. submitted an amendment to the filed complaint. P.G. filed an additional amendment on November 8, 2024. The CVRB Operations Director determined that the filed amendments had to be mediated by the VRC pursuant to Wis. Stat. § 950.08(3).

5. On April 17, 2025, the CVRB Operations Director sent an email and letter to P.G.'s attorney. On April 18th the attorney responded that P.G. did not wish to move forward with the issues articulated in the filed amendments.

6. On May 5, 2025, the Board provided a copy of the complaint to the respondents and invited them to answer the complaint. *See* Wis. Admin. Code CVRB § 1.05(5).

7. On May 20, 2025, the SCDA filed their answer to the complaint.

PROBABLE CAUSE DETERMINATION

8. In its September 10, 2025, decision, the Board found probable cause that:

I. The SCDA failed to provide timely notification of proceedings and reasonable and timely information about the status of the investigation and outcome of the case. Wis. Const. art. I, § 9m(2)(g), Wis. Stat. § 950.04(1v)(g) and Wis. Const. art. I, § 9m(2)(o). (Final PC Determination ¶¶ 51–56.)

II. The SCDA failed to confer with P.G. Wis. Const. art. I, § 9m(2)(h) and Wis. Stat. § 950.04 (1v)(j). (*Id.* ¶¶ 57–63.)

9. In making this probable cause determination, the Board considered all relevant information, the complaint, response, and the letter documenting the VRC's action. *See* Wis. Admin. Code CVRB § 1.05(7)(a)–(c).

INVESTIGATION

10. The Board requested additional information from the SCDA regarding the following:

- a. **Any policy or procedure that the office undertakes when a victim invokes the right to confer in the Request to Exercise Victims Rights Form.**
- b. **An explanation why P.G. was not informed of the October 22, 2024, hearing date.**
- c. **An explanation of the circumstances surrounding the October 22, 2024, court date and why notice of the October 29, 2024, plea/sentencing hearing was not provided to P.G. prior to October 28, 2024.**

See Wis. Admin. Code CVRB § 1.06.

11. The SCDA responded to the Board's request, providing additional information that the Board considered.

HEARING REQUEST

12. The parties did not request a hearing. Wis. Admin. Code CVRB § 1.07.

FINDINGS OF FACT

The Board finds the following facts:

13. That on August 3, 2023, P.G. was hit by a drunk driver.
14. That the SCDA issued criminal charges against C.B. consisting of Operating While Intoxicated (3rd Offense) in violation of Wis. Stat. § 346.63(1)(a), Hit and Run in violation of Wis. Stat. § 346.67(1), and Operating with a Prohibited Alcohol Concentration in violation of Wis. Stat. § 346.63(1)(b).
15. That the SCDA sent P.G. a packet containing a Request to Exercise Victims Rights Form, right to confer, and Restitution Information Form.

16. That the SCDA did communicate numerous times with P.G. conveying court dates and updates on the case.

17. That on December 18, 2023, the SCDA received P.G.'s completed Request to Exercise Victims Rights Form and Restitution Information Form.

18. That P.G. checked the section requesting, “[t]o have an opportunity to confer with the prosecutor about the prosecution and possible outcomes of the case.”

19. That on October 15, 2024, a bench warrant was issued for C.B. On October 22, 2024, the SCDA was informed that C.B. was taken into custody and that there would be a hearing later that afternoon. At that hearing, a plea/sentencing date was scheduled for October 29, 2024.

20. That despite their normal practice of notifying the victim, the SCDA did not convey information regarding the October 29, 2024 date to P.G. until October 28, 2024.

21. That the SCDA did not provide P.G. with an opportunity to ask for a new date or address other information contained in the notification including a change in the settlement offer.

22. That the SCDA made many substantive decisions including amending settlement offers and deciding to convey a different restitution amount than what P.G. was requesting without discussing those decisions with P.G.

23. That though these changes were conveyed to P.G. in an email, neither an “attorney for the government,” nor the “prosecutor” spoke to P.G. about these changes despite P.G.'s request to confer.

ALLEGATIONS OF VICTIM RIGHTS VIOLATIONS

24. **Right to timely notification of proceedings.** Under the Wisconsin Constitution, a crime victim has a right “[u]pon request, to reasonable and timely notification of proceedings.” Wis. Const. art. I, § 9m(2)(g). The parallel statutory provision provides that a crime victim has a right to “[t]o have reasonable attempts made to notify the victim of hearings or court proceedings as provided under ss. 302.113(9g)(g)2, 302.114(6), 938.27(4m) and (6), 938.273(2), 971.095(3) and 972.14(3)(b).” Wis. Stat. § 950.04(1v)(g).

25. **Right to reasonable and timely information about the status of the investigation and outcome of the case.** Under the Wisconsin Constitution, a crime victim has a right “[u]pon request, to reasonable and timely information about the status of the investigation and the outcome of the case.” Wis. Const. art. I, § 9m(2)(o).

26. **Right to confer with the attorney for the government.** The Wisconsin Constitution states, a crime victim has a right “[u]pon request, to confer with the attorney for the government.” Wis. Const. art. I, § 9m(2)(h). Wisconsin statutes also state that crime victims have a right “[t]o have at his or her request, the opportunity to consult with the prosecution in a case brought in a court of criminal jurisdiction as provided under s. 971.095(2).” Wis. Stat. § 950.04(1v)(j).

CONCLUSIONS OF LAW

27. The Board's evidentiary standard for resolving disputed factual questions is "[c]lear and convincing evidence." "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).

28. 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.

29. The Board concludes that P.G. is a crime victim, as defined in Wis. Const. art. I, § 9m(1)(a)(1) and Wis. Stat. § 950.02(4)(a)(1).

30. The Board concludes that the members of the SCDA are public officials or employees subject to the authority of the Board. *See* Wis. Stat. § 950.09(2)(a).

31. The Board concludes that P.G.'s allegation of victims rights violations fall within the three-year limitations period. *See* Wis. Admin. Code CVRB § 1.04(5).

I. Right to timely notice of proceedings and timely information about the status of the investigation and outcome of the case.²

32. The Board concludes that there is clear and convincing evidence that the SCDA violated P.G.'s right to timely notice of proceedings and timely information about the status of the investigation and outcome of the case.

² The Board determined that the allegations related to these victims rights were intertwined so the Board chose to resolve these victims rights together.

33. The Board concludes that the SCDA failed to follow their established practice of notifying a victim and failed to notify P.G. of the October 29th court hearing until October 28, 2024.

II. Right to confer with the attorney for the government.

34. The Board concludes that there is clear and convincing evidence that the SCDA violated P.G.'s right to confer with the attorney for the government.

35. The Board concludes that P.G. indicated on the victims right form that he wished "[t]o have an opportunity to confer with the prosecutor about the prosecution and possible outcomes of the case."

36. The Board concludes neither a prosecutor nor the victim/witness specialist from the SCDA initiated contact to discuss the case. Of particular concern was when the SCDA modified P.G.'s restitution request without consulting P.G.

37. The Board concludes that once P.G. made the request to confer with the prosecutor, it was the SCDA's responsibility to initiate the process to fulfill this right, not P.G.'s.

38. The Board concludes that when a victim requests to confer with the attorney for the government, conferring with a victim/witness specialist is insufficient to satisfy this request unless the victim states otherwise.³

39. That the Board emphasizes the importance of precise language on forms provided to crime victims. If a crime victim requests their victims rights, those

³ It is appropriate for the victim/witness specialist to make initial contact with a victim to determine if attorney contact is necessary. However, if a victim requests to speak with the attorney for the government, the victim/witness contact will not satisfy this obligation.

requests must prompt action by the agency. After the execution of a victims right is requested, it is not the victim's responsibility to engage the agency. It is the agency's responsibility to engage the victim.

Based on the foregoing, it is hereby ORDERED:

1. That the complainant has shown by clear and convincing evidence that the respondents violated P.G's rights as a crime victim.

2. That the Board recognizes that a formal finding of a violation constitutes a sanction in itself, as these findings are taken seriously by agencies and can result in meaningful procedural improvements.

3. That the Board acknowledges that the SCDA did respond to the Board's request for additional information and did take responsibility for its errors in that submission.

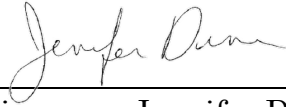
4. That the Board declines to issue a sanction in this matter.

5. That this is a final, appealable order of the Board, and as such makes any previous non-final orders of the Board final and appealable.

6. That judicial review of this final decision is governed by Wis. Stat. §§ 227.52–.59. See Wis. Admin. Code CVRB § 1.10.

7. 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 December, 2025.

A handwritten signature in cursive script that reads "Jennifer Dunn".

Chairperson Jennifer Dunn
Crime Victims Rights Board