

IN THE MATTER OF COMPLAINT  
AGAINST THE RACINE COUNTY  
DISTRICT ATTORNEYS OFFICE,

Case No. 24-006

Respondents.

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### FINAL DECISION

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

**I. The complainant, C.Z.,<sup>1</sup> has failed to show by clear and convincing evidence that the respondent, the Racine County District Attorney’s Office (RCDA), violated C.Z.’s right as a crime victim to be treated with dignity, respect, courtesy, sensitivity, and fairness.**

**II. The complainant, C.Z., has shown by clear and convincing evidence that the respondent, the RCDA, violated C.Z.’s right as a crime victim to proceedings free from unreasonable delay and to have personal property expeditiously returned.**

### BOARD PROCEDURE

2. On December 3, 2024, C.Z. filed a complaint with the Board.

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).

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<sup>1</sup> This determination uses the initials of the victim to protect the victim’s privacy.

4. On December 11, 2024, the Board provided a copy of the complaint to the RCDA and invited the RCDA to respond to the complaint. *See* Wis. Admin. Code CVRB § 1.05(5).

5. The RCDA did not respond to the complaint.

### PROBABLE CAUSE DETERMINATION

6. In its May 15, 2025, decision, the Board found probable cause that:

I. The RCDA violated C.Z.'s right to dignity, respect, courtesy, sensitivity, and fairness under Wis. Const. art. I, § 9m(2)(a) and Wis. Stat. § 950.04(1v)(ag). (Final PC Determination ¶¶ 52–62.)

II. The RCDA violated C.Z.'s right to proceedings free from unreasonable delay and to have personal property expeditiously returned in violation of Wis. Const. art. I, § 9m(2)(d), Wis. Stat. §§ 950.04(1v)(k) and 950.04(1v)(s). (Final PC Determination ¶¶ 63–73.)

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

### INVESTIGATION

8. The Board requested additional information from the RCDA regarding the following:

- a) **Any policy regarding firearm returns written or otherwise.**
- b) **All communications with C.Z. or C.Z.'s attorney regarding the return of the firearms.**
- c) **All internal communications, not otherwise privileged, regarding the return of C.Z.'s firearms.**
- d) **An explanation of the following:**
  - i. **Whether the 30-day waiting period for the return of property after the completion of the criminal case is an office policy.**
  - ii. **Why C.Z. was told that she had to provide proof of registry.**

- iii. **Why only one firearm was returned initially.**
- iv. **Why there was a delay in setting a court date to address the return of property.**

*See Wis. Admin. Code CVRB § 1.06.*

9. On May 30, 2025, the RCDA responded to the Board's request, providing additional information that the Board considered.

### **HEARING REQUEST**

10. Neither C.Z. nor the RCDA requested a hearing. Wis. Admin. Code CVRB § 1.07.

### **FINDINGS OF FACT**

The Board finds the following facts:

11. On June 3, 2023, C.Z.'s husband was arrested for domestic violence Battery, Disorderly Conduct, and Operate Firearm While Intoxicated. C.Z. was the victim in that incident. The Town of Norway Police Department took possession of his firearm.

12. The Racine County Sheriff's Department went to C.Z.'s residence and asked C.Z. if there were any other firearms in the house. C.Z. stated that she owned three firearms. The Racine County Sheriff's Department took possession of the three firearms stating that the firearms would be returned once the case was over.

13. On December 22, 2023, C.Z. emailed the RCDA Victim/Witness Specialist (VWS) inquiring if there was any reason why she could not get her weapons returned. The VWS responded that they could not authorize the release of the firearms.

14. On January 30, 2024, C.Z. emailed VWS again asking if her firearms could be returned after the criminal case was completed. VWS responded that she would speak to the Assistant District Attorney handling the case about releasing the guns after the criminal case was complete.

15. On May 14, 2024, the RCDA sent an email to C.Z. attaching a property release letter for one of C.Z.'s firearms and indicating that District Attorney Patricia Hanson (DA) was going to review the release of the other firearm.

16. On May 23, 2024, the VWS told C.Z. that DA Hanson suggested that C.Z. write a letter to the judge regarding the release of her firearms.

17. Sometime between May 28 and 31, 2024, DA Hanson called C.Z. During that conversation, DA Hanson told C.Z. that she would be receiving notice of a court date for the return of her firearms.

18. C.Z. hired an attorney to assist her in retrieving the firearms. On June 6, 2024, the attorney contacted DA Hanson and was told that a hearing would be scheduled, and that DA Hanson would let them know when it was scheduled. On June 7, 2024, the attorney contacted DA Hanson to ask how notice of the hearing would be provided. The attorney did not receive a response from DA Hanson. On June 17, 2024, the attorney again contacted DA Hanson and did not receive a response back. On June 18, 2024, the attorney spoke to the Assistant District Attorney, previously assigned to the criminal case, who stated that the firearm return was in DA Hanson's hands.

19. On July 3, 2024, a petition for return of seized property was filed with the court by the attorney for C.Z. On July 10, 2024, a notice of hearing was entered. A hearing was scheduled for July 26, 2024.

20. On July 26, 2024, the court ordered that two firearms be returned to C.Z.

### **ALLEGATIONS OF VICTIM RIGHTS VIOLATIONS**

21. **Right to be treated with dignity, respect, courtesy, sensitivity, and fairness.** Under the Wisconsin Constitution, a crime victim has a right “[t]o 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). 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.” *Id.*

22. **Right to timely disposition of the case, free from unreasonable delay.** The Wisconsin Constitution states, a crime victim has a right “[t]o timely disposition of the case free from unreasonable delay.” Wis. Const. art. I, § 9m(2)(d). Wisconsin statutes also state that crime victims have a right “[t]o 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).

23. **Right to have property expeditiously returned.** Wisconsin statutes state that crime victims have a right “[t]o have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence, subject to s. 968.205. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, property subject to preservation under s. 968.205, and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.” Wis. Stat. § 950.04(1v)(s). Wisconsin Stat. § 968.20(1) provides that any person claiming the right to possession of property seized may apply for its return to the circuit court for the county in which the property was seized. The statute goes on to state:

1. If the seized property is a firearm, the property has not been returned under this section, and a person claiming the right to possession of the firearm has applied for its return under sub. (1), the court shall order a hearing under sub. (1) to occur within 20 business days after the person applies for the return. If, at the hearing, all conditions under sub. (1) have been met and the person is not prohibited from possessing a firearm under state or federal law as determined by using information provided under s. ~~165.63~~, the court shall, within 5 days of the completion of the hearing and using a return of firearms form developed by the director of state courts, order the property returned if one of the following has occurred:

- a. The district attorney has affirmatively declined to file charges in connection with the seizure against the person.
- b. All charges filed in connection with the seizure against the person have been dismissed.
- c. Ten months have passed since the seizure and no charges in connection with the seizure have been filed against the person.
- d. The trial court has reached final disposition for all charges in connection with the seizure and the person has not been adjudged guilty, or not guilty by reason of mental disease or defect, of a crime in connection with the seizure.
- e. The person has established that he or she had no prior knowledge of and gave no consent to the commission of the activity that led to the seizure.

Wis. Stat. § 968.20(1m)(d)1a.–e.

## CONCLUSIONS OF LAW

24. 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).

25. 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.

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

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

28. The Board concludes that C.Z.'s 2024 allegation of victims rights violations fall within the three-year limitations period. *See* Wis. Admin. Code CVRB § 1.04(5).

### **I. Right to be treated with Dignity, Respect, Courtesy, Sensitivity, and Fairness.**

29. The Board concludes that there is not clear and convincing evidence that the RCDA failed to treat C.Z. with dignity, respect, courtesy, sensitivity, and fairness.

30. The Board concludes that although the RCDA's communications were not clear and concise regarding the return of C.Z.'s firearms, the RCDA was generally responsive and respectful in its communications.

**II. Right to proceedings free from unreasonable delay and to have personal property expeditiously returned.<sup>2</sup>**

31. The Board concludes that there is clear and convincing evidence that the RCDA violated C.Z.'s rights to proceedings free from unreasonable delay and to have personal property expeditiously returned.

32. The Board concludes that in some situations the District Attorney can utilize her discretion to return a firearm or require a petitioner to file a property return with the court pursuant to Wis. Stat. § 968.20.

33. The Board concludes that although the District Attorney does not have the responsibility to request a property return hearing, when the District Attorney takes on this responsibility, they must follow through.

34. The Board concludes that taking on this responsibility is not a technicality. By agreeing to take on this responsibility, they have relieved the petitioner of having to take action.

35. The Board concludes that when DA Hanson indicated that a property return hearing would be scheduled and then failed to schedule the hearing, causing

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<sup>2</sup> The right to proceedings free from unreasonable delay and the right to have personal property expeditiously returned are separate rights, however they are so closely related in this matter that the Board is addressing them together.

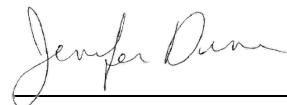
C.Z. to hire an attorney to assist her, this caused an unreasonable delay and delayed the return of C.Z.'s property.

### **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 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, it 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 4<sup>th</sup> day of November 2025.



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Chairperson Jennifer Dunn  
Crime Victims Rights Board