

IN THE MATTER OF COMPLAINT
AGAINST THE KEWAUNEE COUNTY
DISTRICT ATTORNEYS OFFICE,
THE CITY OF ALGOMA POLICE DEPARTMENT,
AND THE KEWAUNEE COUNTY SHERIFF'S DEPARTMENT

Case No. 24-008

Respondents.

FINAL DECISION

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

I. The complainant has not shown by clear and convincing evidence that the respondents, the Kewaunee County District Attorney’s Office (KCDA) and the Kewaunee County Sheriff’s Department (KCSA), violated A.F.’s right as a crime victim to be provided notice of W.K.’s release from custody.

BOARD PROCEDURE

2. On December 4, 2024, A.F., 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 alleged victim to protect the victim’s privacy.

4. 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).

5. On March 3, 2025, the KCDA filed their answer to the complaint.

6. The KCSO did not respond to the complaint.

PROBABLE CAUSE DETERMINATION

7. In its July 2, 2025 decision, the Board found probable cause that:

I. The KCDA and the KCSO violated A.F.'s right to timely notice of any release or escape of the accused under Wis. Const. art. I, § 9m(2)(k). (Final PC Determination ¶¶ 71-73.)

8. 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

9. The Board requested additional information from the KCDA regarding the following:

- a. **Information regarding whether the KCDA informed the KCSO that A.F. requested notification of W.K.'s release from custody.**
- b. **Information regarding the KCDA's process and procedure for notifying victims of an offender's release.**
- c. **Any information provided by the KCDA to A.F. regarding the VINE Program.**
- d. **Any information the KCDA provided A.F. about the possibility of release on Huber or electronic monitoring.**

See Wis. Admin. Code CVRB § 1.06.

10. That the Board requested that the **KCSO** provide the following information:

- a. **Information regarding KCSD's process and procedure for notifying victims of an offender's release.**
- b. **Any information provided by the KCSD to A.F. regarding the VINE Program.**
- c. **Any information the KCSD provided A.F. about the possibility of release on Huber or electronic monitoring.**
- d. **Any policy the KCSD has addressing notification to victims of an offender's release on Huber or electronic monitoring.**
- e. **Any information the KCSD has regarding the system for VINE to notify victims when offenders are released on Huber or electronic monitoring.**

See Wis. Admin. Code CVRB § 1.06

11. That the Board requests that A.F. provide the following information:
 - a. **Information regarding any requests A.F. made to be notified of W.K.'s release from custody, other than the request made in the Victims Rights Request Form provided to the KCDA.**
 - b. **Any communications conveying the request to be notified of W.K.'s release made to the KCDA and/or the KCSD other than the Victims Rights Request Form.**
 - c. **Any information regarding A.F. being informed of the VINE Program. If information was provided, please inform the Board who provided A.F. with the VINE information and whether A.F. enrolled in the VINE Program.**

See Wis. Admin. Code CVRB § 1.06

12. The KCDA, KCSD, and A.F. all responded to the Board's request, providing additional information that the Board considered.

HEARING REQUEST

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

FINDINGS OF FACT

The Board finds the following facts:

14. That in December 2021, A.F. was at an establishment and a substance was placed in A.F.'s drink when she walked away to use the restroom.

15. That on July 13, 2022, a criminal complaint was filed charging W.K. with Placing Foreign Objects in Edibles in violation of Wis. Stat. § 941.325, Administering Dangerous/ Stupefying Drug in violation of Wis. Stat. § 941.32, and 2nd Degree Recklessly Endangering Safety in violation of Wis. Stat. § 941.30(2).

16. That on September 14, 2023, W.K. pleaded guilty to Disorderly Conduct in violation of Wis. Stat. § 947.01(1) and Possession of THC in violation of Wis. Stat. § 961.41(3g)(e).

17. That W.K. was sentenced to 90 days in jail, with Huber release.

18. That W.K. was placed on electronic monitoring.

19. That Huber was granted by the court, but electronic monitoring is at the discretion of the jail once an inmate has served half of their sentence.

20. That neither the KCDA nor the KCSD notified A.F. that W.K. was released from custody to electronic monitoring.

21. That the KCDA provided A.F. with a Victims Rights Request Form, which A.F. filled out. The form asked, "If a defendant is incarcerated, you have the right to timely notification of a defendant's release, escape, or death. I want to be notified." A.F. indicated that she would like to be notified.

22. That the KCSD utilizes Vinelink which is a statewide system that notifies victims when suspects are moved or released from custody. Victims of crime are notified about Vinelink when they are provided with crime victim information by

the investigating agency. The crime victim must then sign up to receive the notifications.

23. That A.F. did not sign up for Vinelink notifications.

ALLEGATIONS OF VICTIM RIGHTS VIOLATIONS

24. **Right to timely notice of any release or escape of the accused if the accused is in custody.** Under the Wisconsin Constitution, a crime victim has a right “[u]pon request, to timely notice of any release or escape of the accused or death of the accused if the accused is in custody or on supervision at the time of death.” Wis. Const. art. I § 9m (2)(k).

CONCLUSIONS OF LAW

25. 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).

26. 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.

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

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

29. The Board concludes that A.F.'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 any release or escape of the accused if the accused is in custody.

30. The Board concludes that there is not clear and convincing evidence that either the KCDA or the KCSD violated A.F.'s right to timely notice of any release or escape of the accused.

31. The Board concludes that the KCDA did assume some responsibility to notify A.F. of W.K.'s release by creating a notification of release request on its Victim Rights Request Form. However, there is ambiguity in the law as to whether Huber release or electronic monitoring is legally considered "out of custody."²

32. The Board concludes that in Kewaunee County it is the responsibility of the investigating law enforcement agency to provide a crime victim information on Vinelink and how to sign up.

33. The Board concludes that the KCSD was not the original investigating agency, so did not provide Vinelink information.

² Offices should be cautious and clear when taking on notification obligations. From the victim's perspective it is reasonable for her to believe that she would be notified of any release by the KCDA.

34. The Board concludes that given the ambiguity in the law as well as the Kewaunee County practice of the investigating agency providing Vinelink notification information, there is not clear and convincing evidence that either the KCDA or the KCSD violated A.F.'s right to be notified of W.K.'s release from custody.

ORDER

Based on the forgoing, it is hereby ORDERED:

1. That the complainant has not shown by clear and convincing evidence that the respondents violated her rights as a crime victim.


2. That the Board recognizes the challenges and ambiguity across the State when it comes to notifying victims when offenders are placed on Huber and electronic monitoring. As a result, the Board will be issuing a Report and Recommendation to address these issues. See Wis. Stat. § 950.09(2).

3. 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.

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 28th day of November 2025.



Chairperson Jennifer Dunn
Crime Victims Rights Board