

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

Case No. 24-009

Respondents.

FINAL DECISION

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

I. The complainant, J.S., has shown by clear and convincing evidence that the respondent, the LCDA failed to provide reasonable and timely information about the status of the investigation and outcome of the case.

BOARD PROCEDURE

2. On December 4, 2024, J.S. 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).
4. The Board provided a copy of the complaint to the LCDA and invited the LCDA to respond to the complaint. *See* Wis. Admin. Code CVRB § 1.05(5).
5. On April 25, 2025, the LCDA filed a response to the complaint.

PROBABLE CAUSE DETERMINATION

6. In its September 18, 2025, decision, the Board found probable cause that:

I. The LCDA failed to provide reasonable and timely information about the status of the investigation and outcome of the case under Wis. Const. art. I, § 9m(2)(o). (Final PC Determination ¶¶ 56–64.)

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

INVESTIGATION

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

- a) **Information regarding what information was shared with the complainant regarding the stalking referral.**
- b) **Information regarding the LCDA's process and procedure for notifying victims of no prosecution decisions.**
- c) **Information regarding when law enforcement is utilized to convey no prosecution decisions made by the LCDA and whether there is a Memorandum of Understanding regarding this process.**

See Wis. Admin. Code CVRB § 1.06.

9. On October 14, 2025, the LCDA responded to the Board's request, providing additional information that the Board considered.

HEARING REQUEST

10. Neither J.S. nor the LCDA requested a hearing. Wis. Admin. Code CVRB § 1.07.

FINDINGS OF FACT

The Board finds the following facts:

11. In July 2023, J.S. captured video of a man, identified as D.D., trespassing on her property. J.S. reported the incident to the Lincoln County Sheriff's Office (LCSO).

12. The LCSO referred charges to the LCDA for their review.

13. On October 10, 2023, an LCDA Assistant District Attorney declined to prosecute the referred charges and requested that a LCSO Deputy convey that decision to J.S.

14. There was no indication that J.S. was informed of the no prosecution decision until January 16, 2024.

15. On January 16, 2024, J.S. asserted her right to receive reasonable and timely information about the status of the investigation and outcome of the case.

16. The LCDA acknowledged this assertion on January 24, 2024, when it sent a no prosecution letter to J.S.

17. In February 2024, J.S. informed the LCDA that additional information had been provided to law enforcement.

18. In March 2024, after a phone conference with J.S., the LCDA reviewed the case and observed that there was a supplemental report mentioning a Stalking offense added in February 2024. The Stalking offense was never formally referred to the LCDA.

19. The Lincoln County District Attorney (DA) reached out to the LCSO to determine if the LCSO believed that D.D.'s actions had stopped. The LCDA received a response indicating that there had not been another complaint since the LCSO spoke with D.D. The LCDA then determined that there was not enough evidence to issue criminal charges at that time.

20. The DA did not inform J.S. of his decision not to prosecute D.D. for Stalking. The DA did not view the Stalking allegations as a separate referral, so he did not believe that a no prosecution notification was necessary.

21. As a result of this complaint, the DA reviewed and revised the process utilized to notify crime victims of no prosecution decisions.

ALLEGATIONS OF VICTIM RIGHTS VIOLATIONS

22. **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).

CONCLUSIONS OF LAW

23. 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).

24. 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.

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

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

27. The Board concludes that J.S.'s allegation of victims rights violations stemming from a July 2023 incident falls within the three-year limitations period. *See* Wis. Admin. Code CVRB § 1.04(5).

I. The LCDA failed to provide reasonable and timely information about the status of the investigation and outcome of the case.

28. The Board concludes that there is clear and convincing evidence that the LCDA failed to provide reasonable and timely information about the status of the investigation and outcome of the case.

29. The Board concludes that the LCDA failed to inform J.S. of the original no prosecution decision until January of 2024, three months after making the decision.

30. The Board concludes LCDA's process for notifying victims of no prosecution decisions was insufficient.¹

ORDER

Based on the foregoing, it is hereby ORDERED:

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

2. That the Board declines to issue a sanction. *See* Wis. Stat. § 950.09(2).

3. That the Board believes that a violation determination is a sanction in and of itself.

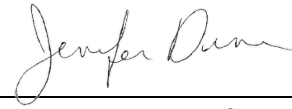
4. That this is a final, appealable order of the Board, and as such, it makes final and appealable any previous non-final orders of the Board.

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

6. 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.

¹ The Board commends the LCDA for implementing process changes to address these issues.

Dated this 27th day of February 2026.

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

Chairperson Jennifer Dunn
Crime Victims Rights Board