

IN THE MATTER OF COMPLAINT
AGAINST THE DANE COUNTY
SHERIFF'S DEPARTMENT,

Case No. 25-003

Respondents.

PROBABLE CAUSE DETERMINATION

1. The Crime Victims Rights Board (“the Board”) reviewed a complaint filed by D.Y.¹ against the Dane County Sheriff’s Office (DCSO).² The Board evaluated the complaint and other relevant information to determine whether there is probable cause that the DCSO violated D.Y.’s rights as a crime victim. *See* Wis. Stat. § 950.04(1v). **The Board finds no probable cause.**

BOARD PROCEDURE

2. On March 14, 2025, D.Y. filed a complaint with the Board.³
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

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

² D.Y.’s complaint also implicates her employer. However, Wis. Stat. § 950.09(2)(a) only allows the Board jurisdiction over, “public officials, employees or agencies that violate the rights of crime victims.” The Board has no jurisdiction over a private employer.

³ D.Y. articulated ongoing activities that occurred after her report to the DCSO. (CVRB 25-003 Compl. 012–014.) These allegations fall outside the complaint against the DCSO as they were not part of its investigation. As such, the Board will not address these allegations in this decision.

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 DCSO and invited them to answer the complaint. *See Wis. Admin. Code CVRB § 1.05(5).*

5. On May 6, 2025, the DCSO filed their answer to the complaint.

6. The Board made this probable cause determination at a meeting held on May 21, 2025. *See Wis. Admin. Code CVRB § 1.05(6).*

7. 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).*

8. The Board notifies the parties and the VRC of its conclusions through the issuance of this probable cause determination. *See Wis. Admin. Code CVRB § 1.05(8).*

STATEMENT OF THE CASE

D.Y.'S COMPLAINT⁴

Claim I: The DCSO failed to treat D.Y. with dignity, respect, courtesy, sensitivity, and fairness.

9. On September 11, 2023, D.Y. reported a vandalism to her scooter and an attempt to harm D.Y. that occurred at her former place of employment. The report was taken by a deputy with the DCSO. (CVRB 25-003 Compl. 6.)

⁴ This section is derived from the submissions of the complainant. The information contained in this section does not constitute findings of fact by the Board.

10. D.Y. asked that the scooter vandalism and incident be properly reported, to have the physical evidence submitted, and to be investigated. (*Id.*)

11. The deputy ignored and neglected to document what D.Y. had reported and instead focused on D.Y.'s sexual harassment claims. D.Y. had provided the deputy details of what had happened at her place of employment during her vandalism report. (*Id.*)

12. The report generated by the deputy contained a large amount of false, contradictory, and inaccurate information. These inaccuracies obstructed D.Y.'s ability to file any future claims. (*Id.*)

13. D.Y. felt that the deputy's reporting was an attempt to discredit her and block further action to hold the parties responsible accountable. (*Id.*)

DANE COUNTY SHERIFF'S DEPARTMENT RESPONSE⁵

14. The DCSO, through the Dane County Office of Corporation Counsel, provided a response to the complaint. (Resp't Letter Resp. to Def.'s Compl., May 6, 2025.)

Claim I: The DCSO failed to treat D.Y. with dignity, respect, courtesy, sensitivity, and fairness.

15. D.Y. contacted the DCSO on September 11, 2023, to report sexual and other forms of harassment that she alleged occurred at her workplace. (*Id.* at 001.)

16. A DCSO deputy investigated the allegations and authored a report. The deputy concluded that there was not sufficient evidence to warrant criminal charges

⁵ This section is derived from the submissions of the respondent. The information contained in this section does not constitute findings of fact by the Board.

and that any workplace rule violation or harassment would need to be addressed through civil court action. (*Id.* at 001, 011.)

17. D.Y.'s complaint consisted of a claim that she was sexually harassed at her place of employment and that someone punctured her scooter tire. (*Id.* at 011.)

18. The deputy determined that the sexual harassment consisted of another employee asking D.Y. out and leaving a phone number on D.Y.'s window. (*Id.*)

19. The deputy indicated that he thoroughly investigated D.Y.'s complaints and that his reports contained factual information. The information contained in his report was reflected as it was reported to him. (VRC Closing Letter 001–002.)

ALLEGATIONS OF VICTIM RIGHTS VIOLATIONS

20. **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.” Wis. Stat. § 950.04(1v)(ag).

DETERMINATIONS OF FACT

21. The Board finds no dispute of material fact between the parties.

INTERPRETATIONS OF LAW

22. The Board employs a multi-step methodology to analyze the complaint: (1) whether the complainant was a crime victim; (2) whether the respondents are subject to the authority of the Board; (3) whether the allegations are time-barred; (4) whether the allegations implicate any constitutional or statutory victim rights; and (5) whether the respondents failed to comply with any duty imposed by a constitutional or statutory provision.

23. Whether a person is a crime victim is determined by statute. “A crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both.” Wis. Stat. § 939.12. A crime victim is “[a] person against whom a crime has been committed.” Wis. Stat. § 950.02(4)(a)1.; *see also* Wis. Const. art. I, § 9m(1)(a)1. A crime victim “does not include the person charged with or alleged to have committed the crime.” Wis. Stat. § 950.02(4)(b); *see also* Wis. Const. art. I, § 9m(1)(b) (victim “does not include the accused”).

24. Whether respondents are subject to the Board’s authority is also determined by statute. The Board has authority to review complaints about “public officials, employees or agencies that violate the rights of crime victims.” Wis. Stat. § 950.09(2)(a); *but see Gabler v. Crime Victims Rights Bd.*, 2017 WI 67, 376 Wis. 2d 147, 897 N.W.2d 384 (statute unconstitutional as applied to judges).

25. Whether the allegations are time-barred is determined by the filing requirements in the administrative code. The Board may not consider allegations relating to “conduct that occurred prior to December 1, 1998, or more than 3 years

before a complaint was filed with the board or the board was otherwise notified of the conduct,” except that the Board may consider issuing a report and recommendation concerning such conduct. Wis. Admin. Code CVRB § 1.04(5).

26. Probable cause is “a reasonable basis for belief, supported by facts, circumstances, and reasonable inferences strong enough to warrant a prudent person to believe that a violation probably has been or is being committed as alleged in the complaint.” Wis. Admin. Code CVRB § 1.02(9). Probable cause is satisfied by a believable or plausible account that the respondent probably has violated or is violating the victim’s rights. *See State v. Sorenson*, 143 Wis. 2d 226, 251, 421 N.W.2d 77 (1988).

27. At the probable cause stage, the Board evaluates the limited information available to it in the light most favorable to the complainant. The probable cause determination is not the proper time to debate and resolve credibility issues if essential facts, circumstances, and reasonable inferences are strong enough to warrant a prudent person to believe a violation probably has occurred or is occurring. *See State ex rel. Huser v. Rasmussen*, 84 Wis. 2d 600, 614, 267 N.W.2d 285 (1978).

PROBABLE CAUSE DETERMINATION

The Board Finds the Following:

28. The Board finds **no probable cause** of a crime victims rights violation.
29. That D.Y is a crime victim because of her reported vandalism and sexual harassment.

30. That the members of the Dane County Sheriff's Office are public officials or employees subject to the authority of the Board. *See* Wis. Stat. § 950.09(2)(a).

31. That D.Y.'s September 11, 2023, allegation of a victims rights violation falls within the three-year limitations period. *See* Wis. Admin. Code CVRB § 1.04(5).

32. That the DCSO deputy's reports were factual in nature and did not contain elements that would arise to a level of a violation of D.Y.'s right to dignity, respect, courtesy, sensitivity, and fairness.

33. That it is the complainant's burden to provide evidence that it is probable that a victims rights violation has occurred. Based on the evidence provided to the Board, there is no probable cause that a victims right violation has occurred.

ORDER

Based on the foregoing, it is hereby ORDERED:

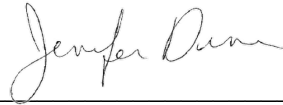
1. That there is no probable cause that a victim rights violation occurred, so the complaint is dismissed. A finding of no probable cause is a final decision of the Board under Wis. Admin. Code CVRB § 1.05(8).

2. That the Board hereby provides notice to the parties of the right to seek judicial review of this final decision pursuant to Wis. Stat. § 227.52. Attached to this decision is a summary of appeal rights.

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

4. That a copy of this probable cause determination will be provided to the parties and the VRC, as identified in the service list below, in accordance with Wis. Admin. Code CVRB § 1.05(8).

Dated this 4th day of September 2025.



Chairperson Jennifer Dunn
Crime Victims Rights Board