

Bill would let crime victims sue officials

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MADISON, Wis. (AP) — Crime victims could sue public officials who harass them under a bill Republican lawmakers have introduced in hopes of discouraging prosecutors and police from using their positions to take advantage of vulnerable victims.

The measure comes in response to the sordid tale of former Calumet County District Attorney Ken Kratz, who resigned from office nearly a year ago after The Associated Press reported he sent more than two dozen text messages to a domestic abuse victim trying to spark an affair while he prosecuted her ex-boyfriend.

“You would hope legislation protecting crime victims’ rights would be unnecessary,” Sen. Van Wanggaard, R-Racine, one of the bill’s authors, told the state Assembly’s criminal justice committee during a public hearing on the bill Thursday. “Unfortunately, that’s not the case.”



The Wisconsin Constitution already calls for the state to treat crime victims with fairness, dignity and respect for their privacy. The Crime Victims Rights Board has the power to investigate and sanction public officials who violate victims’ rights. But the bill’s chief sponsor in the Assembly, Rep. Andre Jacque, R-Bellevue, told the committee a 2005 state Supreme Court decision found the constitutional language amounted to a policy statement and doesn’t create enforceable rights for victims. He said the loophole came to his attention when Kratz avoided any criminal charges as well as any reprimand from the victims board, which Kratz himself led until he stepped down as chairman in December 2009 in the wake of the sexting allegations.

Under the bill, public officials, employees and agencies would have to treat crime victims fairly, with dignity and with respect for their privacy. No public official, employee or agency could use a victim’s personal information to obtain a personal benefit or financial gain. The language would give victims the ability to bring lawsuits if they felt those rights were violated without waiting for the victims board to take action.

“This change will enshrine in statute the protections contained in ... the Wisconsin Constitution,” Jacque said in written testimony submitted to the committee.

Kratz resigned from his \$105,000 position in October 2010 after the AP reported he had sent 30 racy text messages over three days a year earlier to 26-year-old Stephanie Van Groll. Kratz, who was 50 at the time, wanted Van Groll to start a relationship with him, calling her a “hot nymph”

with a great body. At the same time Kratz was prosecuting Van Groll's ex-boyfriend on charges he tried to strangle Van Groll.

Van Groll complained to police and Kratz was removed from her ex-boyfriend's case. The state Justice Department investigated but decided not to file charges, telling Kratz instead to report the text messages to the Office of Lawyer Regulation, which reviews attorney conduct. That office declined to discipline Kratz, saying he hadn't violated any rules.

The victims board faced intense questions about why it didn't discipline Kratz. The former prosecutor said he described the Van Groll messages candidly to the board when he resigned from the chairmanship in December 2009, but board members said he was vague and they never received a complaint from an involved party.

After the text messages became public, then-Gov. Jim Doyle began a process to remove Kratz from office, but Kratz quit before the process was complete. Other women started to come forward with stories similar to Van Groll's, alleging Kratz sexually harassed them, too.

The Justice Department and OLR reopened their investigations. The DOJ concluded in March that Kratz hadn't committed any criminal violations. The OLR probe continues.

Van Groll has filed a lawsuit in federal court against Kratz. That case is ongoing. Kratz's attorney didn't immediately return a message Thursday.

Margaret Severson, 35, of Appleton, told the Assembly committee she was among the first to file the complaints Doyle needed to begin the removal process against Kratz.

"Kratz always thought he was above the law. This is why (the bill) should be law. When the state Constitution says crime victims are to be treated with fairness, dignity and respect for their privacy, victims should know that these words mean something and that they even apply to people like Kratz," Severson said.

Teri Jendusa-Nicolai, 46, of Racine, appeared before the committee as well. Her ex-husband is serving life in prison for beating her with a baseball bat, stuffing her in a garbage can and leaving her to die in a freezing Illinois storage unit in 2004.

Jendusa-Nicolai said she was amazed at the rights the criminal justice system bestows on criminals such as her ex-husband. Victims deserve the same considerations, she said.

"They (criminals) have so many rights it's almost sickening," she said. "Can we at least make it a level playing field?"

The committee didn't vote on the measure. The bill has bipartisan support in both houses in both houses, though, making passage likely.