

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Survey Committee  
on Retirement Systems  
(JSC-RS)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 
- Committee Hearings ... CH
- 
- Committee Reports ... CR
- 
- Executive Sessions ... ES
- 
- Hearing Records ... HR
- 
- Miscellaneous ... Misc
- 97hr\_JSC-RS\_Misc\_pt11a
- 
- Record of Comm. Proceedings ... RCP
-

hearing 2-9-98

**Richland County Sheriff's Department**

**MEMORANDUM**

*Mike Mullarkey  
For your information.*

**To:** Jailers: Sgt. Earl Felton  
Sgt. Mel Felton

**Date:** 11/23/89

**From:** Mathison, Sherman, Banker, Frank and Machotka  
Chief Deputy Tom Hougan

**Subject:** District Attorney Ed Leineweber called asking if any jailer can remember when the writing on the south wall of Cell Block A which Says "SANTINI IS ONE DEAD MOTHER FUCKER & MULLARKY" was put on the wall. If you can please write a note For Ed and leave it in the DA box in dispatch. He also requests that this writing not be cleaned or altered in any way at this time. Also writing between the 7th and 8th row of bricks in the middle cell of that block above the bed. thank you.

Copy: Sheriff Schram  
DA Leineweber

*Tom Hougan  
11/23/89*

# SUPPLEMENT

Page 1 of     

111.DEPARTMENT Richland County Sheriff	112.INCIDENT District Attorney Assist	113.CASE No. Bearcat
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On Thursday November 23, 1989 Richland County DA Ed Leineweber called asking if I knew if the writting in the Welecha cell block relating to Sandtini is still there. I advised I could check. Leineweber advised if it was still there that I should photo it and see if a jailer can remember when it appeared. While photographing the writting I was with Jail Sgt. Earl Felton. Upon checking the writting Earl mentioned that it could be Ed Golimowski's hand writting. Felton advised that Eddie had the middle cell in the block. I then went to the middle cell and found similar writting. The ink was the same and the letters were formed the same. In the private cell on the north wall of the middle cell, above the bed, written in the crack between the seventh and eighth row of bricks was : "The Legend (Fast Eddy) was sentenced Jan 8,1988 # 10 years No Parole +1 year to Prison was considered dangeres + unstable Aproch with exstreem caution" The form of the letters had the same style as the wording on the South wall of the cell block which had : " SANTINI

IS

ONE DEAD  
MOTHER FUCKER

P.O. MuLLARky "

The Word Sandtini was underlined a few times as to give it emphasis. This officer took photos of both sets of writtings. Also a memo was put out to jailers in the department asking if any of them knew when the writtings first appeared. The South wall had few writting on it besides the above relating to Sandtini and Mullarkey and a drawing of a mouse just to the right of the Sandtini and Mullarkey writting. This was also photographed.

In the middle cell block there was other writting including writting in the same space between the 7th and eighth row from the floor further west that said "If I disapeare Mike Fose sniched me out for a second time". This writting was not the same style or done with the same writting ink.

The jailers were notified not to have anyone remove this if possible.

115.REPORTING OFFICER <i>Chief Deputy Tom Hogan</i>	COPIES To: <input checked="" type="checkbox"/> DA <input type="checkbox"/> Detective <input type="checkbox"/> Juvenile <input type="checkbox"/> Soc. Services
116.DATE <i>11-23-89</i>	

# CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: 12/13/89

File Ref:

To: Binky Krahn, Administrative Assistant

From: Marie Jurgensen, Field Supervisor, Unit 104 *MJ*



Subject: Threat to Agent

Since the incident report form is still in draft form, I would like you to be aware of a threat to Richland Center agent, Mike Mullarkey via this memo and the attached memo and police report.

There were no injuries nor property damage as a result of this incident but I believe threats can be extremely stressful to agents and especially to agents living in small towns where it is very easy to find out where an agent lives, what the family composition is, etc.

Ed Golimowski identified in the police report as a person who may have made the threat is not on supervision but his brother-in-law and several of his "associates" are on supervision. Mr. Golimowski has been identified by Richland County law enforcement personnel as a "small-time" drug dealer in the Richland County area.

MJ/gc

cc: Mike Mullarkey  
Barb Sutton  
File

**RICHLAND CENTER POLICE DEPARTMENT**

**OFFICER'S REPORT No. 133A**

Date: 3/26/90 Complainant Michael F. Mullarkey (Probation and Parole Officer)  
Address: 181 W. Seminary St., RC, WI Phone: 647-4848

OFFENSE: Threat

Place of Offense: same - on answering machine

Rec'd by: Maxwell On 3/26/90 At 9:10 a.m. How in person

Committed on: \_\_\_\_\_ At \_\_\_\_\_ Officers: Maxwell

Time Investigated \_\_\_\_\_ If Theft - VALUE \_\_\_\_\_

Persons involved and DOB's unknown (male)

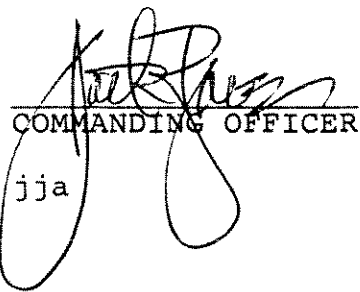
**DETAILS**

Mr. Mullarkey advised me that some time over the weekend, from the time he left his office until he returned this morning at 8:30, someone had called on his answering machine and made a threat toward him.

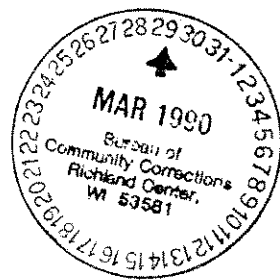
We do have a recording of this. A transcription is attached.

We will be checking with other officers to see if anyone can recognize the voice. He advised that he did not recognize the voice whatsoever. There are quite a few people who are kind of upset with him, and he doesn't really know for sure who is the most upset with him. He did say a Charles Markin is quite upset with him.

I then came back to the Police Department where I made phone calls to GTE Security (1-800-423-8658) in Illinois. I spoke with Wes Keller. He took the information from me and advised me that he would be contacting Mike Mullarkey, and as long as it was a threat toward life that he would be putting a trace on the phone right away, so if there are any other phone calls, we will be able to find out who has been calling the number.

  
COMMANDING OFFICER  
jja

Officer Donald Maxwell



*and*

What was heard from the tape from Mike Mullarkey's answering machine.

"Mike, you're so damn dumb. You don't know what the fuck is goin' on. Just the fuck to stay away from me, or I'll fucking kill, ya, O.K."

jja

032690

P + P

COPY

RICHLAND CENTER POLICE DEPARTMENT

Officers Report

O.R. NO: 91-215A

Type of Complaint: Threat, Intimidation

Date: 5-2-91 Sector: Code: 13C

Time Rec'd: 5:32PM At scene: 5:45PM Completed: 6:00PM

Street Name: Sunset Lane Number: 675

Location Name: Address of Complainant

Officer(s): Schwanz

\*\*\*\*\*

PERSON INFORMATION Type: complainant

Last Name: Mullarkey First: Mike Middle: F.

Home phone: 647-7185 Work phone: 647-4848

Work or School: Department of Corrections  
Probation & Parole

Home address: 675 Sunset Lane

City: Richland Center State: WI Zip: 53581

DOB: 1-13-54

\*\*\*\*\*

Summary: Mike Mullarkey informed me that he had received a threatening letter in his mailbox. After arriving at the Mike Mullarkey residence, he showed me a letter that his son had found in the mailbox when he got the mail that was written on lined tablet type paper that may have been put in the mailbox in the past two days because his wife stated she did not pick up the mail yesterday, 5-1-91.

It was shoved and crumbled up in the back of the mailbox indicating it had been put in there before the mail had been put in there and the mail had pushed it to the back of the mailbox. In essence, the letter states that he thinks he is God and states that they suggest he change his ways and states that 'I've been watching you and your family for a while now and I will keep watching and unless you change your ways you will feel the wrath of God'. It is signed 'Justice'.

Mr. Mullarkey believes at this time the letter may be connected with the Robert Dobbs, Josie Garcia, Tina Marshall problem. I have made copies of the letter of which I am going to attempt to use anhydride to get some fingerprints off of the letter and the investigation is continuing. Other than that, there is a copy of this report to go to Mike Mullarkey as soon as possible.

Officer Carwin Schwanz

COMMANDING OFFICER

pa

cc: P&P 5-3-91 pa



You might think you could,  
but a man who tries to  
put and keep people in jail  
just because you the type of  
man no one can get along  
with is the farthest thing from God.  
I suggest that you change your  
ways. I've been watching you  
and your family for a while  
now, and I will keep watching.  
Unless you change your ways  
you will feel the "truth of God"

P.S. You should stop having affairs  
with some of your clients, and doing  
those illegal substances with the D.A.  
and his little friends.

Signed  
Justice

# INCIDENT REPORT

- INSTRUCTIONS:**
1. Employee and/or immediate supervisor complete and forward within two working days.
  2. If incident involved physical injury to employee, complete section A only and attach AD-85 (Occupational Accident and Illness Report).
  3. Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.
  4. The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

## SECTION A

EMPLOYEE'S NAME Michael F. Mullarkey		AREA OR UNIT NUMBER #10403	HEADQUARTERS Richland Center
NATURE OF INCIDENT: <input type="checkbox"/> Physical Injury Only		<input type="checkbox"/> Property Damage Only	<input checked="" type="checkbox"/> Threats (verbal or physical)
<input type="checkbox"/> Injury and Property Damage		<input type="checkbox"/> Other - Specify	
DATE OF INCIDENT 03-17-92	TIME OF INCIDENT 1:45 P.M.		
EMPLOYEE ON DUTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	REPORTED TO LAW ENFORCEMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
INCIDENT OCCURRED WHILE <input type="checkbox"/> Making Home Visit <input type="checkbox"/> In Office <input type="checkbox"/> Transporting Client <input checked="" type="checkbox"/> Other - Specify			
Seeing the client in the Richland County Jail.			
INCIDENT INVOLVED <input checked="" type="checkbox"/> Employee Only <input type="checkbox"/> Employee and Family Members - Specify <input type="checkbox"/> Other - Specify			

## SECTION B

Please describe incident in detail. If threat is checked above, report the exact wording of the threat and refer to # 9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary.

On the morning of March 17, 1992, I was contacted by Ada Hayes, who identified herself as the grandmother of Scott C. Kelley, a parolee (#211610-A). Mrs. Hayes advised that Scott had been evicted from the rooming house he was residing in and currently he was incarcerated in the Richland County Jail and she had no way of moving his belongings out of the rooming house.

I contacted Cathie Ryan of the Richland County Department of Social Services to verify this information and she advised that it was correct and that she would be willing to help me pack up the property of Scott Kelley and move it.

I went to the Richland County Jail and met with Scott Kelley, advising him that I was there to help move his property out of the boarding house, since he had been evicted. I requested

(continued on separate sheet)

TIME LOST TO DATE - 0 -	EMPLOYEE'S SIGNATURE <i>Mike Mullarkey</i>	DATE SIGNED 03-19-92
SUPERVISOR'S COMMENT(S):		

SUPERVISOR'S SIGNATURE:	DATE SIGNED
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INCIDENT REPORT (continued)

SECTION B:

from Scott Kelley that he release the key to his room so that I could enter his room and return the key to the landlord. Scott Kelley then signed the appropriate jail form releasing the key from his property in the Richland County jail to me. I then informed Scott Kelley that I had made arrangements with his grandmother, Ada Hayes, to have her pick up his property from the Probation and Parole Office. I further advised him that his grandmother stated that she had no way of moving a couch that he had in his room. I asked him if he would make arrangements to have someone come and pick up the couch and that I would set it out for them.

Scott Kelley then stood up suddenly and started screaming that I would be sued if his couch was not properly cared for after it was moved. Scott Kelley was yelling that he was going to, "kick my ass" and that he was going to, "knock my fucking glasses" off of my face. Scott Kelley then started to poke his finger into my face gesturing that he was going to again kick my ass and knock my glasses off my face. Scott Kelley was yelling that he was going to sue me if his couch got wet and that he was going to beat me up. I attempted to explain to Scott Kelley that all I had requested for him to do was to make arrangements to have somebody pick up his couch and that that did not seem unreasonable to me and that I was doing him a favor since I was not his Agent, by moving his property out of his room so that his grandmother could pick it up.

I later returned to the Richland County Jail at approximately 3:00 P.M. and informed Scott Kelly that his property had been moved to the Probation and Parole Office and that room had been found on the front porch for his couch and that it did not have to be placed at the curb for someone to pick up. Scott Kelley replied to me that I should tell Augie, referring to Agent Augie Saiz, to bring the revocation papers. I advised Scott Kelley that the threats to me were a very serious violation of his parole and that my recommendation to Agent Saiz would be that his parole be revoked.

# INCIDENT REPORT

*nightmares, jump  
located bullet  
lodged in walls  
near where they  
were standing  
effect on children*

- INSTRUCTIONS:
1. Employee and/or immediate supervisor complete and forward within two working days.
  2. If incident involved physical injury to employee, complete section A only and attach AD-85 (Occupational Accident and Illness Report).
  3. Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.
  4. The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

## SECTION A

EMPLOYEE'S NAME	AREA OR UNIT NUMBER	HEADQUARTERS
Mary K. Davey	32104	Milwaukee

NATURE OF INCIDENT:  Physical Injury Only  Property Damage Only  Threats (verbal or physical)  
 Injury and Property Damage  Other - Specify

As Ms. Davey was leaving a home visit at 1227 So. 20th St., Milwaukee, an unidentified male began firing shots at the residence. Ms. Davey was not injured.

DATE OF INCIDENT	TIME OF INCIDENT
03-18-93	

EMPLOYEE ON DUTY	REPORTED TO LAW ENFORCEMENT
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

INCIDENT OCCURRED WHILE

Making Home Visit  In Office  Transporting Client  Other - Specify

INCIDENT INVOLVED

Employee Only  Employee and Family Members - Specify  Other - Specify Client (Fidel Amaya) and client's family.

## SECTION B

Please describe incident in detail. If threat is checked above, report the exact wording of the threat and refer to # 9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary.

*SEE ATTACHED*

TIME LOST TO DATE	EMPLOYEE'S SIGNATURE	DATE SIGNED
eight hours	<i>Mary K. Davey</i>	3-23-93

SUPERVISOR'S COMMENT(S):  
 Ms. Davey was referred to Peer Support immediately following the incident, and was seen by Elizabeth Hartman, Peer Supporter. She was also referred to Dr. Mahnke for critical incident debriefing/consultation. I informed other office supervisors of the incident and other agents in Unit 321 of the incident. Ms. Davey was also made aware of EAP for herself and family members.

SUPERVISOR'S SIGNATURE	DATE SIGNED
<i>[Signature]</i>	3-23-93

## SUPERVISOR'S CHECKLIST

1. Have authorities been contacted? *Yes*
2. Is medical attention needed? *NO*
3. Is emergency plan in place, if necessary? *N/A*
4. Must employee's family be called? By whom? *N/A*
5. Has Regional Chief been notified by supervisor? *Yes*
6. Have media contacts been routed through Regional Chief? *N/A*
7. Have employee's co-workers been briefed? *Yes*
8. Has management notified regional staff? *Yes*
9. Was the threat made in an attempt to coerce the staff person to take or not take an action? *N/A*
10. Is an EAP referral appropriate? *Employee informed - is considering*
11. Are employee accommodations needed, e.g., temporary assignment of office, charges filed with DA, restraining order, etc.? *NO*
12. Is critical incident debriefing necessary? *Not at this time / services were made available*
13. Is Occupational Accident and Illness Report (AD-85) filed? *N/A*
14. Is Vehicle Incident Report (AD-86) filed? *N/A*

# INCIDENT REPORT

- INSTRUCTIONS:**
1. Employee and/or immediate supervisor complete and forward within two working days.
  2. If incident involved physical injury to employee, complete section A only and attach AD-85 (Occupational Accident and Illness Report).
  3. Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.
  4. The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

SECTION A			
EMPLOYEE'S NAME Michael F. Mullarkey		AREA OR UNIT NUMBER 11123	HEADQUARTERS Richland Center
NATURE OF INCIDENT: <input checked="" type="checkbox"/> Physical Injury Only <input type="checkbox"/> Property Damage Only <input type="checkbox"/> Threats (verbal or physical) <input type="checkbox"/> Injury and Property Damage <input checked="" type="checkbox"/> Other - Specify Client resisting arrest. Agent assisted deputies in handcuffing client.			
DATE OF INCIDENT 04/04/94		TIME OF INCIDENT 2:20 P.M.	
EMPLOYEE ON DUTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		REPORTED TO LAW ENFORCEMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
INCIDENT OCCURRED WHILE <input type="checkbox"/> Making Home Visit <input type="checkbox"/> In Office <input type="checkbox"/> Transporting Client <input checked="" type="checkbox"/> Other - Specify courthouse			
INCIDENT INVOLVED <input checked="" type="checkbox"/> Employee Only <input type="checkbox"/> Employee and Family Members - Specify <input checked="" type="checkbox"/> Other - Specify Deputy Tom Hougan, Deputy Virginia Cup			

## SECTION B

Please describe incident in detail. If threat is checked above, report the exact wording of the threat and refer to # 9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary.

I saw Richard Kirklewski, #259933-A, at the Richland County Courthouse. The client had just been placed back on probation for resisting an officer. I tried to talk to the client about coming to the office to sign paperwork for his new case. The client was resistive, and I told him to be at the office by 4:00 P.M. or an apprehension would be issued.

Shortly thereafter, two deputies spoke with the client about another commitment. The client was placed under arrest by Deputy Hougan. I came back into the Clerk of Courts Office and the two deputies were trying to handcuff the client. I assisted the deputies in handcuffing the client. As a result of the handcuffing, I suffered a bruise on my right hand.

TIME LOST TO DATE 0	EMPLOYEE'S SIGNATURE 	DATE SIGNED 04/04/94
SUPERVISOR'S COMMENT(S):		

SUPERVISOR'S SIGNATURE:	DATE SIGNED
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RICHLAND COUNTY SHERIFF DEPT.

=====

Number: 940603    Time: 14:22      Disp: CUPPA  
Date: 04/04/94    Location: CLERK OF COURT OFFIC  
Incident: DISTURBANCE    Highway: COURTHOUSE  
Name: CUNNINGHAM    MERWIN    Township: RICHLAND-CTR  
Address: -0-    Sect#: -0-  
City: RICHLAND CENTER    -0-    Officer: HOUGAN  
Comments: 10-10 CLERK OF COURT WITH RICH KIRKLEWSK

-----  
Suspect: \_\_\_\_\_ Evidence: \_\_\_\_\_ Date/Time of Incident: \_\_\_\_\_  
Arrest: \_\_\_\_\_ Court Date & Time: \_\_\_\_\_ Follow Up: yes no  
Follow Up Suggestions: \_\_\_\_\_

-----  
Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_ Priority: \_\_\_\_\_  
Assigned To: \_\_\_\_\_ Date: \_\_\_\_\_ Due Date: \_\_\_\_\_  
Copies To: \_\_\_\_\_  
Follow-up Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Time Received : 14:22      Sent : 14:22      Arrived : -0-      Cleared : -0-

Details: \_\_\_\_\_

INCIDENT NO. 94-0603

REPORTED TO:

1. Location of Occurrence (City, Village, Township & Section No.) Richland County Court House 2. Classification of Incident DISTURBANCE

3. Date & Time Occurred ON 04-04-94 2:00pm 4. Date & Time Reported 04-04-94 2:20pm

5. Reporting Party's Name MERWIN DOR CUNNINGHAM Address Richland Co. Court House Phone Number

6. Code: Name RICHARD Victim-V NMI Principal Party Involved-PP Kirklewski Witness-W m/w Person Arrested-PA 412 W. Court St. R.C  
DOB 11-29-57 MIF Address Phone Number Code

7. Property Information Code: Item Stolen-S Lost-L Code Found-F Serial No. Damaged-D Brand Model Other-O Value

8. Narrative  
On Monday 04-04-94 this officer was advised that there was a commitment for Richard Kirklewski for not paying his fine. This officer verified with Richland County Clerk's office that there was indeed a valid commitment. This officer believes it was for the charges stemming from an incident in the Richland County Jail where Kirklewski is reported to have thrown a TV tuner at Sgt. Julee Earl Felton. Kirklewski was subsequently ordered to forfeit money - he did not pay and was then ordered to "sit" time out

Supplement Yes [ ] Report Made By Haugan Date  
Photos Taken Yes [ ]

9. Incident Unfounded [ ] Record only [ ] Cleared [ ] Cleared by Arrest [ ] Referred to Other Agency [ ] Needs Follow Up [ ]  
Copies to: District Attorney Date Initial Richland Center Police Dept. Juvenile Worker/Social Ser. Other Agency

Sheriff \_\_\_\_\_ (Cleared/Open) Date  
Chief Deputy Haugan (Cleared/Open) Date 4-6-94



Complaint 94-0603  
04/04/94  
page 2

at the Richland County Jail.

On 4/4/94 I was going through the Richland County Court House. As I passed the Richland County Clerk of Courts Office I saw a person who I know as Richard Kirklewski. I have known Mr. Kirklewski for some time now as I have had contact with him in a professional capacity for about 2 plus years now.

I approached the doorway and I stood outside the door as he and Wisconsin Probation and Parole Officer Mike Malarkey were discussing a point. Mr. Kirklewski was objecting and Mr. Malarkey was telling him certain points. During the discussion Mr. Kirklewski looked to the side and saw me near the doorway. I waited until Mr. Malarkey was done talking. Malarkey exited the Clerk of Court's Office. I went in the office through the door and stood next to Richard. I asked Richard to come to the Sheriff's Office to view a document. He refused saying I should bring the document to him where he is standing. I said, "Lets go over to the Sheriff's Offices, the document is over there." Kirklewski again said he would go nowhere with me. I said I thought it was a court document about one of his recent cases, he then said that he was appealing the case. I said I believed he probably was appealing the case but that he should come with me. He said "No"--that he was going to stand right there and that I was to bring the document to him. (At this point, I felt that he already knew why I wanted him to come to the Sheriff's Department. I had sent Richard a letter about paying a fine about 2 weeks before and I had talked to him verbally about paying his fine, or he would end up "sitting the time." Since he had not paid it, I figured he knew now knew the paper I was talking about was the commitment. I was trying to get him out of the Clerk's office away from them in case there was a problem.)

There was then a short conversation with Ann Robinson the Clerk of Court as to which case the papers at the Sheriff's Department dealt with, as he has numerous cases pending. I said I thought it was the case of the TV tuner being thrown. Kirklewski again said he was appealing the case.

At this point I again asked Richard Kirklewski to exit the Clerk's Office. He said he would not. At this point I instructed Richard that he should not be like this-that he should cooperate with me and he did not need any more problems. I noticed he was starting to get in a defensive stance next to the counter as exhibited by the lowering of his body and him getting closer to the counter. I informed him that he was now in custody-that he should come with me and that he did not need another resisting arrest charge. He said

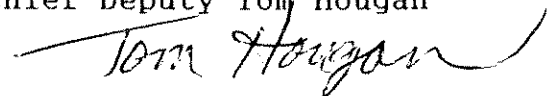
he would not leave and that he wasn't going anywhere with me and that I should go and get the document that I wished to show him and bring it to him. I told him that it was too late for that because he was now under arrest. I advised him that I would place my hand on his shoulder to gain physical custody. He said, "No you will not." I said, "Richard you are under arrest, you do not need this, you should just cooperate and we would go over and look at the papers." I turned closer to him and raised my right arm to place it on his right shoulder. As my hand came toward his shoulder, he "punched it away" in a defensive response, it was NOT a slap. The force caused my arm to swing to the right.

At this point I again tried to put my hand on his shoulder or upper arm. He again blocked the attempt and backed up. During this time I kept telling Richard that he did not want to resist, that he did not need this. He grabbed my arm and held it in a "strong hold." At this point I took my right hand to grab his arm. He backed up into a cabinet type furniture piece in the Clerk of Court's Office. At this point Deputy Virginia Cupp joined my attempts to take Mr. Kirklewski into custody. He continued to resist our attempts by flailing his arms or holding his arms rigid in front of his belly. He raised his voice saying something to the effect that he "objected" or "objection."

At this point with Deputy Cupp and I both trying to grab an arm, he continued to resist and we had no choice but to try and set him on the ground and handcuff him. He continued to resist by swinging his arms and placing his arms in a locked position in front of him by grabbing each hand or wrist. He was placed on the floor by the counter. Deputy Cupp and I tried to get his arms behind his back. Richard is very strong and he continued to resist. When we got one hand back and tried to get the other back he would break free and get the other in front of him. All this time I kept asking him to stop resisting and that he did not need this. After a period of attempting to get both arms behind him, Deputy Cupp and I did manage to get the handcuffs on one wrist. While trying to get the other wrist secured, Probation and Parole Officer Malarkey arrived and assisted in getting the other hand secured. Once the handcuffs were in place, I lifted Mr. Kirklewski by the right arm and escorted him into the Richland County Jail. I would estimate the total time of this resisting lasted between 7 and 10 minutes. All during this time I continued to verbalize to Richard that he should cooperate and that he should not resist and he did not need this trouble.

Richard Kirklewski was issued a County Ord. Citation for resisting an officer, bond being \$358 and his court date set for April 18, 1994 at 9am. (He was issued his copy of the citation on Wednesday April 6, 1994). Nothing further at this time.

Chief Deputy Tom Hougan



STATE OF WISCONSIN — IN THE CIRCUIT COURT FOR THE COUNTY OF RICHLAND

I, Richard NMI Kirklewski, an officer for and on behalf of the County of Richland

states upon the basis of personal knowledge (or upon information and belief) that the defendant did

County  
Richland vs.

on Monday April 4 19 94 at 2:00 AM PM in Richland County in the City of Richland Center, violate

First M.I. Last  
Richard NMI Kirklewski

Ordinance No. 79-3 TO WIT:

12 West Court St

Designation of Offense and Location of Violation

Richland Center State WI Zip 53581

RESISTING ARREST / RESISTING

Driver's License WI State WI  
29-57 K624-7405-7429-06

AN OFFICER - @ CLERK OF

Involved INVOLVED Make -- Model, Type, Year

COURTS OFFICE IN Richland Co.

Race W Eyes BLU Hair BRO Hgt. 511 Wgt. 150

COURT HOUSE

are hereby notified to appear in the above named court, APRIL 18 19 94

Issuing Officer's Signature Chief Deputy Tom Hougan Badge No. #802  
Court Officer's Signature:

9:00 o'clock AM PM at the Richland County

Sworn to before me on \_\_\_\_\_

Richland Center, Wisconsin.

Name and Title \_\_\_\_\_



RACINE POLICE DEPARTMENT  
730 CENTER STREET  
RACINE, WISCONSIN 53403-1186  
(414) 633-6311

# INCIDENT REPORT

COMPLAINT NO.  
**94-55538**  
Page 1 of 6 Pages

ATTEMPTED  COMPLETED

LOCATION of Incident: **2829 Durand Ave. - a Parole Office** (Business Name) City & Co. of **Racine** D. O. W. **FRI** Date and Time OCCURRED **8-12-94 / 1729**

Inside  Outside LIGHTING:  Unknwn  Natural  Artificial Interior  Artificial Exterior  Day  Night WEATHER:  Unknwn  Overcast  Clear  Rain  Snow - Sleet  Fog D. O. W. **FRI** Date and Time REPORTED **8-12-94 / 1735**

<input checked="" type="checkbox"/> DEATH INV. <input checked="" type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Accidental <input type="checkbox"/> Other	<input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> 1st Degree <input type="checkbox"/> 2nd Degree <input type="checkbox"/> 3rd Degree <input type="checkbox"/> 4th Degree <input type="checkbox"/> Other	<input type="checkbox"/> ROBBERY <input type="checkbox"/> Firearm <input type="checkbox"/> Cutting Instr. <input type="checkbox"/> Hands, Fists, Feet, Etc <input type="checkbox"/> Other	<input type="checkbox"/> MIS. ASSAULT <input type="checkbox"/> Firearm <input type="checkbox"/> Cutting Instr. <input type="checkbox"/> Hands, Fists, Feet, Etc <input type="checkbox"/> Other <input type="checkbox"/> Elderly	<input type="checkbox"/> BURGLARY <input type="checkbox"/> Forcible <input type="checkbox"/> Unlawful <input type="checkbox"/> Occupied <input type="checkbox"/> Armed	<input type="checkbox"/> THEFT <input type="checkbox"/> From Building <input type="checkbox"/> Retail Theft <input type="checkbox"/> Purse Snatch <input type="checkbox"/> Pick Pocket <input type="checkbox"/> From Veh. <input type="checkbox"/> Veh. Access. <input type="checkbox"/> Bicycle <input type="checkbox"/> Coin Machine <input type="checkbox"/> Other	<input type="checkbox"/> M.V. THEFT <input type="checkbox"/> Auto <input type="checkbox"/> Truck / Bus <input type="checkbox"/> Other	<input type="checkbox"/> SUSPICIOUS FIRE <input type="checkbox"/> Structure <input type="checkbox"/> Mobile <input type="checkbox"/> Other	<input type="checkbox"/> OTHER <input type="checkbox"/> Criminal Damage <input type="checkbox"/> Fraud <input type="checkbox"/> Forgery <input type="checkbox"/> Trespass <input type="checkbox"/> Kidnapping <input type="checkbox"/> Lewd & Lascivious <input type="checkbox"/> Chapter 51 <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Other
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Code: V - Victim W - Witness C - Complainant M - Mentioned

NAMES:	Last - First - M	S	R	DOB	Address	Phone	H/W	Emp. - School
V	Polzin, John			MW 07 18 68	130 CENTER ST.	635-7700		RAPD
W	La Fond, Paul			MW 07 09 47	730 CENTER ST.	635-7700		RAPD
W	Dunn, Michael			MW 09 06 67	2829 Durand	598-1155		Parole + Parole
W	Harris, Candy L			FW 04 28 49	2829 Durand	598-1155		Parole + Parole
W	Konker, Connie J			FW 04 28 53	2829 Durand	598-1155		Parole + Parole
W	Pelenske, Audrey E			FW 12 27 33	2829 Durand	598-1155		Parole + Parole

SUSPECT:	Last - First - M	S	R	DOB or Age	Address	Phone	H/W	Emp. - School
*	WYTEKIN, RICHARD M			MB 02-07-65	2110 FRANKIE PL	1137-0418		

ARREST No.	CHARGE	Hair	Eyes	Wt	Ht	Rel. to Victim	Additional Charges?	Did Suspect Request Att.?	Did Suspect Make Statement?
177549	ATTEMPTED 1st Intentional Homicide	OK	BRN	174	61	NONE			

SUSPECT:	Last - First - M	S	R	DOB or Age	Address	Phone	H/W	Emp. - School

ARREST No.	CHARGE	Hair	Eyes	Wt	Ht	Rel. to Victim	Additional Charges?	Did Suspect Request Att.?	Did Suspect Make Statement?

EXTENT of INJURY

Minor  Critical  Serious  Fatal

Location:  Head/Neck  Body  Arm  Hand  Leg  Foot

Type of injury: **Pain + Bruises**

Removed To: **ST LUKES**

Removed By: **RESQVE**

Physician: **LIEDHOLM**

PROPERTY

ITEM NO.	ARTICLE NAME	QTY.	BRAND NAME	MODEL NO.	SERIAL NO.	MISC. DESCRIPTION	VALUE

BICYCLE  Boys  Girls

MAKE: \_\_\_\_\_ Wheel Size: \_\_\_\_\_ Serial No.: \_\_\_\_\_ Color: \_\_\_\_\_ Value: \_\_\_\_\_

Model / Gears: \_\_\_\_\_ Frame Size: \_\_\_\_\_ License No.: \_\_\_\_\_ Misc.: \_\_\_\_\_

VEHICLE  Stolen  Target  Suspect

MAKE: \_\_\_\_\_ Year: \_\_\_\_\_ VIN: \_\_\_\_\_ Color: \_\_\_\_\_ Value: \_\_\_\_\_

Model: \_\_\_\_\_ Style: \_\_\_\_\_ License No.: \_\_\_\_\_ State: \_\_\_\_\_ Misc.: \_\_\_\_\_



RACINE POLICE DEPARTMENT  
730 CENTER STREET  
RACINE, WISCONSIN 53403-1186  
(414) 633-6311

# INCIDENT REPORT

COMPLAINT NO.  
**94-55538**

ATTEMPTED  COMPLETED

Page **1** of **6** Pages

LOCATION of Incident: **2829 Durand Ave. - Police Office** (Business Name) City & Co. of **Racine** D. O. W. **FRJ** Date and Time OCCURRED **8-12-94 / 1729**

Inside  Outside LIGHTING:  Unknwn  Natural  Day  Night  Artificial Interior  Artificial Exterior WEATHER:  Unknown  Overcast  Clear  Rain  Snow - Sleet  Fog D. O. W. **FRJ** Date and Time REPORTED **8-12-94 / 1735**

<input checked="" type="checkbox"/> DEATH INV. <input checked="" type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Accidental <input type="checkbox"/> Other	<input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> 1st Degree <input type="checkbox"/> 2nd Degree <input type="checkbox"/> 3rd Degree <input type="checkbox"/> 4th Degree <input type="checkbox"/> Other	<input type="checkbox"/> ROBBERY <input type="checkbox"/> Firearm <input type="checkbox"/> Cutting Instr. <input type="checkbox"/> Hands, Fists Feet, Etc <input type="checkbox"/> Other	<input type="checkbox"/> MIS. ASSAULT <input type="checkbox"/> Firearm <input type="checkbox"/> Cutting Instr. <input type="checkbox"/> Hands, Fists Feet, Etc <input type="checkbox"/> Other <input type="checkbox"/> Elderly	<input type="checkbox"/> BURGLARY <input type="checkbox"/> Forcible <input type="checkbox"/> Unlawful <input type="checkbox"/> Occupied <input type="checkbox"/> Armed	<input type="checkbox"/> THEFT <input type="checkbox"/> From Building <input type="checkbox"/> Retail Theft <input type="checkbox"/> Purse Snatch <input type="checkbox"/> Pick Pocket <input type="checkbox"/> From Veh. <input type="checkbox"/> Veh. Access. <input type="checkbox"/> Bicycle <input type="checkbox"/> Coin Machine <input type="checkbox"/> Other	<input type="checkbox"/> M.V. THEFT <input type="checkbox"/> Auto <input type="checkbox"/> Truck / Bus <input type="checkbox"/> Other	<input type="checkbox"/> SUSPICIOUS FIRE <input type="checkbox"/> Structure <input type="checkbox"/> Mobile <input type="checkbox"/> Other	<input type="checkbox"/> OTHER <input type="checkbox"/> Criminal Damage <input type="checkbox"/> Fraud <input type="checkbox"/> Forgery <input type="checkbox"/> Trespass <input type="checkbox"/> Kidnapping <input type="checkbox"/> Lewd & Lascivious <input type="checkbox"/> Chapter 51 <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Other
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Code: **V - Victim** **W - Witness** **C - Complainant** **M - Mentioned**

NAMES:	Last - First - M	S	R	DOB	Address	Phone	H/W	Emp. - School
V	Polzin, John	M	W	07-18-68	130 Center St.	635-7000		RAPD
W	La Fond, Paul	M	W	07-09-47	730 Center St.	635-7000		RAPD
W	Dunn, Michael	M	W	09-06-67	2829 Durand	598-1155		Proc & Prac
W	Harris, Candy L	F	W	04-28-49	2829 Durand	598-1155		Proc & Prac
W	Rohrer, Connie J	F	W	04-28-53	2829 Durand	598-1155		Proc & Prac
W	Pelenske, Audrey E	F	W	12-27-35	2829 Durand	598-1155		Proc & Prac

SUSPECT:	Last - First - M	S	R	DOB or Age	Address	Phone	H/W	Emp. - School
	Whitehorn, Richard M	M	B	02-07-65	2110 Frankie Pl	1-37-0418		

ARREST No.	CHARGE	Hair	Eyes	WT	Ht.	Rel. to Victim	Additional Charges?	Did Suspect Request Att.?	Did Suspect Make Statement?
177549	ATTEMPTED 1st Intentional Homicide	BRN	BRN	174	61	NONE		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N

EXTENT of INJURY

Minor  Critical  Serious  Fatal

Location:  Head/Neck  Arm  Leg  Body  Hand  Foot

Type of injury: **Pain + Bruises** Removed To: **ST LUKES** Removed By: **RESQZ** Physician: **LIEDHOLM**

## PROPERTY

ITEM NO.	ARTICLE NAME	QTY	BRAND NAME	MODEL NO.	SERIAL NO.	MISC. DESCRIPTION	VALUE																												
<table border="1"> <tr> <td>BICYCLE</td> <td><input type="checkbox"/> Boys <input type="checkbox"/> Girls</td> <td>MAKE</td> <td>Wheel Size</td> <td>Serial No.</td> <td>Color</td> <td>Value</td> </tr> <tr> <td></td> <td></td> <td>Model / Gears</td> <td>Frame Size</td> <td>License No.</td> <td>Misc.</td> <td></td> </tr> <tr> <td>VEHICLE</td> <td><input type="checkbox"/> Stolen <input type="checkbox"/> Target <input type="checkbox"/> Suspect</td> <td>MAKE</td> <td>Year</td> <td>VIN</td> <td>Color</td> <td>Value</td> </tr> <tr> <td></td> <td></td> <td>Model</td> <td>Style</td> <td>License No.</td> <td>State</td> <td>Misc.</td> </tr> </table>								BICYCLE	<input type="checkbox"/> Boys <input type="checkbox"/> Girls	MAKE	Wheel Size	Serial No.	Color	Value			Model / Gears	Frame Size	License No.	Misc.		VEHICLE	<input type="checkbox"/> Stolen <input type="checkbox"/> Target <input type="checkbox"/> Suspect	MAKE	Year	VIN	Color	Value			Model	Style	License No.	State	Misc.
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For Records Only

041001

041001  
2 J.T.



CRIME REPORT  
Narrative Continuation

COMP. No.	94-58538
Page	3 of 6
Pages	

Reference Name or Address 2829 Duane Av

POLZINS HOLSTERED WEAPON, A SEMI AUTOMATIC SMITH & WESSON 9mm HANDGUN. AND BEGAN TRYING TO PULL THE WEAPON FROM OFF POLZINS HOLSTER. AFTER A STRUGGLE WHITEHORN WAS ABLE TO DISARM OFF POLZIN BY PULLING THE WEAPON FREE FROM THE HOLSTER.

DURING THIS TIME OFFICER POLZIN, OFFICER LAFOND AND WHITEHORN HAD CONTINUED TO STRUGGLE. AND HAD FALLEN TO THE GROUND WITH OFFICER POLZIN ON THE GROUND. HOLDING ONTO THE SLIDE AND FRAME AREA OF THE WEAPON, WHITEHORN BEING OVER OFFICER POLZIN WITH HIS HAND HOLDING THE WEAPON GRIP AND HAVING HIS FINGER IN THE TRIGGER HOUSING, AND OFFICER LAFOND BEING BEHIND WHITEHORN ATTEMPTING TO RESTRAIN WHITEHORN.

OFFICER POLZIN STATES HE WAS FIGHTING WITH WHITEHORN OVER CONTROL OF THE WEAPON AS WHITEHORN WAS ATTEMPTING TO FORCE THE MUZZLE OF THE WEAPON AROUND TO POINT AT OFF POLZIN HEAD. OFFICER POLZIN, WHILE ATTEMPTING TO KEEP THE MUZZLE FROM POINTING AT HIM, WAS ATTEMPTING TO LOCATE AND PUSH THE MAGAZINE RELEASE BUTTON TO MAKE THE WEAPON NOW FUNCTIONAL. OFFICER POLZIN STATES HE DID NOT KNOW IF HE HAD RELEASED THE MAGAZINE OR NOT. DURING THE STRUGGLE FOR THE WEAPON OFFICER POLZIN WAS STRUCK IN THE FOREHEAD SEVERAL TIMES WITH THE WEAPON BY WHITEHORN. THIS CAUSING PAIN AND BRUISING TO POLZINS FOREHEAD.

OFFICER POLZIN STATES THAT WHITEHORN THEN FORCED THE WEAPON AROUND TO A POINT THAT THE WEAPON WAS POINTED AT OFF POLZINS HEAD. OFFICER POLZIN STATES HE FELT WHITEHORN PULLING THE TRIGGER AND HEARD THE METAL SOUND OF THE TRIGGER BEING PULLED BUT <sup>THE WEAPON</sup> NOT FIRING. THE WEAPON HAD NOT FIRED BECAUSE THE WEAPON MAGAZINE HAD BEEN RELEASED.

OFF POLZIN THEN BEGAN STRIKING WHITEHORNS HAND, HOLDING



CRIME REPORT  
Narrative Continuation

COMP. No.	94-58538		
Page	4	of	6 Pages

Reference Name or Address 2829 Durand Av

THE WEAPON, AGAINST THE FLOOR ATTEMPTING TO FORCE WHITENORN INTO RELEASING THE WEAPON. WHITE HORN THEN GRABBED A LOADED MAGAZINE FROM OFFICER LAFONDS BELT. WITH HIS FREE HAND.

OFFICER POLZIN AND OFFICER LAFOND WERE ABLE TO GET THE WEAPON AND LOADED MAGAZINE AWAY FROM WHITENORN. WHITENORN CONTINUED TO FIGHT WITH OFFICERS, RESISTING ARREST. OFFICERS WERE FINALLY ABLE TO FORCEABLY RESTRAIN WHITENORN IN HAND CUFFS.

OFF LAFOND STATES THAT HE OBSERVED WHITENORN TO HAVE OFF POLZINS WEAPON DURING THE STRUGGLE, OBSERVED WHITENORN TO HAVE THE WEAPON POINTED AT OFF POLZIN AND OBSERVED WHITENORN TO ATTEMPT TO SHOOT THE WEAPON AT OFF POLZIN BY SQUEEZING THE WEAPONS TRIGGER.

OFF LAFOND STATES THAT THE WEAPON DID NOT FIRE. OFF LAFOND STATES HE THEN FELT A PULLING AT HIS DUTY BELT AND THEN OBSERVED WHITENORN TO BE HOLDING A WEAPON MAGAZINE IN HIS HAND.

RICHARD WHITENORN INTENTIONALLY ATTEMPTED TO CAUSE THE DEATH OF OFF J POLZIN BY SHOOTING OFF POLZIN IN THE HEAD AREA WITH A 9mm SEMI AUTO HANDGUN AND WOULD HAVE KILLED OFF J POLZIN EXCEPT THAT THE WEAPON HAD BEEN RENDERED NON FUNCTIONAL BY OFF J POLZIN. ACT DONE w/o CONSENT.

RICHARD WHITENORN ARRESTED & HELD RCPD

SEE ADDITIONAL REPORTS UNDER COMPLAINT # 94-58547.

~~ADD 94-58538~~



CRIME REPORT  
Narrative Continuation

COMP. No.	94-58538
Page	5 of 6 Pages

Reference Name or Address \_\_\_\_\_

- Connie Kohrer was present at 2829 Durand at the time of incident. Kohrer states she was up front in the reception area when she heard a commotion coming from Dunns office. As she came out to investigate she observed Officer Polzin and Lafond struggling with Whitehorn. Kohrer states they fell into the hallway from Dunns office. Kohrer observed one officer to be on the ground, Whitehorn to be on top of the officer and the 2nd officer to be behind Whitehorn. Kohrer did not see the weapon or struggle over weapon.

- Cynthia Harris states she was present at 2829 Durand at time of incident. Harris states she heard a scuffle and officers voices from Dunns office. Harris went to look and observed officers struggling with Whitehorn in Dunns office. Harris observed Whitehorn to grab at the officers handgun in its holster and observed Whitehorn to be pulling at the weapon attempting to pull the weapon from its holster. Harris states she believed that Whitehorn was attempting to take off Lafonds weapon but was not sure. Harris states she could hear an officer telling Whitehorn to "let go of the gun" repeatedly. Harris states she could also hear the officers giving Whitehorn commands thru out the incident. Harris states after observing the struggle and Whitehorn attempting to take the officers handgun she went to call 911 to get further help.





CRIME REPORT  
Narrative Continuation

COMP. No.	94-58538
Page	6 of 6 Pages

Reference Name or Address \_\_\_\_\_

Audrey Polenske was present at 2829 Durand at time of the incident. Polenske stated she heard a commotion and on going to hallway to look she observed the police officers, officers Lafond and Polzin, struggling with Whitehorn and that they were now in the hallway. Polenske states she then went back to her phone to call 911 and get additional police help. After calling police Polenske saw the officers struggling with Whitehorn further down the hallway, observed officers use a spray on Whitehorn, struggle with Whitehorn and finally restrain Whitehorn. Polenske was not present to observe Whitehorn with / fighting over officer Polzin's weapon.

- Michael Dunn states he was present during incident and observed Whitehorn to fail to comply to officers commands, fight with officers and resist officers attempts to arrest Whitehorn after Dunn advised Whitehorn was to be arrested. Dunn states that during the struggle he was back and behind the struggle and could not see exactly what was going on during the struggle. Dunn states he did not observe Whitehorn attempting to force off Polzin's handgun from its holster and did not observe the struggle over off Polzin's weapon.

Juv [Signature] 276

**SUPPLEMENTARY  
INCIDENT REPORT**

DATE 08-12-94

NO. 94-58538

COMPLAINT ATTEMPTED 1ST DEGREE LOCATION PROBATION/PAROLE, 2829 DURAND AVE.  
INTENTIONAL HOMICIDE  
REPORTED BY OFF. J. POLZIN #1848 ADDRESS \_\_\_\_\_

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**DETAILS**

**PERSON(S) ARRESTED:**

✓ WHITEHORN, RICHARD M. M/B DOB: 02-07-65 2110 FRANKIE PLACE 637-0418

**NAME(S) MENTIONED:**

- POLZIN, JOHN T. DOB: 07-18-68 730 CENTER ST. 635-7700 RAPD  
(Victim)
- LAFOND, PAUL A. DOB: 07-09-67 730 CENTER ST. 635-7700 RAPD  
(Witness)
- DUNN, MICHAEL J. DOB: 09-06-67 2829 DURAND AVE. 598-1128 PROBATION & PAROLE  
(Witness)
- HARRIS, CINDY L. DOB: 04-28-49 2829 DURAND AVE. 598-1129 PROBATION & PAROLE  
(Witness)
- POLENSKI, AUDREY E. DOB: 12-27-35 2829 DURAND AVE. PROBATION & PAROLE  
(Witness)
- ROHRER, CONNIE I. DOB: 04-28-53 2829 DURAND AVE. PROBATION & PAROLE  
(Witness)

**NARRATIVE:**

On 08-12-94, at approximately 17:29 hours, I, along with Officer LAFOND, were sent to Probation & Parole, 2829 Durand Avenue, to assist in taking a party into custody.

I arrived first and was met at the door by a female who asked me to hide around a corner because WHITEHORN was unaware he was being taken into custody. The female then called Agent DUNN, who was in with WHITEHORN, and advised DUNN the police had arrived. I was then told to go back to Agent DUNN'S office. When I got to DUNN'S office, he and WHITEHORN began to argue because DUNN advised WHITEHORN he was going to jail. WHITEHORN began yelling at DUNN, "But I gave you my blood!" DUNN then said the decision for WHITEHORN to go back to jail was his supervisor's, not his. WHITEHORN then looked at me and said, "Can I stop at my house first, I want to give something to my girl." I told WHITEHORN that that decision was up to DUNN. DUNN then said, "No, you're going to jail." At this time Officer LAFOND had joined me in Agent DUNN'S office.

**SUPPLEMENTARY  
INCIDENT REPORT**

DATE 08-12-94

NO. 94-58538

COMPLAINT ATTEMPTED 1ST DEGREE LOCATION PROBATION/PAROLE, 2829 DURAND AVE.  
INTENTIONAL HOMICIDE  
REPORTED BY OFF. J. POLZIN #1848 ADDRESS \_\_\_\_\_

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**DETAILS**

PAGE -2-

WHITEHORN was becoming very argumentative and he then stood up from the chair he had been sitting in and faced Officer LAFOND and I. I then told WHITEHORN to turn around and face the wall (which would make him having his back towards us) and told him he was under arrest. WHITEHORN then jumped back away from us with his back to the wall and began clenching his fists saying, "I'm not going, I'm not going back to prison!" I again ordered WHITEHORN to turn around and face the wall. WHITEHORN again yelled, "I'm not going back!" WHITEHORN still was standing with his back to the wall, clenching his fists.

At this time I took my expandable nightstick in my hand and again ordered WHITEHORN to turn around and face the wall (Note: The nightstick had not been expanded). WHITEHORN, with his hands still clenched, then charged Officer LAFOND and I. Officer LAFOND and I then grabbed WHITEHORN and pushed him back on top of Agent DUNN'S desk. WHITEHORN then began grabbing at my gun, which was still secured in my holster. WHITEHORN was able to force us off of him, giving him time to get back on his feet and off of the desk. Once on his feet, WHITEHORN immediately grabbed my duty weapon again which was still secured in my duty holster. I then immediately grabbed for my holster to retain the gun in the holster as WHITEHORN continued to disarm me. At this point we had slammed into the south wall of DUNN'S office and I continued to yell to Officer LAFOND, "He's going for my gun! PAUL, he's going for my gun!" in an attempt to warn Officer LAFOND we were fighting for my weapon. When WHITEHORN, myself and Officer LAFOND were slamming into the south wall of the office, I began attempting to disarm my duty weapon by releasing the magazine which was inserted in my gun.

As the struggle for my gun continued, I began to fall to the floor and WHITEHORN, who began falling with me, was able to pull my weapon out of it's holster which was secured. While we all fell to the ground, I continued to have a hold of my gun, however WHITEHORN had the gun by the hand grip and I had a grip over WHITEHORN'S hand and my other hand (right) had a grip over the slide. I continued, while on the ground, to push the magazine release, not knowing if the magazine was still in the weapon. At this point I was on the floor, WHITEHORN was on top of me gripping my gun with me holding the weapon also and Officer LAFOND was on top of WHITEHORN. I began yelling to warn Officer LAFOND, "My gun's out, my gun's out!"

At this time WHITEHORN and I continued to struggle for the gun and in the struggle, WHITEHORN struck me several times in the forehead with the gun. WHITEHORN then forced the gun into my face with the barrel of the gun pointed at my face. At this time I still did not know if my magazine had released out of the gun, disarming the weapon.

**SUPPLEMENTARY  
INCIDENT REPORT**

DATE 08-12-94

NO. 94-58538

COMPLAINT ATTEMPTED 1ST DEGREE INTENTIONAL HOMICIDE LOCATION PROBATION/PAROLE, 2829 DURAND AVE.  
REPORTED BY OFF. J. POLZIN #1848 ADDRESS \_\_\_\_\_

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**DETAILS**

PAGE -3-

WHITEHORN, still gripping the gun with it in my face, pulled the trigger, however, the gun did not fire. I then saw the magazine from my gun on the floor and I began pounding WHITEHORN'S hand, which was still gripping my gun, on the floor in an attempt to regain control of my weapon. After striking WHITEHORN'S hand on the floor, he let go of the gun and I grabbed the gun with my right hand and with my left hand I threw the magazine, which had been in my gun but had come out, down the hall away from us.

While I was regaining control of my weapon, we were partially in the office of DUNN and the hallway on the floor. WHITEHORN then began to stand up with Officer LAFOND still on top of him. WHITEHORN then began trying to run north down the hallway with Officer LAFOND still holding onto him.

At this point I saw WHITEHORN in the corner of the hallway and I pointed my duty weapon at him (WHITEHORN) and I was preparing to reload with a new magazine from my magazine pouch. At this point WHITEHORN had already tried to shoot me and I was in fear for my life, my fellow officer's life as well as others in the office. I knew WHITEHORN was willing to kill somebody in order to escape and I decided the only way to stop the threat on my life and that of others was to shoot to stop the threat. As I began to prepare to insert a new magazine to shoot WHITEHORN to stop the threat on my life as well as the threat on others, Officer LAFOND then pinned WHITEHORN in the corner and I then dropped the second magazine I was bout to load and ran to assist Officer LAFOND.

Officer LAFOND, while in the corner, had WHITEHORN in a bear hug from behind. I then ran towards Officer LAFOND, pulling out my O.C. spray, and yelled to Officer LAFOND, "I'm going to spray him!" I then sprayed my O.C. spray at WHITEHORN. As I was spraying, WHITEHORN moved, putting Officer LAFOND in the path of the spray. I then got the O.C. spray sprayed into WHITEHORN'S face and it did not effect WHITEHORN at all.

Officer LAFOND and I then continued struggling with WHITEHORN in the hallway as we headed westbound down the hall towards the exit door. At one point in the hallway the three of us became separated, with Officer LAFOND blocking the exit and WHITEHORN between us. WHITEHORN then charged Officer LAFOND in another attempt to get to the door and Officer LAFOND knocked WHITEHORN back at me and I was able to get WHITEHORN in a headlock. Officer LAFOND and I, during the whole incident, continually yelled for WHITEHORN to get down and he refused.

When I got him in a headlock, I yelled for agents to get us help as we continued to fight with WHITEHORN. WHITEHORN still continued to pull us towards the lobby as I still had WHITEHORN in a headlock. Once in the lobby of Probation & Parole, we

**SUPPLEMENTARY  
INCIDENT REPORT**

DATE 08-12-94

NO. 94-58538

COMPLAINT ATTEMPTED 1ST DEGREE  
INTENTIONAL HOMICIDE

LOCATION PROBATION/PAROLE, 2829 DURAND AVE.

REPORTED BY OFF. J. POLZIN #1848

ADDRESS \_\_\_\_\_

DETAILS

PAGE -4-

continued to fight with WHITEHORN, who was still struggling with us. WHITEHORN was able to move us around the lobby with me still having him in a headlock as well as Officer LAFOND holding onto him. In the lobby, we ran into the banister for the stairway, then a shelving unit. From the shelving unit we were forced into the copy machine which was also in the lobby. I still had WHITEHORN in a headlock and I attempted to use my left hand to get my handcuffs and WHITEHORN grabbed my handcuffs and knocked them on the ground.

At this point, with WHITEHORN still in a headlock, we moved backwards towards the door which had been locked by an agent. Once at the door, I still had WHITEHORN in a headlock and continually yelled to WHITEHORN to put his hands behind his back. Officer LAFOND then gained control of one of WHITEHORN'S hands and was able to handcuff the hand and also was able to cuff the open cuff to the metal bar on the locked door. WHITEHORN, even though having one hand handcuffed, continued to fight. I continued holding WHITEHORN in a headlock until additional cover squads arrived and pulled me away from WHITEHORN.

Note: At one point in the hallway, while I had WHITEHORN in a headlock, I know Officer LAFOND called on his portable for help. I believe this was at the same time I yelled at agents to get us help.

Once I was pulled off of WHITEHORN by additional officers arriving, I remember Officer LAFOND falling to the ground and I went to assist him. I was suffering pain to my head from being struck with my gun and had difficulty breathing. I remember being put in a rescue squad and the next thing I remember, I was in the emergency room of St. Luke's. Once at St. Luke's, I was treated for injuries suffered while attempting to prevent WHITEHORN from escaping. After being treated, I was released and advised by E.R. doctor that I could not return to work for at least a couple of days due to my injuries sustained in arresting WHITEHORN.

For additional information, see additional reports under complaint numbers 94-58528 and 94-58547.

J. POLZIN #1848

08-13-94 jmm 8:40 p.m. written

APPROVED BY: INV. CHESN

*St Robert K. Holton*

SUPPLEMENTARY  
INCIDENT REPORT

DATE 08-12-94

NO. 94-58538

COMPLAINT SEE ARREST HEADER LOCATION 2829 DURAND AVE.

REPORTED BY OFF. J. FREEMAN 1541 ADDRESS \_\_\_\_\_

DETAILS

ARREST NARRATIVE: WHITEHORN, RICHARD M. 02-07-65  
177547/177548/177549/177550/177551/177552

NARRATIVE:

At the time in question, Mr. WHITEHORN had been arrested on a parole violation, battery to peace officer and resisting arrest with additional charges pending (see additional reports under this complaint number). WHITEHORN was initially placed in the rear of my squad car (R-4). Upon being placed in the squad, WHITEHORN assumed a prone position. The wagon (R-18) operated by Officer M. VANKO arrived approximately 45 seconds later. WHITEHORN was then removed from the rear of R-4 and placed in the rear of R-18 and transported to the County Jail.

Upon checking the rear of R-4 at the end of my tour of duty, two clear plastic packets containing a hard white substance (believed to be cocaine base) were discovered beneath the rear seat (those packets were definitely not present at the beginning of my tour of duty as I had checked the squad thoroughly. Also, no one else was in the rear squad before or after WHITEHORN). The packets had a combined pretest weight of .4 grams. The weight was approximately the same following the test. The contents of the packets tested positive for cocaine.

For additional charges see 94-58528/94-58547 case report.

OFF. J. FREEMAN 1541  
aw/08-13-94/5:44 a.m./written  
APPROVED BY: LT. MOLNAR

# INCIDENT REPORT

- INSTRUCTIONS:**
1. Employee and/or immediate supervisor complete and forward within two working days.
  2. If incident involved physical injury to employee, complete section A only and attach AD-85 (Occupational Accident and Illness Report).
  3. Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.
  4. The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

SECTION A			
EMPLOYEE'S NAME Michael F. Mullarkey		AREA OR UNIT NUMBER 10403	HEADQUARTERS Richland Center
NATURE OF INCIDENT: <input type="checkbox"/> Physical Injury Only <input type="checkbox"/> Property Damage Only <input checked="" type="checkbox"/> Threats (verbal or physical) <input type="checkbox"/> Injury and Property Damage <input type="checkbox"/> Other - Specify			
DATE OF INCIDENT 02/22/95		TIME OF INCIDENT 10:00 A.M.	
EMPLOYEE ON DUTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		REPORTED TO LAW ENFORCEMENT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
INCIDENT OCCURRED WHILE <input type="checkbox"/> Making Home Visit <input type="checkbox"/> In Office <input type="checkbox"/> Transporting Client <input checked="" type="checkbox"/> Other - Specify leaving courthouse			
INCIDENT INVOLVED <input checked="" type="checkbox"/> Employee Only <input type="checkbox"/> Employee and Family Members - Specify <input type="checkbox"/> Other - Specify			

## SECTION B

Please describe incident in detail. If threat is checked above, report the exact wording of the threat and refer to # 9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary. On 02/22/95, at approximately 10:00 A.M. as I was walking in the hallway of the third floor of the Dane County Courthouse in Madison, Wisconsin, following a sentencing after revocation hearing, the client, James Brown, #276164-A was being escorted in the opposite direction by three Dane County Sheriff's Department Bailiffs. As I neared the client, Mr. Brown lunged toward me and yelled, "You son of a bitch." Mr. Brown was quickly grabbed by the Deputy Sheriff's, who told the client something to the effect of knock it off. As I continued to walk I heard Mr. Brown state to the deputies something to the effect that that's the son of a bitch who did this to me.

TIME LOST TO DATE none	EMPLOYEE'S SIGNATURE 	DATE SIGNED 02/23/95
SUPERVISOR'S COMMENT(S):		

SUPERVISOR'S SIGNATURE:	DATE SIGNED
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# INCIDENT REPORT

- INSTRUCT PAROLE** Employee and/or immediate supervisor complete and forward within two working days.
- If incident involved physical injury to employee, complete section A only and attach AD-85 (Occupational Accident and Illness Report).
  - Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.
  - The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

## SECTION A

EMPLOYEE'S NAME: Jackie Onsham AREA OR UNIT NUMBER: 20914 HEADQUARTERS: Racine

NATURE OF INCIDENT:  Physical Injury Only  Property Damage Only  Threats (verbal or physical)  
 Injury and Property Damage  Other - Specify

*Recovery of Firearm in plain view while on home visit.*

DATE OF INCIDENT: 3/8/95 TIME OF INCIDENT: 9:30 AM

EMPLOYEE ON DUTY:  Yes  No REPORTED TO LAW ENFORCEMENT:  Yes  No

INCIDENT OCCURRED WHILE:  Making Home Visit  In Office  Transporting Client  Other - Specify

INCIDENT INVOLVED:  Employee Only  Employee and Family Members - Specify  Other - Specify

*Also included: Jennifer Whithead 20906 and Jessica Fischer 20407*

## SECTION B

Please describe incident in detail. If threat is checked above, report the exact wording of the threat and refer to # 9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary.

*On 3-8-95 at approximately 9:30 AM agents 20914, 20906 and 20407 along with 2 Racine police officers, executed a home visit in the city of Racine with the intent to place an assaultive parolee into custody. The parolee was on EMP as an APR and reports indicated he was tampering with the EMP equipment. Due to the value of the equipment, agents had no option but to visit the home. Upon entry into the residence, the parolee was secured in handcuffs. There were 3 other individuals in the residence that were not related to the incident and therefore not restrained. As agent did a sweep of the residence, agent 20914 located a firearm on the floor next to a chair. Upon inspection of the firearm, the officer indicated it was loaded and ready for use.*

TIME LOST TO DATE: n/a EMPLOYEE'S SIGNATURE: Jackie Onsham DATE SIGNED: 3/8/95

SUPERVISOR'S COMMENT(S): *Agents followed office rules to ask for police assistance in possible dangerous situations - reportedly, the gun was held out in full view in the "living room area"*

SUPERVISOR'S SIGNATURE: Peggy Kanding DATE SIGNED: 3/9/95



FOND DU LAC COUNTY SHERIFF DEPARTMENT

JAIL INCIDENT REPORT

INMATE NAME \_\_\_\_\_ LOCKUP NUMBER \_\_\_\_\_  
 SUBJECT STAFF INJURY DATE MAY 05, 1995  
 JAILER REPORTING KUETHER TIME 3:00 p.m.

At approximately 12:15p.m. on May 5, 1995, I, CO 111 MARK KUETHER WAS in a physical encounter with inmate [REDACTED] During the fight I recieved an injury to the lower left jaw area. The wound was about an inch long and fairly deep.

After we left the receiving area CO NURSE LUCY TIRY looked at my jaw and said that it would probably need a couple of stiches. About 1:00p.m. I left work to see my doctor, Dr michael Sergi. Dr Sergi looked at me and said that I would need about 3 stiches. After I was done I came back to work and did this report.

SHIFT COMMANDER

JAILER ON DUTY

*CO 111 Mark Kuether*

ACTION TAKEN:

**FILE COPY**

*Refer TO N. Buschorek - Purchasing*

*[Signature]*

FOND DU LAC COUNTY SHERIFF DEPARTMENT

JAIL INCIDENT REPORT

INMATE NAME \_\_\_\_\_ LOCKUP NUMBER 95-0168  
SUBJECT Informational DATE May 5, 1995  
JAILER REPORTING CO III Olig TIME 8:50a.m.

While receiving a conduct hearing, inmate \_\_\_\_\_ became verbally abusive towards Lt. Pucker. At this point \_\_\_\_\_ stood up from the chair he was sitting in and began arguing with Lt. Pucker. \_\_\_\_\_ was then escorted to the receiving area by myself and CO'S Kuether and King. While walking towards receiving cell #4, \_\_\_\_\_ was told by myself that he would not be returning to that cell and that he would be housed in cell #6 from now on. After telling him this, he began struggling with all three of the officers, and stated that he was'nt going to a different cell. \_\_\_\_\_ was then escorted to the floor by myself and CO'S King and Kuether. While on the floor he was told several times by myself to stop struggling and to calm down. After several minutes, \_\_\_\_\_ did calm down and was helped off the floor by CO Kuether and myself. He then walked to receiving #6 on his own without any further incidents. Once the door to the cell was secured all restraints were removed.

At approximately 9:30a.m. \_\_\_\_\_ was checked on by CO King. King came back to the booking control station and stated that \_\_\_\_\_ had plugged his toilet and flooded his cell and the hallway outside of the cell area. I then went to the plumbing closet by \_\_\_\_\_'s cell and shut the water off to the toilet to prevent him from causing anymore flooding.

Approximately 15 minutes later \_\_\_\_\_ began throwing wetted toilet paper out the flap door against the wall directly in front of his cell. At this time the flap door was closed. \_\_\_\_\_ was under a fifteen minute security watch the entire time since he was placed in receiving cell #6.

SHIFT COMMANDER \_\_\_\_\_

JAILER ON DUTY CO III Ray A Olig

ACTION TAKEN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT/COUNTY JAIL

CONDUCT REPORT

INMATE [redacted] REG. # 95-0168 DATE May 5, 1995

ASSIGNED AREA Receiving area ALLEGED OFFENSE

LOCATION OF ALLEGED OFFENSE Receiving cell 6

TIME AND DATE OF ALLEGED OFFENSE 05/05/95 around 12:00p.m.

NARRATIVE: On 05/05/95 between 10:30 and 10:45a.m. [redacted] had removed the metal electrical cover plates in his cell. [redacted] threw one plate out of his cell and kept the other plate in his cell. [redacted] was told many times to hand out the other plate and he refused. He said "I'll use the plate to slice my wrists if we opened the door. At this time he had a few scratches on his arms.

About 10:55 a.m. Lt. Pucker, sgt. Harismchuck, CO's Olig, Burns, King, Schindler and myself were at the door to [redacted] cell. Lt Pucker asked [redacted] if he would give up the plate and [redacted] replied if you fuckers open the door I'll slit my fucken wrists. Lt Pucker then told [redacted] that he would be sprayed with pepper spray if he would not cooperate.

At this time [redacted] went to the back of his cell and started using the cover plate on his wrist. As we entered [redacted]s cell he stood up and Lt Pucker sprayed him with the pepper spray. The first time had little effect. The second time CO shindler sprayed [redacted] After he was sprayed [redacted] came towards us in a threatening manner, with the metal plate. At this time all officers grabbed [redacted] and physicaly put [redacted] on his bed. During this time [redacted]n dropped the plate and the plate was removed from his cell. At this time all officers left the cell area.

NOTE: At no time did any officer give permission to [redacted] to remove the cover plates or try to harm any officer.

*Mark Kuska*  
STAFF SIGNATURE

COPY READ AND SERVED ON INMATE: DATE 5-9-95 TIME 1:25p  
BY CO-477 Ray A Olig  
CORRECTIONAL OFFICER

MAJOR REPORT  
MINOR REPORT

GUILTY NOT GUILTY DISMISSED

DISPOSITION OF REPORT:

HEARING OFFICER

### INCIDENT REPORT

- INSTRUCTIONS:** 1. Employee and/or immediate supervisor complete and forward within two working days.  
 2. If incident involved physical injury to employee, complete section A only and attach DOA-6058 (Occupational Injury and Illness Report).  
 3. Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.  
 4. The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

#### SECTION A

EMPLOYEE NAME Michael Mullarkey	AREA OR UNIT NUMBER 10403	HEADQUARTERS Richland Center
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NATURE OF INCIDENT  
 Physical Injury Only     Property Damage Only     Threats (verbal or physical)     Injury and Property Damage     Other-Specify Below

DATE OF INCIDENT 05/05/95	TIME OF INCIDENT 8:15 A.M.	EXACT LOCATION OF INCIDENT Richland Center Probation and Parole Office 877 North Orange Street Richland Center, Wisconsin 53581
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EMPLOYEE ON DUTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	REPORTED TO LAW ENFORCEMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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INCIDENT OCCURRED WHILE <input type="checkbox"/> Making Home Visit <input checked="" type="checkbox"/> In Office <input type="checkbox"/> Transporting Client <input type="checkbox"/> Other - Specify Below	INCIDENT INVOLVED <input checked="" type="checkbox"/> Employee Only <input type="checkbox"/> Employee and Family Members - Specify Below <input checked="" type="checkbox"/> Other - Specify Below    Program Assistant Kim Meyer
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#### SECTION B

Please describe incident in detail. If "other" is checked above in any category, specify your answer below. If threat is checked above, report the exact wording of the threat and refer to #9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary.

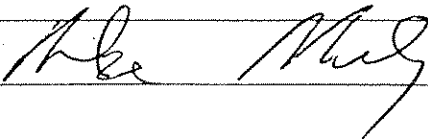
On 05/05/95, at approximately 8:15 A.M. while meeting with parole client James Brown, #276164-A I asked Mr. Brown why he had not complied with my instructions from 05/04/95 to register with Job Service and check their Job Net. The client was also required to fill out an application for employment with Allen Bradley Company.

The client stated that he had gone to Job Service, and his application was on file and that he had not checked the Job Net because he got there too late. The client stated that he had not applied at Allen Bradley as directed by this agent on 05/03/95 and ordered to do so on 05/04/95, because he decided to get involved in the printing business.

I informed James Brown that he would be going into custody for the weekend for failure to follow the case plan and directions of the agent. I then dialed the Richland Center Police Department to ask them to come to the Probation and Parole Office to transport Mr. Brown to the jail. While talking to the police department, Mr. Brown got out of his chair and started to exit my office. I then stepped between Mr. Brown and the door and asked him to sit down until the police arrived.

Mr. Brown began screaming at me to get out of his way and to quit "fucking" with him. Mr. Brown at that time told me that I was a "mother fucker" and that I had to immediately quit "fucking"

IN YOUR OPINION, WHAT COULD BE DONE TO PREVENT OTHER INCIDENTS OF THIS NATURE? A panic button to summon the police immediately and not have to wait for a phone call.

TIME LOST TO DATE 1 day	EMPLOYEE SIGNATURE 	DATE SIGNED 05/05/95
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SUPERVISOR COMMENT(S) (Continue on back if needed)

SUPERVISOR SIGNATURE	DATE SIGNED
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with him. Mr. Brown raised his hand to me and was gesturing with his hand that he would strike me if I did not move. I told Mr. Brown to not hit me that if he did so it would be a felony crime.

Mr. Brown continued to escalate in his anger and continued to yell louder and louder. Mr. Brown kept yelling for me to quit "fucking" with him and continued to call me a "mother fucker" repeatedly.

I continued to back up, asking Mr. Brown to please have a seat that he could not leave the office until the police had arrived. Mr. Brown demanded to speak to his girlfriend, Patricia Pliner. I told Mr. Brown that he could see his girlfriend once the police had arrived. Mr. Brown continued to get closer and closer to me. Mr. Brown, while approximately 1/2 inch from me continued to yell at me in a very loud voice that I had better quit "fucking with him" and that I was a "mother fucker." I repeatedly asked Mr. Brown to quit gesturing with his hand in my face and to please back up and wait for the police.

I then heard the voice of Patricia Pliner behind me. Patricia Pliner was asking James Brown to please calm down. I told James Brown that he could talk to Patricia Pliner through the window. Mr. Brown continued to yell very loudly, continuing to be very close to my face.

The Richland Center Police Department then arrived. Officers Vince Frawley and Don Maxwell entered the Probation and Parole Office. James Brown was taken into custody. I requested from Officer Frawley that a state charge of Disorderly Conduct be filed against James Brown. Mr. Brown had been very violent and abusive and had screamed profanities at me. Mr. Brown had made it very clear that if I did not comply with his instructions to leave him alone, that I was going to suffer great bodily harm. Mr. Brown did cause a major disturbance at the Richland Center Probation and Parole Office.

# INCIDENT REPORT

- INSTRUCTIONS:**
1. Employee and/or immediate supervisor complete and forward within two working days.
  2. If incident involved physical injury to employee, complete section A only and attach DOA-6058 (Occupational Injury and Illness Report).
  3. Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.
  4. The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

SECTION A		
EMPLOYEE NAME Christopher Nehring	AREA OR UNIT NUMBER 40410	HEADQUARTERS Sheboygan
NATURE OF INCIDENT <input type="checkbox"/> Physical Injury Only <input type="checkbox"/> Property Damage Only <input type="checkbox"/> Threats (verbal or physical) <input type="checkbox"/> Injury and Property Damage <input checked="" type="checkbox"/> Other-Specify Below		
DATE OF INCIDENT 3/22/96	TIME OF INCIDENT Approximately 3:00 p.m.	EXACT LOCATION OF INCIDENT 3422 Wilgus Avenue, Sheboygan, WI Hall area near waiting room.
EMPLOYEE ON DUTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	REPORTED TO LAW ENFORCEMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
INCIDENT OCCURRED WHILE <input type="checkbox"/> Making Home Visit <input checked="" type="checkbox"/> In Office <input type="checkbox"/> Transporting Client <input type="checkbox"/> Other - Specify Below		INCIDENT INVOLVED <input type="checkbox"/> Employee Only <input type="checkbox"/> Employee and Family Members - Specify Below <input checked="" type="checkbox"/> Other - Specify Below

## SECTION B

Please describe incident in detail. If "other" is checked above in any category, specify your answer below. If threat is checked above, report the exact wording of the threat and refer to #9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary.

On Friday, 3/22/96 at approximately 3:00 p.m. I was escorting an offender from the waiting room to my office. My office is located on the north central area of the Sheboygan Probation/Parole Office. I just closed the waiting room door and started towards my office.

I heard an individual shout "stop him" and at that time an unknown individual appeared down the hall in front of me. I ordered the individual in front of me to "stop" and I put up my right hand and stated "stop". The unknown individual did not stop and ran into me pushing me back down the hall towards the waiting room. As the unknown individual was pushing me Agent Patty Doerr appeared in the door and said "stop him". Had the hall been bigger I would have allowed the offender to flee.

The unknown offender was still pushing me. Fearing for my safety, the safety of offenders who were in the hall, and the safety of Agent Doerr as well as the offenders in the waiting room; I placed the offender's right hand in a compliance hold that I had learned in Department training. The unknown offender continued to resist. I tried to verbally stun the offender by shouting "stop resisting, don't make me take you down to the ground". The offender continued to resist.

Due to the limited space in the hall, I determined that, I would be unable to guide the offender safely to the ground without injury. I continued to apply pressure to my compliance holds on the right hand hoping to gain control.

Agent Randy Richter appeared from the clerical area to the left of the offender. He took the offender's left hand and placed it in a compliance hold. Agent Richter applied his compliance hold, and I was able to re-position my hand and re-apply the hold I had on the offender's right hand. We stayed in that position for about 30 seconds and the offender relaxed his resistive behavior. A Sheboygan Police Officer Zittel arrived and he handcuffed the unknown offender from the compliance hold. I asked the offender if he was injured and he stated "no". The Sheboygan Police Officer Zittel took the offender to the Sheboygan County Jail.

Warren R. Goetsch, DOC #296029-A, was the offender who I was escorting to my office when this incident occurred. He was not injured or involved in this incident.

I was not injured by the offender who was later identified as Wallace Miesfeld Jr.

IN YOUR OPINION, WHAT COULD BE DONE TO PREVENT OTHER INCIDENTS OF THIS NATURE?

Nothing.

TIME LOST TO DATE None	EMPLOYEE SIGNATURE Christopher Nehring <i>Chris Nehring</i>	DATE SIGNED 3/25/96
SUPERVISOR COMMENT(S) (Continue on back if needed)		

SUPERVISOR SIGNATURE	DATE SIGNED
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JAIL INCIDENT REPORT

INMATE NAME: [REDACTED]

LOCKUP NUMBER 951634

SUBJECT Battery to Officer

DATE Wednesday January 3, 1996

JAILER REPORTING GUELL

TIME 4:00 p.m.

On the above date and time, I (CO GUELL) was working in the main jail. [REDACTED] (951634) asked if he could use the telephone to call his probation officer. I told [REDACTED] he would get the phone as soon as possible. Supper was served to S [REDACTED] by COOK GAIL SCHINDLER at about 4:25 p.m. [REDACTED] was housed in F4. [REDACTED] threw food from the supper tray and the tray out of the flap of cell F4.

I was in the control station when the tray was thrown by [REDACTED]. I saw and heard NURSE LUCY TIRY tell [REDACTED] his probation officer would not want to talk to him because [REDACTED] was not taking his medications.

I entered section F hallway at about 4:30 p.m. to close the flap on cell F4. I pushed the flap shut and was attempting to latch the flap.

[REDACTED] pushed the flap open, put his arm out and slapped the left side of my face. I stepped back. S [REDACTED] reached out and tried to grab and slap me. I told [REDACTED] he would be receiving a conduct report. S [REDACTED] yelled "You bitch."

I entered the main control and reported to OIC AASBY. OIC AASBY, CO VANBUSKIRK, and I attempted to shut the flap on cell F4. The flap would not secure.

I entered the main control station. I felt pain on the left side of my face. I looked in the mirror and saw swelling, red skin, and a possible cut on the left side of my face. I asked NURSE LUCY TIRY to check my face for cuts. NURSE TIRY checked my face and told me to go to the hospital to be checked by a doctor.

At about 4:50 p.m. I went to St. Agnes Hospital Emergency Department. DOCTOR W. BRUSKY checked my face. DOCTOR BRUSKY said there was an abrasion below my mouth on the left side of my face. At DOCTOR BRUSKY'S recommendation, blood was drawn by the hospital laboratory for testing.

I returned to the jail at about 6:00 p.m.

At about 6:15 p.m. OIC AASBY saw water on the floor in the hall by F4. OIC AASBY, CO RAHMER, and I walked past F4 to the water closet. I saw a stream of water that appeared to be from the sink in F4, landing on the floor near the door. CO RAHMER turned the water to the sink for F4 off.

A copy of the hospital aftercare instructions is attached to this report. END REPORT

SHIFT COMMANDER

[Signature] JAILER ON DUTY

T.A.

ACTION TAKEN: FILE COPY - Copy to Det. Feink for possible charges, copy to P.O. and copy to B. Kuba's prison Dept.

[Signature]