

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on  
Corrections and  
Courts  
(AC-CC)

(Form Updated: 07/24/2009)

COMMITTEE NOTICES ...

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➤ [Executive Sessions ... ES](#)  
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INFORMATION COLLECTED BY COMMITTEE  
FOR AND AGAINST PROPOSAL ...

➤ [Appointments ... Appt](#)  
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Name:

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\*\*

➤ [Hearing Records ... HR](#) (bills and resolutions)  
\*\* **07hr\_sb0176\_AC-CC\_pt01**

➤ [Miscellaneous ... Misc](#)  
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# Assembly Committee on Corrections and the Courts

DATE \_\_\_\_\_  
 Moved by Kest Seconded by Bies  
 AB \_\_\_\_\_ SB 176 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_  
 A \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
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SB 176

- Be recommended for:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction       | <input type="checkbox"/> Tabling                 |
| <input type="checkbox"/> Adoption           | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection          | <input type="checkbox"/> Nonconcurrence          |

|        | Committee Member                 | Aye | No | Absent | Not voting |
|--------|----------------------------------|-----|----|--------|------------|
| 1.     | Rep. Garey Bies, chair           | 1   |    |        |            |
| 2.     | Rep. Phil Montgomery, vice-chair | 2   |    |        |            |
| 3.     | Rep. Dean Kaufert                | 3   |    |        |            |
| 4.     | Rep. Carol Owens                 | 4   |    |        |            |
| 5.     | Rep. Steve Kestell               | 5   |    |        |            |
| 6.     | Rep. Daniel LeMahieu             | 6   |    |        |            |
| 7.     | Rep. Joe Parisi                  |     | 1  |        |            |
| 8.     | Rep. Mark Pocan                  |     | 2  |        |            |
| 9.     | Rep. Sheldon Wasserman           |     | 3  |        |            |
| 10.    | Rep. Sony Pope-Roberts           |     | 4  |        |            |
| 11.    | Rep. Donna Seidel                |     | 5  |        |            |
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Unsub  
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Bies/Parisi

**Assembly Committee on Corrections and the Courts**

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 Moved by Bies Seconded by Owens  
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 AJR \_\_\_\_\_ SJR \_\_\_\_\_  
 A \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_  
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**SB 176**

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  - Introduction
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|        | Committee Member                 | Aye | No | Absent | Not voting |
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| 7.     | Rep. Joe Parisi                  |     | 1  |        |            |
| 8.     | Rep. Mark Pocan                  |     | 2  |        |            |
| 9.     | Rep. Sheldon Wasserman           |     | 3  |        |            |
| 10.    | Rep. Sondy Pope-Roberts          |     | 4  |        |            |
| 11.    | Rep. Donna Seidel                |     | 5  |        |            |
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| Totals |                                  | 6   | 5  |        |            |

MOTION CARRIED

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**Tom Barrett**  
Mayor, City of Milwaukee

December 3, 2007

Committee on Labor, Elections and Urban Affairs

Dear Senators:

Thank you for the opportunity to testify before the Senate Committee on Labor, Elections and Urban Affairs last week. Senate Bill 176 is a very important piece of legislation to City of Milwaukee residents and I would appreciate your support.

Let me start by saying that Milwaukee residents and leaders greatly respect and value the job undertaken by the majority of our Milwaukee Police Officers. We admire the dedication and commitment they display on a daily basis to protect the lives and property of the residents of this community. By no means is this legislation intended to harm all hard-working police officers and their families. We recognize that our Police Department does a very good job with the resources available to them under very challenging circumstances.

**The bottom line is that Milwaukee's public safety needs are great and our resources are severely limited. We appear to have a fundamental disagreement with the Milwaukee Police Association about where these limited funds should be spent. We believe our residents prefer their property tax dollars be spent paying officers who will actually be working on the street defending our citizens from criminals, rather than paying the salaries and benefits for the few who have been discharged for breaking the very laws they have sworn to uphold.**

Since the last legislative session, city representatives have met with the MPA on multiple occasions to discuss changes to state statutes that require discharged Milwaukee police officers to continue to receive pay and benefits pending disciplinary appeal trials. We have also discussed changes to the statute aimed at creating more streamlined disciplinary appeal procedures and adding city resources to staff those activities.

The City's 2007 Budget restored the Fire and Police Commission (FPC) as a separate and independent agency and delegated recruitment and testing functions to the Department of Employee Relations to allow the Commission to focus on citizen oversight and policy issues. In addition, the Budget enhanced the Commission's ability to exercise its authority under 62.50 by:

- Providing the necessary funding for additional FPC Commissioners pending legislative changes aimed at expanding the size of the Commission;
- Creating a Paralegal position to assist in streamlining and expediting pre-trial and post-trial procedures and alleviate the citizen complaint backlog;

- Creating a Community Outreach Manager position to increase the Commission's visibility and credibility in the community and strengthen conciliation process for citizen complaints;
- Contracting with additional hearing examiners dedicated to citizen complaint trials in 2006 and 2007;
- Securing a commitment from the City Attorney's office to assign increased resources to expedite the scheduling of trials;
- Funding a total of 33 Police Services Assistants in the 07 and 08 Budgets to perform support functions so that sworn personnel can be returned to crime fighting activities.

Throughout our discussions with the MPA, it is apparent that we have reached consensus on issues related to expanding the size of the Commission, changing the timeline for scheduling disciplinary trials and eliminating provisions that allow for automatic adjournment of trials. However, many critical differences still exist and we have not been able to agree on a comprehensive package of legislation to present to you as a compromise.

During the hearing, the Milwaukee Police Association (MPA) made some statements and/or allegations that are inaccurate and I feel it is important for you and your colleagues to fully understand the City's efforts and position on this matter. Specifically, the following 6 allegations were raised by the Milwaukee Police Association at the public hearing:

**1. The MPA asserts that the Fire and Police Commission does not adhere to the current statutory timeline for disciplinary appeal trials.**

The Fire and Police Commission held a series of public hearings in 1998 and 1999 to address concerns by both the city and appellant attorneys regarding the challenges of the 5-15 day statutory timeline. As a result, the Fire and Police Commission adopted Rule XV Section 5, which outlines the Commission's procedure for handling trials in compliance with Wis. Stat. 62.50(14). Under this procedure, appellants are allowed to waive the statutory time limits found in 62.50(14) at the time they submit their notice of appeal.

Also, attached is a sample appeal notice used by Police Officers to waive this timeline. *The document clearly indicates that the request for waiver is based on the fact that 15 days is not enough time in which to complete the discovery, pre-trial procedures and other preparation needed by the appellant's legal counsel to effectively represent him or her. The timeline waiver is not mandatory if an officer requests an extension. In virtually every appeal, the officer has requested a waiver since this procedure was adopted.* The statutory timeline becomes irrelevant when each and every officer asserts their request for an automatic adjournment just prior to the scheduled hearing and also initially waives the 15-day statutory timeline. This results in continuing their salary well beyond what the writers of the original statute ever intended. Senate Bill 176 includes a provision that will extend the statutory timeframe from 5-15 days to 90-120 days in order to eliminate the need for the waiver.

**2. The MPA stated that accused officers do not get due process prior to being disciplined by the Chief.**

Employment relationships in the State of Wisconsin are generally governed by what is known as the "at-will" doctrine. The employment relationship can be severed at any time by either the employer or the employee for any or no reason. Under the at-will doctrine, employers have the ability to terminate the employment of employees for any or no reason so long as it is not an

illegal or discriminatory reason. However, rights extended to the Milwaukee Police Association under state law and their collective bargaining agreement further require that department disciplines based upon the "just cause" standard. Since the burden of proof falls on the employer, disciplinary actions are not issued lightly.

The Milwaukee Police Department's internal investigation process is professional, lengthy and thorough. MPA's suggestion that it is somehow tainted is unfounded. Each case gets a complete review by the department's Professional Performance Division. In addition, each case involving significant discipline is subject to initial review and consultation with the Milwaukee City Attorney's Office for legal sufficiency and compliance with the requirements of due process.

During the investigation each officer is interviewed with their legal counsel or chosen representative present and is given an opportunity to present any information in their defense. Prior to issuance of charges, each officer is formally served with a notice of the investigation and a complete summary of the investigation including witness statements and any exculpatory information, at which time the officer is then afforded once again the opportunity to respond and present any information, statements, or evidence in any form whatsoever to assist in the disposition of the investigation prior to the Chief rendering a decision.

In fact, Milwaukee Police Officers receive more due process than persons in any other type of employment relationship in this State. The Fire and Police Commission appeal process is an additional layer of protection for officers who are also afforded the same legal protections as other employees.

**3. The MPA asserts that this legislation discriminates against officers in Milwaukee only, by treating them differently than officers in other cities.**

There is only one statutorily mandated City of the First Class in Wisconsin – that is Milwaukee. Many provisions of the state statutes ranging from employee relations to government formation treat Milwaukee differently. The fact that there are different provisions than those applying to other cities does not render them discriminatory.

The City of Milwaukee has instituted many procedures to safeguard due process for its officers that are not present in other Wisconsin cities. These procedures are outlined in the attachment summarizing the investigative process. Any decision of the police chief in disciplining an officer is subject to initial review by the Milwaukee City Attorneys Office. In addition, under the reorganization of the Milwaukee Fire and Police Commission, any decision is also subject to independent review by the Director of the Milwaukee Fire and Police Commission while performing its statutorily mandated oversight responsibilities. The process in Milwaukee is different, but is not discriminatory and in many respects offers additional safeguards not present in other Wisconsin cities.

In the case of laws pertaining to police, there are several differences in Chapter 62 as well as Chapter 111. Some of these differences benefit the Officer, and some benefit the City. If the MPA is interested in matching up Milwaukee Police Officers with the rest of the state, there are several changes that will need to be made.

Aside from changing the disciplinary process, the collective bargaining process will need to be changed to eliminate issue-by-issue interest arbitration that benefits Milwaukee officers. In fact, Milwaukee officers and the Milwaukee Police Supervisors are the only two unions in the entire state that are entitled to this type of interest arbitration procedure. All other unions in the state are

subject to total package interest arbitration in which one side completely wins or loses the entire case. In this type of a process both parties are more reluctant to ask for too much and to go forward to arbitration.

The current bargaining law for our two police unions provides them with little incentive to be reasonable because there is absolutely no risk and they have everything to gain in utilizing the interest arbitration procedure. All other unions in the state must weigh the risk of asking for a new benefit versus losing the entire case.

**4. A question was raised about why the City has hired officers with previous misdemeanor convictions and why not all officers with misdemeanors are discharged.**

Wisconsin Fair Employment Law (Wisconsin Statutes 111.31-111.395) prohibits employment discrimination on the basis of “arrest and conviction record.” This statutory provision states that an employer may only refuse to hire a qualified applicant because of a conviction record for an offense that is substantially related to the circumstances of a particular job. Therefore, the Milwaukee Police Department has hired some officers with misdemeanor convictions that were deemed unrelated to the job. Usually that has occurred with very minor violations not likely to reoccur or violations that are very old with a long intervening record of no illegal conduct.

Likewise, the Police Department cannot terminate an employee for a misdemeanor conviction unless it is substantially related to the job of police officer. Therefore, not all officers with misdemeanor convictions are removed from office automatically.

**5. The MPA takes issue with the fact that the City continues to pay officers after they have been convicted of a felony until they are sentenced. This is contrary to the MPA’s position that once an officer is convicted of a felony, he/she can no longer hold the position of a police officer.**

This is another misleading argument. The answer is simple; we are required to continue paying the officer until sentencing under state law. Police Officers hold a “public office” for purposes of Wis. Stat. 17.03(5). This section states that a public office is vacant when an incumbent is convicted *and sentenced* by a state or federal court for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or for any offense involving a violation of the incumbent’s official oath.

**6. The MPA contends that a recent ruling by Judge Foley (in his remarks, Balcerzak said Judge Franke) means that Police Officers are not officers of the municipality for purposes of Chapter 17 (as referenced in #5).**

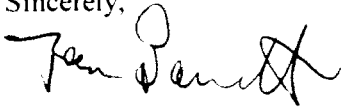
A Milwaukee County Circuit Court judge has made a ruling that is not precedential and that we believe to be in error and contrary to law. The City has appealed this decision to the Wisconsin Court of Appeals and is confident it will be overturned, based on applicable law and facts. Please see the attached brief for the City’s position on this matter.

Using dissenting Supreme Court opinions and recent court decisions that are currently under appeal demonstrate that the Milwaukee Police Association has a clear misunderstanding of the legal landscape in Wisconsin. It is my hope that these discrepancies are merely a case of the Milwaukee Police Association representative being poorly informed and not intentional misleading.



I am happy to be able to provide you with clarification on these issues. As written, this bill will give Milwaukee taxpayers a needed break. Please feel free to contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Barrett". The signature is fluid and cursive, with the first name "Tom" and last name "Barrett" clearly distinguishable.

Tom Barrett  
Mayor

TB:jg:mo

cc: Senator Russell Decker  
Speaker Michael Huebsch  
Milwaukee Delegation  
Assembly Committee on Corrections and Courts





# WISCONSIN STATE LEGISLATURE

P.O. BOX 8952 - Madison, WI 53708-8952

**FACSIMILE COVER SHEET**

**FAX # (608) 282-3601**

SB 176  
File  
02-15-2008

**PLEASE DELIVER TO:**

Mayor Tom Barrett

*Per the Mayor's and Representative's*

*Conversation of 2/14*

**FROM:**

**State Representative Garey Bies  
P.O. BOX 8952 - Madison, WI 53708-8952 (608) 266-5350**

FAX NUMBER OF ADDRESSE:

(414) 286-3191

NUMBER OF PAGES - INCLUDING COVER PAGE

3

IF ALL PAGES ARE NOT RECEIVED OR ARE ILLEGIBLE, PLEASE CALL (608) 266-5350

\* \* \* Communication Result Report ( Feb. 15. 2008 12:48PM ) \* \* \*

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Date/Time: Feb. 15. 2008 12:47PM

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Reason for error

- E. 1) Hang up or line fail
- E. 3) No answer
- E. 5) Exceeded max. E-mail size

- E. 2) Busy
- E. 4) No facsimile connection

AAA — to ASA1 to SB 176  
 was attached  
 (2007 LRBa1186/2)



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SB 176  
File

**OFFICERS ARRESTED 2000 THROUGH FEBRUARY 2007**

The Milwaukee Police Association has been in negotiations with the representatives from the Mayor's Office since September of 2006, in order to full fill the obligation President John Balcerzak made to legislators in Madison at the end of last session, as well as the citizens of Milwaukee. During the last several months members of the MPA board have met with Rep. Barbara Toles , Senator Spencer Coggs, Mayor Barrett, and other city representatives in order to come to a compromise on the paid suspension bill. The MPA has offered an alternate to what is presently the law. What the MPA has presented to the City of Milwaukee is less than what police officers have in the rest of the State of Wisconsin. The MPA believes that the offer presented is a fair one and will not only benefit the City but our members as well. After making request to the City for information related to the number of arrested police officers, the original charge and either resignation or termination date of those officers, and the City's failure to supply the MPA with this information, the MPA turned to the Milwaukee County District Attorney's Office for a list of all Milwaukee Police Officers arrested since 2000. The following information is as accurate as it can be with the data collected. The MPA also attached to this report the proposal we have presented to both the City and the legislators in Madison. The City has failed to provide us with their version of the paid suspension bill.

1. ~~Andrews~~, Byron--- (a) charge filed 01-09-04, 04CM000102 Battery, DC, Intimidation of victim, (b) charged filed 04-29-04, 04CM002996 failure to cause child to attend school, (c) charged filed 06-05-04, 04CM004006 causing injury while intoxicated three counts, cause injury while operating with PAC three counts, bail jumping, (d) charges filed 08-05-04, 04CM005984 DC, bail jumping two counts. On 09-30-04 he was convicted of DC, causing injury while intoxicated three counts, bail jumping two counts. He resigned from the police dept. on 01-12-05.
2. Awadallah, Ala--- He was charged in Federal Court with civil right violation. The MPA was unable to locate the charge date and conviction date. He resigned from the police dept. on 07-18-05.
3. Bartlett, Jon--- (a) charge filed 02-28-05, 05CF001109, with 2-degree RES and Substantial Battery. Those charges are still pending in court. (b) Charges filed 08-04-06, 06CF003995, bail jumping two counts (felony), these charges are still pending in court. (c) Charge filed 12-04-05, 05CF006703, bomb scare and bail jumping. He was found guilty in a jury trial on 08-15-06. He was sentenced to prison on 08-26-06 and dismissed from the police dept on 08-28-06.
4. Bonilla, Edwin--- He was charged in Federal Court for Consp. To defraud the Untied States. He was convicted of that crime on 01-06-01. He resigned from the police dept prior to his conviction date on 10-06-00.
5. Bridges, Ronald D--- charges filed 06-24-02, 02CM005032, battery, DC. He was found guilty after a jury trial on 12-04-02, and sentenced the same day to probation. He is still on the police dept.
6. Brockdorf, Vanessa---- charge filed on 12-15-03, 03CM010122 obstructing officer. This case had issues that were heard by the WI Supreme Court. She

- plead guilty on 09-18-06. She had resigned from the police dept. prior to pleading guilty on 08-11-06.
7. Capati, Michael A--- charged filed 05-26-06, 06CM003421, CTTD. He plead guilty to amended charge of DC on 09-12-06 and placed on probation. He is currently appealing his firing to the FPC.
  8. Clark, Kevin--- charge filed 09-03-04, 04CM006739, filing false insurance claim. He plead guilty on the same date and sentenced to probation. The date of his termination is unknown at the time of this report.
  9. Crouther, Tamara R--- (a) charges filed on 07-13-02, 02CM005578, IOWC five counts. She plead guilty to one count of IOWC on 12-04-02. She was fined for this offense. She was not fired for committing this offense by Chief Arthur Jones. (b) charges filed 01-24-07, 07CF000367, filing false insurance claim, obstructing officer. These charges are presently pending in court.
  10. Damper, Craig--- charge filed 11-19-01, 01CM010293, theft. He plead guilty to this offense on 04-17-02. He resigned from the police dept. on 04-18-02.
  11. Erdmann, Brandon S--- charges filed 05-05-04, 04CM003115, intentionally pointing firearm at a person, DC. He plead guilty to amended charges on 10-06-04. He was fired from the police dept. on 05-04-04. The MPA was unable to determine if he appealed his firing to the FPC.
  12. Gilbert, Terrence N---charges filed 01-30-01, 01CF000600, Misconduct in Public Office and 4-degree sexual assault. He was found guilty by a jury on 05-02-01, and fired on 06-26-01 after being sentenced by the court.
  13. Hinkle, Brian P--- charge filed 08-10-04, 04CF004244, Misconduct in public office. He plead guilty to this charge on 09-28-04, and was sentenced on 11-12-04. This was also his firing date.
  14. Ince, Nicholas--- charge filed on 04-28-05, 05CF002343, Misconduct in public office. He plead guilty to this charge on 06-03-05. He resigned from the police dept. prior to his guilty plea on 05-12-05.
  15. Jones, Charlie--- charges filed on 12-15-03, 03CM010121, battery, obstructing officer two counts. On 0517-04 he plead guilty to one count of obstructing officer, and sentenced on 05-18-04. He fired on 06-16-05.
  16. Jones, John L--- charges filed on 01-10-02, 02CF000132, Child Enticement, and sex with child age 16 or older twenty counts. He plead guilty to child enticement on 06-24-02. He was fired on 06-25-02.
  17. Lelinski, Steven J--- (a) charges filed on 02-13-06, 06CF000901, 2-degree sexual assault 2 counts, and Lewd and Lascivious behavior. (b) charge filed 08-22-06, 06CM006134, 4-degree sexual assault. He was found guilty by a jury on 02-03-06. He was sentenced on 03-29-07 and fired the same date.
  18. Lopez, Adam R--- (a) charge filed 08-22-05, 05CM006486, battery. (b) charges filed 09-18-05, 05CM007206, violation of domestic abuse order, and bail jumping. He plead guilty to bail jumping on 12-04-06. He is currently appealing his firing with the FPC.
  19. Luna, Alfred M--- (a) charge filed 05-08-06, 06CM003220 unlawful use of telephone while concealing identity, (b) charge filed on 07-24-06, 06CM005187, DC. He plead guilty to both charges on 09-26-06. He resigned from the police dept. on 09-23-06.

20. Majeed, Ahamd W--- charge filed 07-01-06, 06CF003305, Child enticement. He retired from the police dept. on 01-21-07. His case is pending in court.
21. Marek, John J--- charges filed 08-03-02, 02CF002956, Misconduct in public office, battery, CDTP, obstructing officer. He plead guilty to all the charges on 08-29-02 and was fired on 08-31-02.
22. Masarik, Daniel--- charges filed 02-28-05, 05CF001111, 2-degree RES, Substantial Battery, perjury. His case is pending in court. He was fired (date unknown) but is still on the payroll pending his appeal with FPC.
23. McCarron, James D--- charges filed 03-27-02, 02CM002374, DC, Intentionally pointing firearm at person. He plead guilty to DC on 12-03-02. He resigned from the police dept. on 03-16-04 after exhausting his appeals with the FPC.
24. Oliva, James J--- charge filed on 05-08-06, 06CM003205, DC. He plead guilty on 05-31-06. He resigned from the police dept. on 10-13-06.
25. Rodriguez, Jason E--- charges filed on 12-21-01, 01CT002852 OAI, BAC second offense. He plead guilty to OAI on 03-06-02. He is still working for the police dept. after appealing his firing to the FPC.
26. Simpson, Lenard A--- charge filed on 04-29-06, 06CM003031, CDTP, DC, Battery. He plead guilty to the charges on 07-14-06. His is currently still on the payroll pending his firing with the FPC.
27. Staples, Leon M--- charge filed on 03-06-01, 01CF001206, Substantial Battery. He was found guilty of the charge by a jury on 05-22-01. He was fired on 06-08-01.
28. Stovall, Sharetta R--- (a) charges filed 11-25-02, 02CT011299, OAR three counts. She plead guilty to those charges on 12-19-02. She was not fired for those charges by Chief Arthur Jones. (b) charge date unknown, Federal case for money laundering. She was found guilty of this charge and then fired. At the time of this report I' am unable to locate her firing date.
29. Valoue, George--- charge filed on 08-20-04, 04CM006369, obstructing officer. He plead guilty to this charge on 09-30-04. He was fired on 10-15-04.
30. Velez, Robert--- charge filed on 01-15-01, 01CM000356, battery. He plead guilty to that charge on 02-08-01. He is still currently working for the police dept.
31. Wesolowski, Steven J--- charge filed on 02-09-06, 06CF000845, Misconduct in Public Office. He plead guilty on 03-24-06 and was fired the same day.
32. West, Alexis T--- (a) charge filed on 07-10-05, 05CM004985 CDTP. He plead guilty to that charge on 01-19-06, and was still working for the police dept. (b) charges filed on 03-07-06, 06CF001320, DC three counts, CDTP two counts. He plead guilty to all the charges on 05-18-06. He was fired on 06-15-06. He was on the payroll until he exhausted his appeal with the FPC in December of 2006.
33. White, Larry--- He was charged with a Federal Case of drug trafficking. At the time of this report it is unknown the charged date or firing date.
34. Wilson, Talmer--- charges filed on 12-01-00, 00CF005923, Misconduct in Public Office, Obstructing Officer. He is still working for the police dept.
35. Wojczulis, Robert J--- charge filed on 11-29-01, 01CM010622, battery. He plead guilty to that charge on 02-01-02. He was fired for this offense but resigned from the police dept. in April of 2003 prior to his FPC hearing.

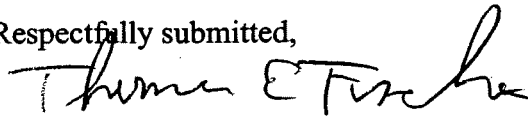


36. Zawikowski, Joseph J--- charges filed 09-22-05, 05CT008244, OAI and BAC second offense. He plead guilty to OAI on 11-29-05. He is still currently working for the police dept.

At the time of this report there is 17 officers charged with felonies and 19 with misdemeanors. There are 6 officers that were convicted of misdemeanors but not fired by the police dept. There are currently 5 officers that were convicted and sentenced by the court that the FPC still has not heard their appeal yet. These cases were resolved anywhere from a few months an ago up to one year or longer.

Also it should be noted that when Mayor Barrett comments that in the last 16 years it costs taxpayers 16 million in wages and benefits to these fired officers, it is less than 1/8 of 1% of the police dept. budget (\$214,065,388.00 in 2007) or an average of \$250,000 per year in wages and benefits paid to suspended officers.

Respectfully submitted,



Thomas E. Fischer  
Vice President, MPA



# OPINION

## OUR OPINION

# Cut off paychecks of rogue cops

**H**ow much longer do Madison property taxpayers have to pay for rogue cop Michael Grogan's permanent vacation?

The guy was removed from his duties more than three years ago because of his outrageous behavior.

Yet the disciplinary system is rigged so incredibly in favor of police unions that Grogan has collected nearly \$250,000 in salary and benefits so far on a paid leave, while taxpayers still wait for a resolution.

Grogan's case highlights a statewide problem: the painfully slow and costly process of getting rid of bad police officers — a process that even invites bad cops to do everything in their power to drag the process out so they can collect their pay longer.

It's time for lawmakers to step in with legislation, and for city officials to review local policies, to ensure that the paychecks to rogue cops are cut off in a timely fashion.

Grogan was convicted of drunken driving in 2001. In 2004 he crashed his car while off-duty and kicked in a stranger's door before falling asleep on the family's floor. He was convicted of disorderly conduct in that case in 2006. He also was accused of interfering with an internal police investigation. A retired judge who collected

**The outrageous case of Madison police officer Michael Grogan getting what amounts to three years of paid vacation for misbehavior demands reform.**

evidence for the city faulted Grogan for "egregious and pervasive lying" throughout the process and called his arguments in defense of his actions "highly implausible" and "dubious."

If Grogan were in the private sector, he would have been fired long ago. But as a police officer, he has enjoyed what amounts to more than three years of paid time off because of a process governed by state law and city policy.

To ensure there is just cause for disciplining an officer, the law requires the city to present charges against Grogan. The charges then go to the Police and Fire Commission, which conducts hearings and issues a final decision.

The process is extended because the city's case against Grogan is required to address seven standards of law, no matter if some of those standards are not at issue. Furthermore, Grogan took advantage of opportunities to slow the process down. He went so far as to file a com-

plaint against a police department internal affairs officer, which had to be resolved.

For those and other reasons the city's investigation of Grogan took two years. It was not until April of 2007 that Police Chief Noble Wray asked the PFC to fire Grogan.

The PFC, in an attempt to speed things up, hired a professional hearing examiner to hear the case.

A PFC decision is expected soon, but it's already too late.

If the Grogan case sounds like a nightmare, beware that police discipline may get even more complicated.

Gov. Jim Doyle just signed the state budget with a special favor for the police unions tucked inside. The language gives them yet another way to fight discipline.

Police officers have long been allowed to take the decisions of citizen-run PFCs to court. Now police unions can bargain for the additional right to go to arbitration, which can be costly to taxpayers.

The overwhelming majority of police officers are hard-working and of good character. But when bad cops need to go, they should not be able to hold up taxpayers for a quarter of a million dollars on the way out.

Let's fix this costly problem.

## Wisconsin State Journal

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SB 176  
File



2007 - 2008 LEGISLATURE

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ASSEMBLY AMENDMENT,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 SENATE BILL 176

*relatives has  
to be changed  
and also  
and MSIS*

*should be moved  
as placed in Page 3  
Wbca*

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 3, line 18: after that line insert:

3 "SECTION 1e. 62.50 (1e) of the statutes is created to read:

4 62.50 (1e) DEFINITION. In this section, "offense" means any felony or Class A  
5 misdemeanor violation of any of the following:

- 6 (a) Chapters 940 and 941.
- 7 (b) Section 942.08.
- 8 (c) Section 942.09.
- 9 (d) Chapters 943 to 948."

10 2. Page 5, line 18: delete lines 18 to 23 and substitute:

11 "62.50 (18) (b) A police officer who is charged with an offense may not receive  
12 any pay or benefits following his or her initial appearance. If the charges against the

*needs to be  
changed*

*and has to  
be dismissed*



The following officers would have been covered on the proposed amendment that pay stops for police officers that are charged with Class A misdemeanors. The attached list is all City of Milwaukee Police Offices charged with crimes from January 2000 until February 27, 2007 as provided by DA Chisholm.

1. Andrews., Bryon
2. Bridges, Ronald
3. Brockdork, Vanessa
4. Capati, Michael
5. Clark, Kevin
6. Crouther, Tamara
7. Damper, Craig
8. Erdmann, Brandon
9. Jones, Charlie
10. Lopez, Adam
11. McCarron, James
12. Simpson, Lenard
13. Valovic, George
14. Velez, Robert
15. West, Alexis
16. Wojczulis, Robert



The officers from that same list that would not have been covered because their charge was either a Class B or U misdemeanor are as follows:

1. Luna, Alfred - charged unlawful use of telephone
2. Rodriguez, Jason - charged ~~OIA~~ OAR (second)
3. Stovall, Sharetta - charged OAR 3 counts
4. Zawikowski, Joseph - charged ~~OAI~~ OAR (second)

The Mayor of Milwaukee also stated that he had additional officers names that he believed would not be covered under the proposed change to the bill:

1. Berg, William - charged with Battery DV, would have been covered
2. Ridgeway, Timothy - charged with Battery DV, would have been covered.
3. Cooper, Steven - charged with Battery, and DC, would have been covered.

Additional for information purposes only the following two City of Milwaukee employees are charged in federal court with the following charges:

1. Ramsey, Laron, currently working at Fritsche Middle School as a teacher, charged with Conspiracy to Distribute Drugs.
2. Ewing, James, currently working as an assessor for the city, charged with Conspiracy to Distribute Drugs.

This list is as accurate that it can be with help from District Attorney John Chisholm. The MPA has made numerous requests to the Mayor's office for a complete list but one has never been provided.





NEXT WEEK ON...

# THE APPRENTICE: MAISON

YOU'RE ON PERMANENT PAID LEAVE!



SB 176  
Date