

GRIEVANCE REVIEW BOARD MINUTES
May 15, 2014

Present: Joe Hotynski, LeRoy Dahms, Brenda Keller, John Nichols

Also present: Human Resources Specialist Ron Montgomery, Chief Deputy Christopherson, Sheriff Matz, and Corporation Counsel John Bodnar.

Meeting called to order at 8:30 a.m. **by** John Nichols

Approval of the minutes of the 2-17-14 **meeting**

Motion by Joe Hotynski

Seconded by LeRoy Dahms

Carried 4-0

Procedural Questions from Members

None

Motion by Joe Hotynski to go into closed session, **seconded by** Brenda Keller, pursuant to an exemption provided in Section 19.85 (1)(b), Wisconsin Statutes, for the purpose of investigating charges against public employees and considering the possible discipline of public employees. Roll call vote: Keller, aye; Hotynski, aye, Dahms, aye; Nichols, aye

Carried 4-0

Discussion

John Nichols noted that the Board had convened to consider disciplinary action of a one day unpaid suspension against Detective Kyle Schroeder for violation of Rule of Conduct .14, unsatisfactory performance.

John Nichols asked for an introduction of the case from Sheriff Matz.

Sheriff Matz said on April 10th Detective Schroeder assisted by officers from the Oshkosh Police and the Winnebago County Sheriff's Office executed a MEG Unit search warrant in the city of Oshkosh. Intelligence indicated a single-family dwelling, but when officers entered, they discovered it was a multi-family dwelling and they had entered the wrong apartment. No one was home, and officers secured the scene and assessed and fixed damage. It was discovered that Detective Schroeder failed to adhere to a checklist and missed important information.

The Board and Sheriff Matz discussed MEG Unit training procedures, particularly that which Detective Schroeder received. John Nichols questioned whether some of the procedural errors uncovered during this discussion were management failures and, if so, wondered the appropriateness of holding Detective Schroeder responsible for mistakes that occurred during the raid. The Sheriff noted that Detective Schroeder had been a Sheriff's deputy for 12 years and joined the MEG Unit in March of 2013. During this time, the Wisconsin Division of Criminal Investigation has modified the MEG Unit's operations and added a second senior manager to the MEG staff.

Discussion moved to how investigators gain information about a given property and its occupants before a search, and whether Detective Schroeder had correct training in how to determine whether a structure is a single-family or multi-family dwelling. Given the information sources available to Detective Schroeder, the Sheriff told the Board, it should have been clear to the detective that the subject property was a multi-family dwelling. John Nichols said he gleaned from materials presented to the Board that one of the sources had told Detective Schroeder prior to the raid that the structure was a single-family home and that, therefore, the detective had acted appropriately with the information he had at hand. But Sheriff Matz noted that it is clear to anyone who observes the property that more than one family lives there – given the layout, number of cars in the parking lot and location and number of entry doors and porches. Discussion continued about information, sources, its value of and what Detective Schroeder should have been able to deduce from it.

Joe Hotynski asked if it was possible for Detective Schroeder to substitute a paid sick day for the Sheriff's proposed one-day unpaid suspension. Sheriff Matz, John Bodnar and Ron Montgomery agreed that such a substitution would not be possible under County employment rules regarding the purpose of sick leave and the intent of a disciplinary suspension.

Sheriff Matz noted that the MEG Unit's training regimen has been updated as a result of this incident.

Motion by Joe Hotynski to accept the Sheriff's recommendation of a one day unpaid suspension against Detective Kyle Schroeder

Seconded by Brenda Keller, for purposes of further discussion. She then asked if there had been any disciplinary action taken against any member of management regarding supervision of the unit, incompleteness of training or approval of the search that led to the current situation. Sheriff Matz reminded the Board that MEG managers are state Justice Department employees. Personnel matters involving them are not generally shared with the County. Brenda Keller asked if it were possible to impose the one-day unpaid suspension on Detective Schroeder and, if the detective doesn't commit a similar infraction within a year, return the money to him, similar to a negotiated settlement. John Bodnar said the Board has the authority to increase the proposed disciplinary action, sustain it as proposed, or reduce it. Members may not, however, enter into any type of 'deal' with the detective or any other employee whose case might come before the Board.

The Motion to sustain the Sheriff's recommendation of a one-day unpaid suspension of Detective Schroeder
Carried 4-0

Motion by Brenda Keller to reconvene in open session. **Seconded by Joe Hotynski**
Roll call vote: Keller, aye; Hotynski, aye; Dahms, aye; Nichols, aye
Carried 4-0

Motion to adjourn at 8:55 by LeRoy Dahms
Seconded by Brenda Keller
Carried 4-0

Submitted by
Kathy Rumlow
Confidential Secretary