

GRIEVANCE REVIEW BOARD MINUTES
October 16, 2014

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

Excused:

Also present: Ron Montgomery, Chief Deputy Christopherson, Sheriff Matz, John Bodnar

Meeting called to order at 1:30 **by** John Nichols

Approval of the minutes of the 5-15-14 **meeting**

Motion by Joe Hotynski

Seconded by Brenda Keller

Carried 5-0

Procedural Questions from Members

None

Motion by Brenda Keller to go into closed session, **seconded by** Joe Hotynski , 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; Shandonay, aye

Carried 5-0

Discussion

John Nichols noted that the Board had convened to consider disciplinary action of a five-day unpaid suspension against Detective Jack Theyerl for violation of Rule of Conduct .05 – Unbecoming Conduct and Rule of Conduct .09 – Insubordination. John Nichols asked the Sheriff to summarize the case.

Sheriff Matz said on August 25, 2014, Detective Theyerl was on-call and at home, working on his roof and got called in to complete an investigation. When he wrote the complaint, he impugned the victim's credibility and was told to correct his report. Rape Shield Laws forbid law enforcement personnel to denigrate victims in investigation documents. On August 29th the Detective was given a Written Warning and an opportunity to fix his report. He said if he was required to change the report he would have to testify to the fact that he was ordered by administration to change it. He did eventually change the report; however, he was agitated throughout the entire incident. He made his dissatisfaction so well known to coworkers that it has disturbed professional working relationships in the Detective Division. The situation escalated when he took off his badge and service weapon and flung them to the desk and floor in Captain Mack's office. . The Detective stormed out of the office, shouting profanity as he walked down the hall. Sheriff Matz said a subsequent County-mandated fitness-for-duty examination indicated that the Detective was physically and psychologically able to perform his job, and that his actions were voluntary behavioral.

Joe Hotynski said he was concerned about morale in the Detective Division and asked how long Mr. Theyerl had been a detective. Sheriff Matz said Mr. Theyerl has been a detective for nine years, and that, though the unit is small, its success has resulted in many awards. But, the Sheriff said, the detective is aware that it will take time to rebuild relationships that have been damaged by his behaviors which led to these charges.

Joe Hotynski asked if Mr. Theyerl's behavior had improved. The Sheriff said it had, and that the Detective was aware that it is imperative that he make some permanent changes. Joe Hotynski asked if other employees were concerned about their safety given recent events. Sheriff Matz said protocols had been put into place while the Detective was on administrative leave to reduce the likelihood of risks to safety. If the job starts to bother him, Mr. Theyerl said, he will resign from the Sheriff's Office or retire. John Nichols asked if the Sheriff's proposed disciplinary action would aggravate Mr. Theyerl's behavior. The Sheriff said the fitness-for-duty result showed that the Detective is physically and psychologically ready to return to duty. He will be placed in a modified FTO (Field Training Officer)-type program to ensure that he is fully acculturated and oriented to his duties and expectations, and sent to other offsite training. In response to a question from Joe Hotynski, Sheriff Matz said Detective Theyerl is tenacious and 'extremely passionate about his job'.

Motion by Joe Hotynski to accept the Sheriff's recommendation of a five day unpaid suspension against Detective Jack Theyerl

Seconded by Brenda Keller

Roll call vote: Keller, aye; Hotynski, aye; Dahms, aye; Nichols, aye; Shandonay, aye

Carried 5-0

Brenda Keller then asked what would happen if a similar incident occurred? The Sheriff said he would use progressive discipline but reserved the right to match the level of disciplinary action to any future infraction. Brenda Keller asked how other detectives perceive Detective Theyerl. Sheriff Matz said he's working on his relationships with the other detectives. LeRoy Dahms noted that the charging documents sent to Board Members contained a lot of foul language and wondered if those words could be crossed out in future mailings. Sheriff Matz and Ron Montgomery both informed the Board that retaining such words, offensive to some people though they may be, is essential for helping Members envision the environment in which alleged infractions occur. John Nichols concurred, saying he believed excising controversial words would lessen their impact by shielding the Board from the reality the County faced during its investigation. In general, Matz and Montgomery said, only operational details and certain names or other identifiers are redacted

Motion by Joe Hotynski to reconvene in open session. **Seconded by Leroy Dahms**

Roll call vote: Keller, aye; Hotynski, aye; Dahms, aye; Nichols, aye; Shandonay, aye

Carried 5-0

Motion to adjourn at 1:50 by Tom Shandonay

Seconded by Brenda Keller

Carried 5-0

Submitted by
Kathy Rumlow