

# No dates predicted to finish internal investigations

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USA TODAY NETWORK-WISCONSIN

**GREEN BAY** - A week into April, Green Bay's police chief said he'd need at least two more weeks to finish an investigation



**Smith**

into officers' harassment of colleagues on the department's night shift.

Six weeks later, that probe has yet to be completed, and it's unclear when it will be. Nor is there a clear end date to the department's investigation into a case that saw Officer Michael



**Rahn**

Rahn resign under pressure after being accused of falsifying a report.

In all, three officers resigned under pressure, two of them in a case in which a female officer and some of her colleagues on the night shift were harassed by colleagues.

Here are some answers to questions about the investigations.

## **Are more resignations expected?**

Green Bay Police Chief Andrew Smith says no, but said more disciplinary action is likely. Nor does he expect more officers to leave the force because of these cases.

However, indications are that questions exist about why some of Rahn's reports weren't challenged sooner, or more aggressively, by certain supervisors.

## **Will there be other discipline?**

"I expect there will be more — days off (without pay), and things like that," Smith said.

Firings or resignations? Probably not. But nothing

# Probes

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will be known for certain until both investigations are complete.

Once Smith notifies officers he plans to discipline them, they have the legal right to respond.

## What led to Rahn's resignation?

Significant details have yet to be released, but the issue revolves around various accounts

of a traffic stop that led to one or more arrests. One or more written accounts didn't square with dashcam video records and reports by other officers.

## When will the probes be complete?

Smith indicates that paperwork is basically all that remains in the harassment investigation, but is reluctant to estimate a completion date.

The Rahn case is more complicated.

First, the department chose to review hundreds of cases in which he

involved. While no details about findings have been released, the probe certainly will take time.

The case also involved a review by the Brown County District Attorney's office of at least 50 cases, one of which prompted prosecutors to drop charges against a drug defendant.

Finally, investigators from the Federal Bureau of Investigation and state of Wisconsin also are involved, so it's not simply up to Smith's department when it ends.

## Is the Appleton shooting case slowing things?

Green Bay is investigating last weekend's fatal shooting of 33-year-old Jimmie Montel Sanders inside Jack's Apple Pub, an Appleton bar. The probe involves work by a Green Bay commander, several of his lieutenants and detectives, and the department's forensics unit.

Smith, though, insists that work isn't affecting his department's internal investigations.

Sanders was killed by a bullet fired by Appleton police Lt. Jay Steinke, who had responded to a reported shooting. Appleton's police chief said Steinke fired at a suspect; Green Bay detectives must piece together exactly what happened.

## How has this affected the department?

Instead of being 5 to 7 officers short of a full staff — not uncommon in a department of almost 200 sworn officers where a number are at or near retirement age — 8 to 10

positions are waiting to be filled. The city hopes to bring six officers on board in June.

## What about morale?

Officially, consensus is that it's business as usual, and several officers commended Smith for not tolerating police whose behavior could damage the department's reputation.

Privately, a few indicated that there is concern among night shift officers about reassignments that are possible when the harassment probe is complete.

# 3 more police officers suspended

discipline due to Feb. 26 incident in which unarmed man was Tasered, jailed on charges that were dropped

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GREEN BAY - More city police officers have been disciplined in connection with a February traffic stop in which officers used a Taser three times on an unarmed man, handcuffed him and jailed him on charges that were later dropped. Two patrol officers and a lieutenant were suspended for five days with-

out pay for their roles in a Feb. 26 incident outside an apartment building in the 1400 block of Admiral Court on the city's west side. They also underwent retraining on issues related to the incident.

Officer Michael Rahn, the officer who police said initiated the 3:04 a.m. stop of the 2003 Cadillac Escalade and later falsified a report about it, resigned in March as the department investigated his role in the incident.



Rahn

Though Rahn told a supervisor that the incident "spiraled out of control" and "could have ended much worse," internal investigators later found that any escalation of the incident was at least partially the fault of officers.

Among other things, the probe concluded that officers wrongly interpreted a man's slow response to commands as "actively resisting" arrest, and found that what officers concluded was an attempt to reach for a gun was actually the

man's attempt to keep his pants from falling down.

The investigation stemmed from an internal review of Rahn's use-of-force report, which found his account of events did not match the video from the squad cars.

Chief Andrew Smith issued the suspensions after an investigation by internal investigators, interviews with the people who were in the car and a consultation with a use-of-force instructor from Northeast Wisconsin Technical

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# Officers

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College.

Some officers within the department disagree with the discipline issued to patrolmen Tom Behn and Paul Spoerl, and Lt. Paul Lewis.

Four training officers in the department reviewed the findings of the investigation and concluded that the force used after the traffic stop was justified. The city's police union called the conclusions about excessive force "troubling."

A fifth officer who was at the scene, first-year Patrolman Garth Russell, was not suspended. But investigators concluded he submitted a report that was not clear or accurate, records show.

Investigators in the department reviewed video recorded from the squad cars of the officers involved in the incident and interviewed the officers as well as the people in the car involved in the stop. That's according to 215 pages of reports released Thursday to USA TODAY NETWORK-Wisconsin in response to an Open Records Law request.

## Multiple violations

Among the department's findings of what happened after other officers arrived at the scene of Rahn's traffic stop, according to those records:

» Officers should not have treated the incident as "a high-risk stop," or should have promptly de-escalated the incident after it became clear that the man and three women in the SUV were not a threat. Officers pointed guns at the vehicle and some of the four people in the SUV, handcuffed them and placed them in a police car.

Investigators concluded that what Rahn reported as an attempt to evade police was merely the driver slowly driving into a parking space.

» Patrolmen wrongly concluded that the man in the car's back seat was "actively resisting" arrest when he was slow to respond to their orders, then made an obscene gesture toward them with both hands.

» Patrolmen reported that the man had dared officers to shoot him, though video evidence shows he did not.

» Patrolmen used an unnecessarily high degree of force on the 5-foot 7-inch, 160-pound man as they were taking him into custody. Two officers shot their Tasers at the man a total of three times during the arrest, and Rahn tackled him.

» Patrolmen filed reports including descriptions of the arrest that they acknowledged would likely have gotten them charged

with perjury had they testified to some of the details in a courtroom.

## Stories changed

USA TODAY NETWORK-Wisconsin is not identifying the man because authorities dropped the charges against him. He no longer lives in Green Bay, according to police reports.

Had Rahn not overreacted, the department concluded, the man, "who was the last person taking out of the SUV, might not have been tackled, Tased three times and arrested."

In addition, investigators found Rahn changed his story about the reason for the stop.

At one point, reports show, he said a woman left the car and fell, leading him to believe she had been struck or shot — though he later failed to ask if she was all right. At another point, Rahn said he believed she was involved in a drug deal.

A day after the incident, Rahn sent an email to Police Capt. Kevin Warych commending the other officers in the incident.

"I just wanted to make you aware of the great work these officers did in assisting me on a call that spiraled out of control and escalated rapidly, and based off the actions of (the suspect) could have ended much worse," Rahn wrote.

Investigators later found Rahn's report "misleading and a fabrication of what occurred at the stop."

## Charges upheld

Specifically, the department's investigation found:

» Behn, an eight-year veteran of the department and a close friend of Rahn's, was involved in an incident involving unreasonable and unnecessary force.

Additionally, Behn used inappropriate force, used his Taser without first issuing a warning, and filed two reports that were unclear and inaccurate. Specifically, investigators said, Behn acknowledged he should not have written that the man "was making comments (to officers) to shoot him."

» Spoerl, a member of the department about 18 months, admitted violating department policy on Taser use.

Investigators also found he used a level of force that wasn't reasonable or necessary, didn't warn anyone he was about to use his Taser, and filed a report that wasn't clear or accurate.

» Lewis, a 21-year Green Bay police veteran, was found to have not provided "appropriate guidance and control" of officers and didn't make a reasonable effort to determine the justification for the use of force.

Behn, and Rahn, had been honored after rescuing two children from a burning house on 15th Avenue, police records show.

## Police union objects

Several other officers were interviewed about the use-of-force incident. None of their actions merited discipline, Smith's investigation concluded.

Officers arrested the man, then 32 and living in Green Bay, for obstructing an officer and resisting arrest. He was jailed for those offenses plus an outstanding Ashwaubenon traffic warrant, though the Brown County District Attorney's Office later dropped the charges after consultation with Smith.

The man has previous convictions in Brown County for disorderly conduct, THC possession and bail jumping, online court records show. Green Bay police records indicate that he and Rahn had previous contact, though details were not included in the report.

The Green Bay Professional Police Association, the union that represents Green Bay's sworn police officers, said Thursday that officers responded appropriately to what they perceived as threats while working in "a high-crime area known for drug activity."

"We have no objection to being held accountable. We do object to being unfairly judged through the lens of a camera that merely records an action and doesn't provide accurate insight into the officer's perception at the time," the union said in a statement emailed by President Nate Allen. "For example, when viewing the Admiral Court camera footage, if the viewer from the comfort of their own home concludes, 'He was merely pulling up his pants' (and not reaching for or adjusting a concealed weapon), this completely ignores an officer's reasonable perception of the event at the time."

The statement also points out that four training officers who reviewed the incident — two selected by the union and two lieutenants chosen by the administration — found the use of force to have been justified.

The excessive-force incident resolves one case that has challenged Smith as he works to weed out what he has called "a few officers who don't meet the standards" of the department.

Within the past year, the department has also dealt with the resignation of two officers, Lt. Robert Korth and Patrolman Casey Masiak, who the department said were at the center of a group involved in the harassment of fellow night-shift officers. That prompted a legal claim from one of the officers who was harassed.

Also, the city's Police and Fire Commission upheld Smith's firing of Officer Michael Jeanquart, who admitted to forging his ex-wife's signature on the title of a car they owned together.