

**BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE**

In the matter of the complaint of

BOARD DECISION

YALONDA GRAHAM

V.

POLICE OFFICER ROBERT A. BROWN

FPC Complaint No. 06-27

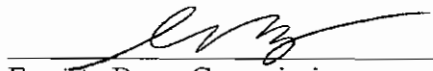
Having reviewed the complaint, applicable Milwaukee Police Department rules, the transcript and exhibits resulting from a hearing conducted regarding this matter, and proposed findings of fact and a recommendation from Hearing Examiner Steven Fronk, we reach the following decision:

Although we believe that Officer Brown could have done more at the onset to attempt to resolve the situation, we do not believe that this shortfall rises to the level of a rule violation. It is our unanimous decision that the evidence in this case is not sufficient to find that Police Officer Robert A. Brown failed to be zealous or attentive in the discharge of his duties or that he failed to utilize appropriate courtesy and civility in dealing with Ms. Yalonda Graham in violation of MPD Rule 4, Section 2/060.00.

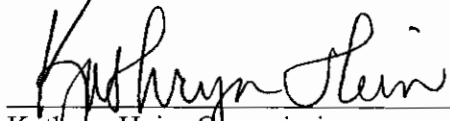
We do hereby order that the complaint and charges alleging violations of MPD Rule 4, Section 2/060.00 be dismissed. We adopt the Findings of Fact and Recommendation as attached hereto and make them a part of this Decision by reference.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By:


Ernesto Baca, Commissioner

12.18.2008
Date


Kathryn Hein, Commissioner

12-18-08
Date


Earl Buford, Commissioner

12/18/08
Date

**BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE**

In the matter of the complaint of

YALONDA S. GRAHAM

v.

P.O. ROBERT A. BROWN II

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT
AND RECOMMENDATION**

FPC Complaint No. 06-27

Hearing Date(s): August 22, 2008

Conducted Before: Steven Fronk, FPC Hearing Examiner

*Appearances: Yalonda S. Graham in person, pro se
Robert A. Brown II in person and by Attorney Chelsie Allan*

Allegation(s): That Officer Robert Brown, when dealing with Yalonda Graham on more than one date in June 2006, failed to be zealous and attentive in the discharge of his duties and/or failed to utilize appropriate courtesy, civility, patience and discretion in violation of MPD Rule 4, Section 2/060.00.

SUMMARY OF PROCEEDINGS

At the hearing on August 22, 2008 testimony was received from Ms. Yalonda Graham and from Police Officer Robert Brown. A copy of the transcript of the hearing will be made available to the parties and the Commissioners who will ultimately decide this matter. An individual summary of testimony from each witness will not be provided.

PROPOSED
FINDINGS OF FACT

1. At all times pertinent hereto Police Officer Robert A. Brown II was a member of the Milwaukee Police Department and bound by the rules and regulations thereof.
2. A dispute took place on June 8, 2006 at 81st Street School between Yalonda Graham and Sheila Nolte, both of whom were teachers at the school.
3. As a result of this incident, Yalonda Graham contacted the Milwaukee Police Department and the MTEA
4. On June 9, 2006 Police Officer Robert Brown was dispatched to 81st Street School and spoke to Assistant Principal Jenkins and then met with Ms. Graham.
5. Officer Brown informed Ms. Graham that the matter appeared to be one which would best be handled internally by school administrators, but Ms. Graham was not satisfied with this alternative and wanted Ms. Nolte charged with a crime or issued a municipal citation.
6. On the morning of June 12, 2006 Ms. Graham contacted the Milwaukee District Attorney and the Fire and Police Commission and went to the 7th District Police Station to speak to Officer Brown's supervisor. Lieutenant Eccher advised Ms. Graham that Officer Brown would come to the school to meet with the parties.
7. Officer Brown met with Ms. Graham, Ms. Nolte, Principal Lindsey and Assistant Principal Jenkins at 81st Street School later that morning. While at the school Officer Brown interviewed Ms. Graham, Ms. Nolte and more than one teacher who had witnessed the incident on June 8, 2006. Officer Brown also briefly reviewed statements written by students regarding the incident.
8. Based upon his investigation, Officer Brown came to believe that both Ms. Nolte and Ms. Graham had become loud and disorderly at the school on June 8, 2006. Officer Brown left the school on June 12th after speaking with Principal Lindsey and with the impression that it would be handled internally. Ms. Graham remained adamant that Ms. Nolte should be cited for her part in the incident.

9. Later that same day Ms. Graham again contacted Lieutenant Eccher and advised him that she was not satisfied with the outcome of Officer Brown's investigation. Lieutenant Eccher advised Ms. Graham that Officer Brown had reported to him that Nolte had a cross-complaint against Graham, and that if a citation was to be issued to Ms. Nolte that one would be issued to Ms. Graham as well.
10. Ms. Graham told Lieutenant Eccher "fine ...then issue the tickets ..." and Lieutenant Eccher advised Ms. Graham that Officer Brown would call her back and arrange for issuing her a citation.
11. Officer Brown contacted Ms. Graham by telephone and advised her that both women would receive citations. Graham continued to argue and Officer Brown did "get short" with her and his tone changed but he did not act rudely toward her.
12. Officer Brown issued a citation to Sheila Nolte at 81st Street School on June 13, 2006 and then attempted to hand deliver a citation to Ms. Graham at her home on Cheyenne Avenue.
13. Computer Aided Dispatch (CAD) records (Exhibit 4) confirm that on June 13, 2006 Officer Brown did, in fact, issue a citation at 81st Street School and that he left a reference card at Graham's Cheyenne Avenue residence.
14. Officer Brown returned to Ms. Graham's Cheyenne Avenue residence on a subsequent date and, when no one answered the door, left a citation for Ms. Graham wedged in the door.
15. Computer Aided Dispatch (CAD) records (Exhibit 4) confirm that on June 15, 2006, Officer Brown again went to Ms. Graham's Cheyenne Avenue residence.

APPLICABLE LEGAL STANDARDS & CONCLUSIONS OF LAW

1. In order to prevail, a complainant must show and the Board of Fire and Police Commissioners must find that a preponderance of the evidence supports a finding of just cause as defined in section 62.50 (17)(b) and that the member violated Department rules and/or standard operating procedures as alleged in the complaint.
2. The complaint in this case alleges that Police Officer Robert Brown II failed to be zealous and attentive in the discharge of his duties and that he failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Ms. Yalonda Graham. Such actions, if proven, would constitute one or more violations of MPD Rule 4, Section 2/060.00.
3. The record in this case does not contain sufficient evidence to support a finding that Police Officer Robert A. Brown II failed to be zealous and attentive in his duties in dealing with Ms. Yalonda Graham.
4. The record in this case does not contain sufficient evidence to show that Officer Robert Brown failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Ms. Yalonda Graham.

RECOMMENDATION OF HEARING EXAMINER

Officer Brown made a number of trips to 81st Street School and spent a significant amount of time on an incident involving a dispute between two MPS teachers which everyone other than Ms. Graham believed would best be dealt with internally by MPS administrators. There is no evidence to support the allegation that Officer Brown failed to be zealous and attentive to his duties.

As to the allegation that Officer Brown was less than professional toward Ms. Graham, such allegation can only be based upon Graham's assertion that Brown was "yelling and acting very unprofessional" during a phone call to her. Officer Brown denies that he was yelling or unprofessional, while admitting that he may have been "short" with her and that his "tone may have changed" during the conversation due to Ms. Graham's continued arguments. Police officers are human and cannot always be expected to respond to a citizen's ongoing arguments with a meek "yes ma'am" or "no ma'am." In this instance there is no allegation or evidence to indicate that Officer Brown was profane or threatening or abusive toward Ms. Graham, and I therefore fail to see sufficient reason to find that Officer Brown was less than appropriately courteous and civil as required by Milwaukee Police Department rules.

I would respectfully recommend that the Board of Fire and Police Commissioners determine that just cause does not exist to find a violation of Milwaukee Police Department Rule 4, Section 2/060.00, and that this complaint be dismissed.

Respectfully submitted this 15th day of October, 2008

A handwritten signature in black ink, appearing to read "Steven Fronk", written over a horizontal line.

Steven Fronk
Hearing Examiner