

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

In the matter of the complaint of

BOARD DECISION

SAMMIE GLASS

V.

POLICE OFFICER JEFFREY THIELE

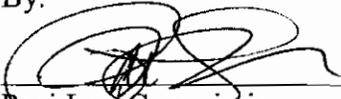
FPC Complaint No. 07-28

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 Thiele could have utilized his time and department resources more effectively while achieving the same result, and could have better documented his interaction with Mr. Glass, we do not believe that these shortcomings rise 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 Jeffrey Thiele 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 Mr. Sammie Glass.

We do hereby order that the complaint 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

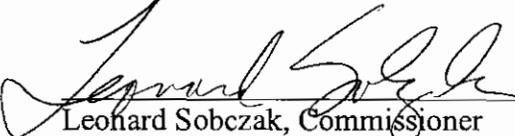
By:



Paul Lora, Commissioner

1/8/09

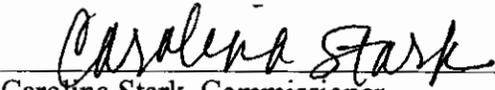
Date



Leonard Sobczak, Commissioner

1/8/09

Date



Carolina Stark, Commissioner

1/8/09

Date

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

In the matter of the complaint of

PROPOSED

SAMMIE GLASS

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION**

V.

POLICE OFFICER JEFFREY THIELE

FPC Complaint No. 07-28

Hearing Date: September 26, 2008

Conducted Before: Steven Fronk, FPC Hearing Examiner

*Appearances: Sammie Glass in person and by Attorney Jeffrey Jensen
Jeffrey Thiele in person and by Attorney Chelsie Allan*

Allegation(s): That Police Officer Jeffrey Thiele, when dealing with Sammie Glass on one or more occasion in 2006, violated MPD Rule 4, Section 2/060.00 by failing to be appropriately courteous and civil and/or exercise patience and discretion as required.

SUMMARY OF PROCEEDINGS

At the hearing on September 26, 2008 testimony was received from Complainant Sammie Glass, Police Officer Jeffrey Thiele, City of Milwaukee DNS Inspector Angela Ferrill and Police Officer Michael Wawrzyniakowski. A copy of the transcript of the hearing will be made available to the parties and the Commissioners who will ultimately decide this matter. A summary of testimony from each witness will not be provided.

PROPOSED
FINDINGS OF FACT

1. Police Officer Jeffrey Thiele was, at all times pertinent hereto, a member of the Milwaukee Police Department and bound by the rules and procedures thereof.
2. Complainant Sammie Glass, at all times pertinent hereto, resided in a home in the City of Milwaukee located within the assigned squad area of Officer Thiele.
3. Officer Thiele and Mr. Glass were, prior to September 2, 2006, familiar with each other, having met and spoken on several occasions prior to that date.
4. Officer Thiele was aware that Mr. Glass frequently used his two story garage as a workshop, and that it had a wood-burning stove on the upper floor.
5. On September 2, 2006, Officer Thiele received a report of black smoke coming from Mr. Glass's garage, and that the odd smell led the caller to suspect that insulation was being burned off of copper wire.
6. Upon arriving at the location Officer Thiele noted that thick black smoke with a "burnt rubberish" smell was emanating from the garage's chimney.
7. Officer Thiele pounded on the garage door but did not receive an immediate response. Officer Thiele called the Milwaukee Fire Department. Mr. Glass exited the garage at about the same time that the Fire Department arrived.
8. Members of the Milwaukee Fire Department entered and inspected the garage and determined that there was no current need for fire and/or rescue services.
9. Before leaving the scene, the Fire Captain informed Officer Thiele that evidence in the garage led him to believe that copper wire was being burned in the stove.
10. Officer Thiele believed that the activity taking place in the garage was in violation of laws and/or ordinances. He took control of the garage area as a possible crime scene and placed Mr. Glass in the squad car but not in handcuffs.
11. Officer Thiele Then contacted his supervisor and had an identification technician take photographs of the scene. He also contacted the Department of Natural Resources (DNR) and requested that someone be sent to investigate possible violations of environmental regulations.

12. A DNR warden appeared on the scene more than 2 hours later. During this period Mr. Glass was continuously detained in the rear seat area of the squad car.
13. Upon arrival the DNR warden inspected the interior of the garage and interviewed Mr. Glass. No charges or citations were ever issued by the DNR.
14. The City of Milwaukee Department of Neighborhood Services (DNS) subsequently became aware of the allegations and launched its own investigation.
15. On November 14, 2006, Angela Ferrill of the DNS went to Mr. Glass's premises because of the complaint alleging illegal use of the garage. Upon arrival she met Officer Thiele and his partner, Officer Wawrzyniakowski.
16. Ms. Ferrill requested permission to enter and inspect the garage in order to address the complaint and Mr. Glass refused. Ms. Ferrill did not gain entry and left within a few minutes of arriving.
17. Neither Officer Thiele nor Officer Wawrzyniakowski spoke to Mr. Glass or had any direct interaction with him on November 14, 2006.
18. Mr. Glass was subsequently cited by DNS, appealed the alleged code violations, and requested copies of all reports concerning the September 2, 2006 incident from the Police Department.
19. The Police Department provided Mr. Glass with copies of all of the photographs taken by the MPD Identification Technician on September 2, 2006, and informed him that there were no additional reports.
20. Mr. Glass continued to make requests for additional reports and was repeatedly told there were none.
21. In mid-December 2006, after yet another request to the Police Department by Mr. Glass, Officer Thiele informed him that if he continued to demand reports that he had been told did not exist he (Glass) would be cited for disorderly conduct.
22. No narrative reports regarding the September 2, 2006 incident were drafted or on file with the Milwaukee Police Department until January 2007
23. Neither Officer Thiele nor Officer Wawrzyniakowski issued citations to Mr. Glass, testified at the DNS proceedings or had any formal role in the prosecution of Mr. Glass by DNS for the alleged code violations.

APPLICABLE LEGAL STANDARDS & CONCLUSIONS OF LAW

1. In order to prevail, a complainant must show by a preponderance of the evidence that the accused Department member acted inappropriately and in violation of Milwaukee Police Department rules and procedures.
2. The Board of Fire and Police Commissioners, in order to sustain a complaint, must find that the member violated Department rules and/or standard operating procedures as alleged in the complaint and that a preponderance of the evidence supports a finding just cause as defined in section 62.50 (17)(b).
3. The complaint in this case alleges that Police Officer Jeffrey Thiele failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Mr. Sammie Glass. Such actions, if proven, would constitute one or more violations of MPD Rule 4, Section 2/060.00.
4. The record in this case does not contain sufficient evidence to support a finding that Police Officer Jeffrey Thiele failed to utilize appropriate courtesy, civility, patience and discretion in dealing with Mr. Sammie Glass.

RECOMMENDATION OF HEARING EXAMINER

It is obvious from the record in this case that Police Officer Jeffrey Thiele is a hard-working and conscientious officer who takes an active interest in his assigned squad area, and that he was familiar with Mr. Glass prior to September 2, 2006. Under such circumstances the appropriateness of an officer's conduct should not be viewed in a vacuum. The preponderance of credible evidence leads me to believe that Mr. Glass, prior to September 2, 2006, may have been engaged in various activities that were, at the very least, inappropriate in an urban setting and quite possibly illegal. When confronted by Officer Thiele and others regarding the appropriateness of his activities, Mr. Glass denied access to his premises and/or made efforts to avoid detection. Good faith attempts by Officer Thiele to get Mr. Glass to comply with the law failed to resolve the problems, and this led to a degree of understandable frustration on the part of Officer Thiele.

It is this examiner's opinion that the only truly questionable action taken by Officer Thiele was to detain Mr. Glass in the squad car for more than two hours while awaiting the arrival of a DNR warden. In hindsight the same goal could have been accomplished by ordering Mr. Glass to remain in his home and/or away from the garage until after the DNR warden had conducted the necessary investigation, but I do not believe that the action taken by Officer Thiele in having Mr. Glass remain in the squad was malicious or in violation of Milwaukee Police Department rules and procedures.

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 by Police Officer Jeffrey Thiele in this instance, and that this complaint be dismissed.

Respectfully submitted this 30th day of October, 2008

A handwritten signature in black ink, appearing to read 'Steven Fronk', written in a cursive style.

Steven Fronk
Hearing Examiner