

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

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**In the matter of the appeal of**

**Police Sergeant  
CHARLES W. CROSS  
from**

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

**MPD Personnel Order Number 2009-22**

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**SUMMARY OF PROCEEDINGS**

A hearing regarding this appeal was held on May 13, 2009 before Commissioners Kathryn Hein, Paoi Lor and Carolina Stark with Steven Fronk acting as Hearing Examiner on behalf of the Board. Charles Cross appeared in person and by Attorneys John Fuchs and Rebecca Boyle. Assistant City Attorney Heidi Galván and MPD Inspector Denita Ball appeared on behalf of Chief of Police Edward Flynn and the Milwaukee Police Department.

Charles Cross was discharged on February 26, 2009 pursuant to MPD Personnel Order No. 2009-22 for a violation of MPD Rule 4, Section 2/030.00 (failure to obey a lawful order) and also suspended for thirty days without pay for a violation of MPD Rule 4, Section 2/095.00 (intoxication). The hearing on May 13, 2009 was intended to address both charges. Immediately prior to the hearing Attorney Fuchs, on behalf of Charles Cross, withdrew the appeal as to Count 2 (intoxication) and stipulated to the thirty day suspension attendant thereto. As a result, the matter proceeded to trial only as to Count 1 (failure to obey a lawful order). Testimony was received from Chief of Police Edward Flynn, Police Sergeant Charles Cross, Police Sergeant David Arnold and Captain of Police Kurt Leibold. In addition, several exhibits were introduced and reviewed by the Board prior to conducting deliberations and reaching a decision.

**FINDINGS OF FACT: COUNT 1**

Based upon the totality of the evidence received as to Count 1 alleging a violation of MPD Rule 4, Section 2/030.00 (failure to obey a lawful order), there is insufficient evidence in the record to sustain the charge.

**FINDINGS OF FACT: COUNT 2**

As a result of Appellant Cross having withdrawn his appeal concerning Count 2 prior to hearing, no findings of fact will be made and no further action will be taken by this Board.

**DECISION and ORDER**

The Board of Fire and Police Commissioners does hereby Order as follows:

1. As to Count 1, the charge is dismissed and,
2. As to Count 2, Chief of Police Edward Flynn may take whatever action he deems appropriate to see that Charles Cross serves the previously imposed suspension of thirty working days without pay.

Board of Fire and Police Commissioners  
Of the City of Milwaukee

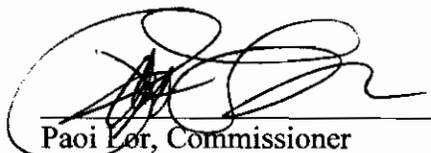
By:

  
Kathryn Hein, Commissioner

5/21/09  
Date

  
Carolina Stark, Commissioner

05/21/09  
Date

  
Paoi Lor, Commissioner

05/21/09  
Date