

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

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**In the matter of the appeal of**

**POLICE SERGEANT BRADLEY DALL**  
**from**  
**MPD Personnel Order No. 2008-179**

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

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*Hearing Date: December 9, 2008*

*Conducted Before: John J. Carter, Hearing Examiner*

*Appearances: Bradley Dall in person and by Attorney William Rettko  
Chief of Police Edward Flynn in person and by Assistant City  
Attorney Patricia Fricker*

*Allegation(s): Violation of MPD Rules and Procedures Manual relating to Equal  
Employment Opportunity Policy – Section 3/520.10(A)(1)  
Inappropriate Conduct*

**SUMMARY OF PROCEEDINGS**

Milwaukee Chief of Police Edward Flynn suspended Police Sergeant Bradley Dall without pay for 30 working days pursuant to MPD Personnel Order No. 2008-179 dated October 27, 2008. Sergeant Dall filed an appeal of that order with the Board of Fire and Police Commissioners on October 30, 2008. An evidentiary hearing was conducted on December 9, 2008 with Attorney John J. Carter acting as Hearing Examiner on behalf of the Board. Attorney Carter issued proposed Findings of Fact, Conclusions of Law and a Recommendation on March 12, 2009, and the parties were given 30 days thereafter to respond in writing. On June 18, 2009, Board members Ernesto Baca, Sarah Morgan and Kathryn Hein, having previously reviewed the record including the transcript, videotape(s), reports and exhibits from the hearing before Attorney Carter, conducted deliberations in a closed meeting pursuant to Wis.Stats §19.85(1)(a) and reached the decision which follows hereafter.

## FINDINGS OF FACT

1. We adopt Findings of Fact 1 through 12 as submitted by Attorney Carter.

## APPLICABLE LEGAL STANDARDS

The burden of proof is on the Chief of Police to show by a preponderance of the evidence that Police Sergeant Bradley Dall violated Milwaukee Police Department rules as alleged in the complaint and that a preponderance of the evidence supports a finding of just cause as defined in Wis. Stats. §62.50(17)(b).

## CONCLUSIONS OF LAW

**As to the allegation that Police Sergeant Bradley Dall engaged in inappropriate conduct in violation of MPD Rules and Procedures Manual relating to Equal Employment Opportunity Policy – Section 3/520.10(A)(1)**

1. We adopt Conclusions of Law 1 through 6 as submitted by Attorney Carter. The preponderance of the evidence in this record supports those conclusions, and we find that 1 through 6 of the just cause factors as outlined in Wis.Stats.§ 62.50(17)(b) have been satisfied.
2. This Board, in determining an appropriate disposition, must consider the seriousness of the violation and the member's record of service with the Department.
3. The fact that Bradley Dall was a supervisor and that he engaged in a pattern of inappropriate conduct over an extended period of time involving crude and offensive gestures and comments directed toward more than one subordinate female are aggravating factors which necessitate a more substantial penalty than the suspension of 30 working days as ordered by Chief Flynn or the suspension of 21 working days as recommended by Attorney Carter.

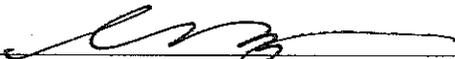
DECISION

We unanimously find that the just cause factors as outlined in Wis.Stats. § 62.50(17)(b) have been met and that Bradley Dall did, in fact, violate Department rules and procedures as alleged in the complaint on file herein. We also unanimously find that a suspension of 30 working days is not sufficient given the facts of this case and the aggravating factors set forth above. Commissioner Kathryn Hein, after considering the seriousness of the violation and Bradley Dall's record of service with the department, has voted to impose a suspension of 60 working days without pay. Commissioners Ernesto Baca and Sarah Morgan, after considering the seriousness of the violation and Bradley Dall's record of service with the department, believe that a suspension without pay, regardless of duration, is not sufficient to address this violation and have therefore voted to reduce Bradley Dall in rank from Police Sergeant to Police Officer.

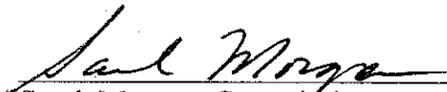
**It is the Decision of this Board**, by a vote of 2 to 1, that Bradley Dall shall be reduced in rank from Police Sergeant to Police Officer, effective immediately.

Board of Fire and Police Commissioners  
Of the City of Milwaukee

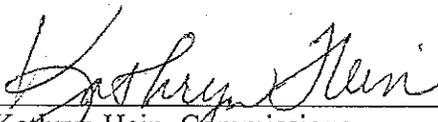
By:

  
\_\_\_\_\_  
Ernesto Baca, Commissioner

06.26.2009  
Date

  
\_\_\_\_\_  
Sarah Morgan, Commissioner

6/30/09  
Date

  
\_\_\_\_\_  
Kathryn Hein, Commissioner

6/30/09  
Date