

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

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**In the matter of the citizen complaint of Nikki Harris-Brown**

**vs.**

**Police Officers Dean Lidwin and Timothy Meinecke**

**Citizen Complaint No. 2010-0105**

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Hearing Dates: November 30, 2011 and April 25, 2012

Hearing Location: 200 East Wells Street, Room 301A, City Hall  
Milwaukee, Wisconsin

Commissioners: Kathryn A. Hein  
Sarah W. Morgan  
Carolina M. Stark

Hearing Examiner: John J. Carter

Appearances: Nikki Harris-Brown,  
pro se

Attorney Brendan P. Matthews  
for Police Officers Dean Lidwin and Timothy Meinecke

**PROCEDURAL HISTORY**

Nikki Brown Harris filed a citizen complaint form with the City of Milwaukee Fire and Police Commission (FPC) on May 14, 2010. As a result, the FPC issued charges against Police Officers Dean Lidwin and Timothy Meinecke on June 23, 2011 for violation of Department Rules and Regulations, including but not limited to, Rule 4, Section 115.00 and Code of Conduct Core Value 1.04. A hearing was held.

**SUMMARY OF HEARING PROCEEDINGS**

Phase I of the hearing was conducted on November 30, 2011. Deliberations and phase II of the hearing were conducted on April 25, 2012. The proceedings were recorded by a stenographic reporter, and the transcript of the proceedings are part of the record in this matter.

Testimony was taken from the following witnesses in Phase I:

For the Complainant: Roy Dismukes, Wisconsin Probation and Parole Agent  
Kevin Lawrence, Citizen Witness  
Police Officer Christopher Bruns, Milwaukee Police Department  
Devallous Hankins, Citizen Witness  
Nikki Harris-Brown, Citizen Witness  
Investigator Cheryl Patane, Milwaukee Fire and Police Commission

For the Officers: Lieutenant Jason Oberg, Milwaukee Fire Department  
Police Officer Timothy Meinecke, Milwaukee Police Department  
Police Officer Dean Lidwin, Milwaukee Police Department  
Sergeant Gregg Duran, Milwaukee Police Department

Testimony was taken from the following witnesses in Phase II:

For the Complainant: Nikki Harris-Brown, Citizen Witness

For the Officers: Michael Crivello, Milwaukee Police Association  
Police Officer Timothy Meinecke, Milwaukee Police Department  
Police Officer Dean Lidwin, Milwaukee Police Department

Based upon the evidence received at the hearing, the Commission makes the following findings of fact and conclusions of law

### **FINDINGS OF FACT**

On April 18, 2010, a man operating a motor vehicle hit Nikki Harris-Brown, dragged her under the vehicle on a sidewalk and left the scene without stopping. Ms. Harris-Brown was left significantly injured and incapacitated on the sidewalk. Her injuries included a broken and lacerated leg, lacerated liver, broken ribs, road rash on her face where skin had been removed, and an eye injury. Officers Lidwin and Meinecke were working as partners that night, and they were dispatched to the scene.

When Officers Lidwin and Meinecke arrived on scene, they found a crowd of people. Devallous Hankins, Ms. Harris-Brown's boyfriend, was on scene. He was upset and did not want anyone to touch her. On April 18, 2010, Mr. Hankins told Officer Lidwin that a white SUV hit Ms. Harris-Brown. Officer Lidwin thought Mr. Hankins had more information about the hit-and-run, but he never interviewed him about it because he thought Mr. Hankins would find the driver and "take care of it himself" with "street justice." Additionally, Officer Lidwin did not interview Mr. Hankins because he had a felony warrant, the officers would have had to take him into custody for questioning, and Officer Lidwin did not want to take him into custody.

Officer Meinecke traveled with Ms. Harris-Brown in an ambulance from the scene to a hospital. In the ambulance, he asked her a couple of questions about the hit-and-run while she was suffering from significant pain and trauma. He attempted to ask her additional questions at the hospital, but he could not do so because she was in significant pain and medical staff was treating her.

On April 18, 2010, Officer Lidwin filed a Wisconsin Motor Vehicle Accident Report MV4000e classifying the severity of Ms. Harris-Brown's injuries as "B – NON-INCAPACITATING INJURY." For purposes of the MV4000e form, a class A injury includes broken bones and injuries leaving the victim unable to walk away from the scene. For purposes of the MV4000e form, a class B injury consists of a visible, non-incapacitating injury such as a cut or bruise. Officers Lidwin and Meinecke were equally responsible for the thorough, careful and accurate completion of this report.

Ms. Harris-Brown remained in the hospital until April 25, 2010, including a couple of days in the Intensive Care Unit (ICU) and surgery for her broken leg. While she was in the hospital, neither Officer Meinecke nor Officer Lidwin visited or called her to interview her about the hit-and-run.

While in the hospital, Ms. Harris-Brown started calling the MPD because she was concerned that police officers had not contacted her to investigate the hit-and-run. During the three weeks after the hit-and-run, she made multiple calls to the MPD and Milwaukee Alderpersons in attempt to have the hit-and-run investigated. After learning the names Officers Lidwin and Meinecke, she called and left messages for them at their assigned district station. She eventually talked to Officer Meinecke, told him that she believed Kenneth Smith was the person who hit her, and gave him an address for Mr. Smith.

On May 9, 2010, Officer Meinecke called Kenneth Smith as a result of Ms. Harris-Brown's persistent requests for further investigation and the information she gave him. During the call, Mr. Smith admitted that he drove a white SUV, offered to allow Officers Meinecke and Lidwin to inspect it, and gave Officer Meinecke an address. This phone call ended ten minutes before the end of Officer Meinecke's scheduled shift. Officer Meinecke did not tell his supervisor or the commanding officer about this before leaving work because he assumed that overtime would not be approved for him to inspect the vehicle that day, and he thought he could inspect the vehicle the next day.

On May 10, 2010, Officers Meinecke and Lidwin went to the address provided by Mr. Smith in attempt to inspect his white SUV. They did not find Mr. Smith or his white SUV.

After failing to locate Mr. Smith or his white SUV, Officers Meinecke and Lidwin visited Ms. Harris-Brown at her home and conducted a photo array. When they asked her to select the photo of the person who hit her, she did not select the photo of Kenneth Smith. As a result, the MPD investigation was closed.

Ms. Harris-Brown continued to pursue investigation of the hit-and-run. She contacted the Wisconsin Probation and Parole Agent assigned to supervise Kenneth Smith, and she filed a citizen complaint with the Milwaukee Fire and Police Commission. As a result of her efforts, Mr. Smith's probation was revoked, the MPD investigation was re-opened, he was charged with one felony count of hit-and-run causing great bodily harm, and he pled no contest to that felony charge.

Police Officer Dean Lidwin began working for the Milwaukee Police Department (MPD) on November 7, 2005, when he entered the police academy. He has served as a police officer since April 30, 2006. During his service with the MPD, Officer Lidwin received one meritorious

service award and two letters of recognition for good work from Chief of Police Edward Flynn. He was also part of a team recognized in a thank you letter from a neighborhood block watch group to Chief Flynn. During his service with the MPD, Officer Lidwin has not had any demerits. As of April 18, 2010, Officer Lidwin was required to be familiar with Milwaukee Police Department Rule 4, Section 115.00 and Code of Conduct Core Value 1.04. He knew that violating these rules could result in discipline, including discharge.

Police Officer Timothy Meinecke began working for the MPD on December 6, 2004, when he entered the police academy. He has served as a police officer since May 5, 2005. During his service with the MPD, Officer Meinecke received three letters of recognition for good work from Chief Flynn. He also received one official reprimand on May 21, 2008 for failure to safeguard property and place property of apparent value on department inventory. As of April 18, 2010, Officer Meinecke was required to be familiar with Milwaukee Police Department Rule 4, Section 115.00 and Code of Conduct Core Value 1.04. He knew that violating these rules could result in discipline, including discharge.

In some other cases where members of the Milwaukee Police Department have violated Milwaukee Police Department Rule 4, Section 115.00 for failure to fully investigate a crime and/or failure to communicate facts to the commanding officer, the imposed discipline has included policy training, an official reprimand, a district-level written reprimand, and suspensions from one to ten days.

### **CONCLUSIONS OF LAW**

Milwaukee Police Department Rule 4, Section 115.00 provides as follows:

When members of the police force are called to, or happen upon, the scene of a crime, they shall at once investigate and note all particulars and obtain the names and addresses of the witnesses and all other important details; and they shall as soon as practicable communicate the facts obtained to the commanding officer, or designee, of the district in which the crime occurred; except, members of the Criminal Investigation Bureau or Special Operations Bureau, who shall communicate such facts directly to the officer in charge of said bureau. Investigating members shall make a written report as soon as practicable to their commanding officers. Members of the police force making such investigation shall deliver at the scene of the crime all evidence and information obtained in the case to any members of the Criminal Investigation Bureau who may be assigned to such case, upon their arrival. Members of the police force shall prevent unauthorized persons from entering upon the scene of a crime.

Milwaukee Police Department Code of Conduct Core Values 1.04 provides as follows:

Police investigations shall at a minimum be based upon reasonable suspicion or an actual or possible offense or crime. Investigations shall be conducted and reports shall be prepared in a prompt,

thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.

Wisconsin Statute §62.50(19) requires the Commission to apply the just cause standard described in Wisconsin Statute §62.50(17)(b) when deciding whether the charges made by an aggrieved person are sustained. If the charges are sustained, Wisconsin Statute §62.50(17)(b) requires the Commission to determine whether the good of the service requires that the accused be removed, suspended from office without pay for a period not exceeding 60 days or reduced in rank.

The just cause standard set forth in Wisconsin Statute §62.50(17)(b) requires the Commission to apply the following standards, to the extent applicable:

- (1) Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
- (2) Whether the rule or order that the subordinate allegedly violated is reasonable.
- (3) Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
- (4) Whether the effort described under subd. 3 was fair and objective.
- (5) Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
- (6) Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.
- (7) Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

In determining whether the charges made by Ms. Harris-Brown against Officers Lidwin and Meinecke are sustained, the Commission applies the just cause standards in Wisconsin Statute §62.50(17)(b)(1) and (2). It does not apply Wisconsin Statute §62.50(17)(b)(3) through (7) because those subdivisions involve action taken by the chief when the chief conducts an investigation and imposes discipline, which is not applicable to this citizen complaint.

Officer Dean Lidwin violated Rule 4, Section 115.00 and Code of Conduct Core Value 1.04 three times related to the hit-and-run on April 18, 2010 involving Ms. Harris-Brown.

First, on April 18, 2010, he failed to interview Devaillous Hankins about the hit-and-run, despite believing that Mr. Hankins had information about the crime. This constituted a failure to obtain all other important details, as required by Rule 4, Section 115.00.

Second, he reported the severity of Ms. Harris-Brown's injuries as "non-incapacitating" in the Wisconsin Motor Vehicle Accident Report MV4000e dated April 18, 2010, when her injuries were clearly incapacitating. This constitutes a failure to prepare the report thoroughly and carefully, as required by Code of Conduct Core Value 1.04.

Third, he failed to visit or call Ms. Harris-Brown while she was in the hospital for one week to interview her about the hit-and-run. This constituted a failure to obtain all other important details, as required by Rule 4, Section 115.00.

Officer Lidwin was required to be familiar with Milwaukee Police Department Rule 4, Section 115.00 and Code of Conduct Core Value 1.04. He knew that violating these rules could result in discipline, including discharge. Therefore, Officer Lidwin could reasonably be expected to have knowledge of the probable consequences of his failure to obtain all other important details and failure to prepare a report thoroughly and carefully as required by Wisconsin Statute §62.50(17)(b)(1).

Officer Timothy Meinecke violated Rule 4, Section 115.00 and Code of Conduct Core Value 1.04 three times related to the hit-and-run on April 18, 2010 involving Ms. Harris-Brown.

First, he was equally responsible with Officer Lidwin for the Wisconsin Motor Vehicle Accident Report MV4000e dated April 18, 2010 reporting the severity of Ms. Harris-Brown's injuries as "non-incapacitating" when her injuries were clearly incapacitating. This constitutes a failure to prepare the report thoroughly and carefully, as required by Code of Conduct Core Value 1.04.

Second, he failed to visit or call Ms. Harris-Brown while she was in the hospital for one week to interview her about the hit-and-run. This constituted a failure to obtain all other important details, as required by Rule 4, Section 115.00.

Third, on May 9, 2010, he failed to tell the commanding officer as soon as practicable the fact that Kenneth Smith offered to allow the police to inspect his vehicle. This constitutes a failure to communicate the facts obtained to the commanding officer as soon as practicable, as required by Rule 4, Section 115.00.

Officer Meinecke was required to be familiar with Milwaukee Police Department Rule 4, Section 115.00 and Code of Conduct Core Value 1.04. He knew that violating these rules could result in discipline, including discharge. Therefore, Officer Meinecke could reasonably be expected to have knowledge of the probable consequences of his failure to obtain all other important details and failure to prepare a report thoroughly and carefully as required by Wisconsin Statute §62.50(17)(b)(1).

In order for a police department to be effective and fulfill its duties to the citizens it serves, it must conduct timely and thorough investigations as well as prepare thorough and careful reports. Therefore, Milwaukee Police Department Rule 4, Section 115.00 and Code of Conduct Core Value 1.04 are reasonable as required by Wisconsin Statute §62.50(17)(b)(2).

The crime committed against Ms. Harris-Brown on April 18, 2010 was a violent felony and it caused her significant injuries. The rule and code violations committed by Officers Lidwin and Meinecke made the victim's experience much worse, damaged a citizen-victim's confidence in the MPD, and almost resulted in allowing a dangerous felon to escape lawful detection and punishment. While these are very significant rule violations, Officers Lidwin and Meinecke each have a history of serving the MPD and the public well for several years. Balancing the serious

nature of the rule violations and the officers' history of service with the MPD, the Commission finds that the good of the service requires the following discipline:

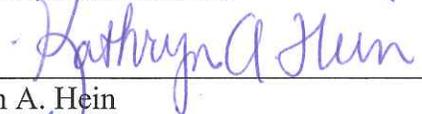
1. Officer Dean Lidwin shall participate in MPD training for failing to accurately report Ms. Harris-Brown's injuries in a report in violation of Code of Conduct Core Value 1.04.
2. Officer Dean Lidwin shall be suspended without pay for 1 day for failing to interview Devaillous Hankins in violation of Rule 4, Section 115.00.
3. Officer Dean Lidwin shall be suspended without pay for 5 days for failing to interview Nikki Harris-Brown in violation of Rule 4, Section 115.00.
4. Officer Timothy Meinecke shall participate in MPD training for failing to accurately report Ms. Harris-Brown's injuries in a report in violation of Code of Conduct Core Value 1.04.
5. Officer Timothy Meinecke shall be suspended without pay for 1 day for failing to communicate to the commanding officer as soon as practicable that Kenneth Smith offered to allow inspection of his vehicle in violation of Rule 4, Section 115.00.
6. Officer Timothy Meinecke shall be suspended without pay for 5 days for failing to interview Nikki Harris-Brown in violation of Rule 4, Section 115.00.

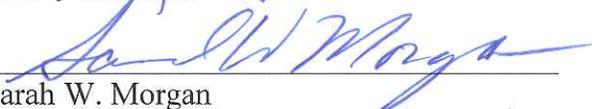
#### DECISION

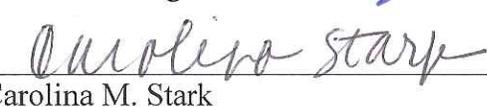
Officer Dean Lidwin shall participate in MPD training and shall be suspended without pay for a total of 6 days. Officer Timothy Meinecke shall participate in MPD training and shall be suspended without pay for a total of 6 days.

Dated at Milwaukee, Wisconsin, this 3 day of May of 2012.

BY THE COMMISSION:

  
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Kathryn A. Hein

  
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Sarah W. Morgan

  
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Carolina M. Stark