

Green Bay police captain fighting suspension

Doug Schneider Green Bay Press-Gazette
USA TODAY NETWORK - WISCONSIN

GREEN BAY - A Green Bay police captain is fighting suspension in connection with the internal harassment scandal that cost two officers their jobs and saw a half-dozen others disciplined.

Capt. Todd LePine, a 24-year department veteran, is asking the city Police and Fire Commission to reject an attempt by Chief Andrew Smith to suspend him without pay for five days. LePine says training sessions he was ordered to attend as a result of the case were more than sufficient for what his attorney says is a minor role in the scandal.

A 34-page filing, obtained under Wisconsin Open Records Law, claims LePine had been moved to other duties

Continued from Page 1A

outside the night shift when many of the harassment incidents occurred in late 2016.

The dispute is the latest development in an ongoing case in which Smith seeks to weed out and punish officers and supervisors for what they did — or didn't do — in 2016 when night-shift officers operating in what a colleague called "a frat-house mentality" harassed a woman and a black officer who worked on the shift.

The investigation has seen a \$200,000 settlement paid to one of the victims, two perpetrators forced to resign, an officer facing potential firing for not being forthright with investigators in what Smith said was an effort to cover for the perpetrators, and a half-dozen other officers suspended without pay for one to 30 days.

City rules say Smith can't place LePine on unpaid suspension while the case is pending. Those rules also say the commission, if it decides to impose discipline, is not limited by Smith's recommendation.

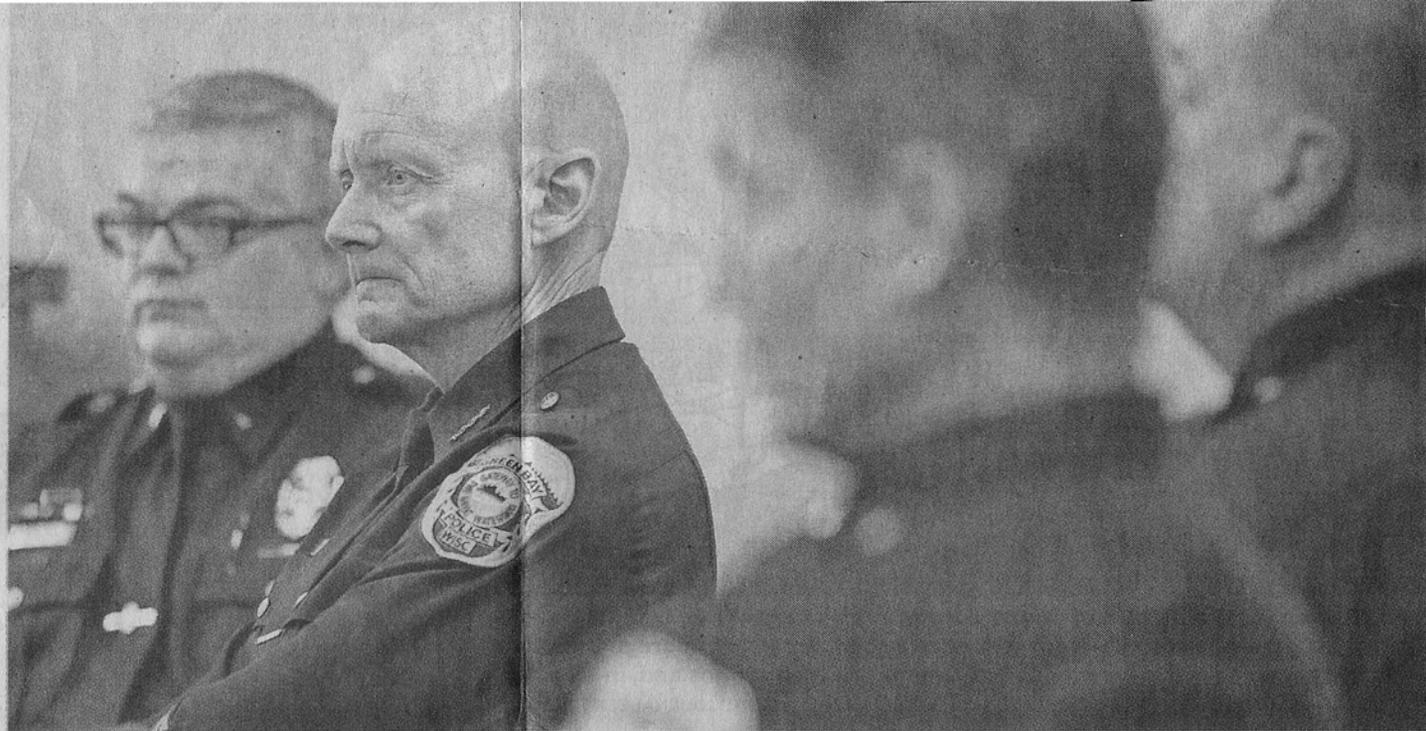
LePine claims Smith violated his constitutional right to due process in multiple ways that have harmed him personally and professionally, including:

- Not filing charges until 203 days after he was first interviewed by internal investigators, and 654 days after he stopped working on the night shift.

- Repeatedly changing the allegations against him — claiming in various complaints that he committed three, six, 13 and five violations of department policy.

- Being slow to provide access to departmental records that would have helped him defend himself, and in one case providing records that were heavily redacted.

- Failing to notify LePine before tell-



Green Bay Police Chief Andrew Smith looks on at a Police and Fire Commission hearing to consider the firing of officer Paul Spoerl, who is accused of lying to internal investigators during a probe of a harassment case. As part of the case, Smith recommended Capt. Todd LePine be suspended five days without pay. LePine is contesting the suspension.

SARAH KLOEPPING/USA TODAY NETWORK-WISCONSIN

ing a USA TODAY NETWORK-Wisconsin reporter that he faced potential discipline.

LePine, who was promoted to captain in 2015, "has experienced significant on-the-job and at-home stress beyond that of everyday life," attorney Carley Windorff wrote in papers filed with the commission.

"He has experienced unnecessary public exposure, alienation from his colleagues and supervisors, and fears retaliation for appealing the discipline," Windorff wrote. "He has had a record free of discipline with the department for almost 19 years."

She called the allegations against LePine "a vague and misdirected attempt to publicly justify the numerous severance agreements and legal settle-

ments that the City has chosen to negotiate."

Allegations by Smith tell a different story.

In a 19-page statement of charges, the chief alleges LePine "has engaged in conduct that brings disrepute and reflects adversely upon the Green Bay Police Department and the city of Green Bay."

In perhaps the most-serious allegation, Smith claims LePine was repeatedly made aware of the harassment — including by then-Officer Stephanie Dantoin, one of the victims — and failed to stop it. Smith also says LePine:

- Failed to protect witnesses and a victim from retaliation for reporting harassment.

- Didn't document issues of harass-

ment, offensive messages sent between officers via in-car computers, and other policy violations.

- Was insufficiently aware of the behavior of night-shift officers for whom he was responsible.

LePine's appeal was filed June 1. The commission has not scheduled a date for a hearing.

Commission members also must to resolve the case of Officer Paul Spoerl, who has been suspended with pay since mid-2017 after Smith accused of being untruthful with internal investigators probing the harassment allegations.

The commission heard two days of testimony on the Spoerl matter this past week. It has not set a deadline for its decision.

City drops charges against retiring captain in harassment investigation

Haley BeMiller Green Bay Press-Gazette
USA TODAY NETWORK - WISCONSIN

GREEN BAY - An embattled Green Bay police captain has retired from the department, leading city officials to drop charges asserting he mismanaged pervasive harassment within his ranks.

The city's Police and Fire Commission on Tuesday approved Chief Andrew Smith's motion to withdraw charges against Todd LePine, a 25-year department veteran who Smith accused of failing in 2016 to stop night-shift officers from harassing their colleagues over race and gender. The scandal prompted two officers to resign under pressure and resulted in discipline for six others.

The city also paid a \$200,000 settlement to Officer Stephanie Dantoin, a victim of bullying who resigned last year.

The commission's decision came after LePine announced his retirement from the department in June. He told members Tuesday that he opted to retire for the sake of his employees and fellow supervisors, contending anyone who aligned with him had a target on their backs.

"I fought these charges, and I would fight them again because they aren't right," he said. "There's nothing in there that's truth. This was all fabricated, this was all put together just with one goal in mind. The one goal in mind was to tarnish me."

Smith attempted to levy a five-day unpaid suspension against LePine as part of broader efforts to repair the department's image. Smith argued LePine failed to stop the harassment despite multiple complaints by Dantoin and didn't document harassment issues and/or protect witnesses and a victim from retaliation.

Smith did not make a statement before the commission Tuesday and declined to speak with a reporter after the hearing.

"I think the investigation speaks for itself," he told the commission.

LePine appealed Smith's decision, which kicked off a year of legal back-and-forth that meant the chief couldn't proceed with the suspension. LePine claimed Smith violated his constitutional right to due process by delaying to file charges and changing the number of violations against him, among other allegations.

He also contested allegations that he inadequately supervised officers, noting the department assigned him to work a different shift from them.

LePine maintained Tuesday that the charges were unjust and unfair and said they stem from Smith's dislike of him.

"He's been trying to get me for two years, for two years he's been trying to get me, and this is the best he can come up with," LePine said.

REEN BAY – In a scathing legal filing, the city's police chief claims a cap-facing disciplinary action could have stopped the officer-on-officer harassment that cost two colleagues their jobs, resulted in discipline for six others and cost the city a \$200,000 settlement.

Chief Andrew Smith says Capt. Todd LePine committed "serious and harmful" misconduct when he didn't intervene in 2016 to stop some officers on the department's night shift from harassing colleagues.



Smith "Had he done his job ... the downward spiral of vile bullying and harassing conduct discovered during the night shift investigation may have been thwarted," Smith said in papers filed Friday with the city's Police and Fire Commission.

Smith's 43-page answer is in response to LePine's claim that he should not receive a five-day unpaid suspension in connection with the harassment case.

LePine, a 24-year department veteran, said in a June 1 filing that he has been sufficiently punished by having to undergo re-training on multiple topics, in part because the training meant he couldn't attend some of his children's sporting events.

He claims Smith tried to suspend him without due process, that the city has dragged its feet in providing documents that could bolster his case, and that Smith moved the goalposts on him by several times revising the number of policy violations that he is accused of committing.

Motions will be argued before the Police and Fire Commission on July 10. An evidentiary hearing is planned Dec. 13 and 14, commission President Rod Goldhahn said.

At issue is whether LePine failed to supervise officers who harassed and bullied colleagues because of gender,

Chief

Continued from Page 1A

and/or marital status, and who made racist comments about African-Americans. Eight officers were victims of the harassment, the department found.

Smith claims the bullying spiraled out of control in part because LePine did not act on multiple complaints to him by Stephanie Dantoin, who resigned in March after receiving a \$200,000 payment from the city to settle her civil-rights claim against the department.

The chief also claims LePine would have known about the harassment had he opened emails in which his supervisor, Commander Paul Ebel, shared electronic messages exchanged by officers doing the bullying.

Smith invokes a 19-year-old case in an effort to show his record with the department is not pristine.

"The Commission should pay careful note to Capt. LePine's assertion that he has a 'clean disciplinary record,'" wrote Kyle Gulya, a lawyer representing the city. "He ... conveniently fails to mention that in 1999 he received a lengthy disciplinary suspension without pay as the result of a Department internal investigation where he was found to have sustained violations of neglect of duty/unsatisfactory performance, courtesy, alcohol policy and use of mobile data terminal."

The allegation doesn't say more about the suspension. LePine's lawyer, Carley Windoff, said in her June 1 filing that he had "a record free of discipline with the department for almost 19 years."

The commission can uphold the five-day suspension, reject it or impose other discipline. LePine cannot be made to serve the suspension until his appeal is

decided.

Commissioners also must resolve the case of Officer Paul Spoerl, who has been suspended with pay since mid-2017. Smith accuses him of being untruthful with investigators probing the night-shift harassment case.

The cases before the commission are two of a number that have arisen since Smith became chief on Feb. 1, 2016. Others:

Fired

Officer Michael Jeanquart, who admitted in 2017 to forging his ex-wife's signature on the title of a car. Felony charges of forgery and presenting a counterfeit title were dismissed because Jeanquart complied with a deferred-prosecution agreement.

Resigned under pressure

Officer Michael Rahn quit after the department began looking into a questionable traffic stop in which an African-American man was tasered three times when he reached to keep his pants from falling down. Rahn claimed in an email to a supervisor the man had "continually yelled to shoot him"; department officials say the man did not.

Lt. Robert Korth resigned in the fall of 2016 when the department began investigating harassment on the night shift, where he was a supervisor. He stopped working in late 2016, but remained on the payroll through April 29, 2017.

Officer R. Casey Masiak also resigned in connection with the night-shift harassment. He stopped performing police work in late 2016, but was allowed to draw a paycheck until May 22, 2017. The city agreed to expunge records showing he was being investigated in the harassment case.

Suspended without pay

At least a half-dozen officers have served unpaid suspensions — most in connection with the night-shift case — of one to 30 days.