



# SHEBOYGAN COUNTY EMPLOYEE REPORT

**Coaching**

- VERBAL  
 WRITTEN

**Discipline**

- SUSPENSION  
 FINAL WRNING/SUSP.  
 TERMINATION

Steps within the Coaching/ Corrective Action and or Discipline process may be deviated from, depending upon the severity of the infraction or if employee is in their initial period of employment.

<u>Name</u> <b>Jarrold Fenner</b>	<u>Department/Title</u> <b>Sheriff/Deputy</b>	<u>Date</u> <b>06/01/2022</b>
--------------------------------------	--	----------------------------------

**STATEMENT OF INCIDENT**

**On Thursday, April 21, 2022 Captain Spence queried all open and active cases involving Joseph R Lamb, school bus operator. This query resulted in identifying one timely, active case. Further exploration of this active case indicated that the investigation was assigned to Deputy Jarrold Fenner on Friday, February 4, 2022 at 1105 hours. The incident was cleared at 1135 hours on that same date noting that additional follow-up was needed. No follow-up had been documented up until the point of query.**

**On Thursday, April 21, 2022 he emailed Lt. Perronne, Sgt. Haag, and Sgt. Kelley requesting that they inquire with Deputy Fenner why follow-up has not been completed with this investigation.**

**On Saturday, April 23, 2022 Captain Spence received a message from Sgt. Haag that he had inquired with Deputy Fenner and received an Instant Message “OK, YA. NO VIOLATION, WAS JUST A TEACHING MOMENT, AND ATTEMPTED CONTACT A COYUPLE TIMES, I’LL TYPE A SUPP SOON AND CLEAR IT”**

**On Monday, April 25, 2022 Captain Spence queried this complaint prior to roll call to determine its resolution. There was no documentation regarding the resolution of the incident. At roll call Deputy Fenner was asked where the documentation was for this investigation. He had not yet got to documenting this incident. After leaving roll call he completed the supplemental narrative at 0810 hours submitting it to Sgt. Haag. Deputy Fenner closed the case out without contacting the suspect in the investigation.**

**He reports: “I, Dep Fenner, have attempted contact with the registered owner of the vehicle involved in this case, Richard, on a couple of occasions. I have been unable to contact both at his residence and via the phone, however, have been unable to make contact.**

**Since there was no violation in this case, only what I thought could be a teachable moment, I have decided to not make any further attempts to contact Richard.”**

**He was closing it as the violation he believed it was only teachable moment. Captain Spence reviewed the video which would suggest that some enforcement action should be taken, whether a written warning or citation. Furthermore, given the age of the registered owner it would be prudent to determine if driver behavioral conditions could have attributed to the ability to recognize the school bus or the necessity to stop.**

**Making sure that reasonable efforts were made to attempt contact with the suspect Captain Spence performed several actions to attempt verification. He queried the automatic vehicle locator (AVL) log between 0700 hours February 4 and end of day April 24. He later completed a second query to include the morning of April 25. This query did not offer a visual representation that Deputy Fenner traveled past the reported and documented address of the suspect/registered owner at [REDACTED]**

**Captain Spence requested the Sheboygan County IT Department query all agency VOIP phones for the suspects reported and documented phone number, (920) 458-0509. On Tuesday, April 26, 2022 at approximately 1404 hours he received an email from the IT Department noting that they did not see the aforementioned number being utilized in the call-logs from February 4, 2022 until April 26, 2022.**

Captain Spence requested the purchasing agent for Sheboygan County query mobile telephone records for (920) 889-8873. This is a department owned Verizon cell phone issued to Deputy Jarrod Fenner. This report was provided to me on Thursday, April 28, 2022. After reviewing this document, he was unable to locate an entry that would reflect that Deputy Fenner would have called (920) 458-████ between January 2022 and April 2022. The phone usage report for this period does not reflect much of April as it is suspected this report was generated from completed billing cycles and the plan is in the middle of a billing cycle.

Given the nature and gravity of the investigation it was turned over to Fond du Lac County Sheriff's Office

On 5/11/2022, at approximately 7:00am, Lt. Christopher Randall met with Deputy Fenner, WPPA Business Agent Jim Schumitsch, and Sheboygan County Sheriff's Office Union President Detective Scott Wieland. This interview was conducted in the Sheriff's Office in a recorded interview room. Lt. Randall also video and audio recorded the interview. The interview lasted approximately 2 hours. Prior to the interview being conducted, Lt. Randall read the Investigatory Interview/Interrogation Warning, aka "Garrity." This document was endorsed by Deputy Fenner, Lt. Randall and WPPA Business Agent Jim Schumitsch. A transcript of the interview was produced and can be reviewed along with an audio or video recording.

The following is a general synopsis of the interview concerning the policy violations and Deputy Fenner's inaccurate and untruthful reporting.

When Deputy Fenner was asked about policy violations concerning efficiency, he acknowledged that he was in violation of 320.5.7 Efficiency (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse. Lt. Randall doesn't believe that Deputy Fenner provided a bona fide excuse as to why it took approximately 3 months to complete a school bus complaint. Deputy Fenner acknowledged that it should not take approximately 3 months to investigate a school bus complaint. Deputy Fenner did not believe he was in violation of (a) Neglect of duty: employees will not sleep, loaf, idle or otherwise deliberately waste time while on duty. Based on the totality of this investigation and interview, Lt. Randall believes a strong argument exists for a violation of 320.5.7 Efficiency (a) neglect of duty: employees will not sleep, loaf, idle or otherwise deliberately waste time while on duty, specifically as it relates to "loaf" and to "deliberately waste time while on duty."

Deputy Fenner provided no legitimate reason for not completing the report in a timely fashion and essentially believed no discipline should be issued to him because the complaint would not result in any enforcement action. Lt. Randall believes some consideration should be given to the fact the registered owner of the vehicle was born in 1933. Given the age of the registered owner, Lt. Randall feels Deputy Fenner's response that no enforcement action would've been taken was premature and irresponsible as he had never had any face to face contact with the individual(s) to evaluate for a potential DOT Driver Condition Report. Deputy Fenner, a nearly 21-year veteran, had to be reminded twice by supervisors in the matter of a couple days to complete this investigation.

When Deputy Fenner was first asked if he made contact with the alleged violator, he indicated he had attempted a phone call and left a voicemail. When Lt. Randall asked how many times Deputy Fenner attempted contact between February 4th and February 6th, Deputy Fenner replied "1 time" and "One time I recall, but I remember calling or attempting a call." Lt. Randall asked Deputy Fenner what he meant by attempted to call, and Deputy Fenner responded "He didn't answer." Lt. Randall asked Deputy Fenner if he had ever left a message or voicemail with the registered owner, to which Deputy Fenner replied, "I don't recall, I really, I don't remember." Deputy Fenner, in a matter of few minutes, had now changed his statement from "I attempted a phone call and left a voicemail." Deputy Fenner was then asked if he went to the alleged violator's residence to which Deputy Fenner explained he had not. Deputy Fenner was asked why he documented in his report that he was unable to contact the registered owner at his residence to which he responded, "I don't know. I don't know why I wrote that." Lt. Randall followed up with Deputy Fenner and asked him if his report was truthful and accurate, to which Deputy Fenner replied, "no." With that line of questioning, Deputy Fenner acknowledged he was not truthful in his official police report. Deputy Fenner was aware that his reports should be truthful and accurate.

When Deputy Fenner was asked why he had documented attempted phone contact and contact at the residence, Deputy Fenner replied, "And I just answered that I don't know." Lt. Randall feels a 21-year law enforcement veteran should have at least a reason for consciously documenting, in an official report, a specific act and that "I don't know" is a poor an evasive response to a specific question.

Lt. Randall next began questioning Deputy Fenner regarding his village contract documentation and the clear contradiction with his GPS data. Deputy Fenner admitted his contract reports were inaccurate and untruthful. Deputy Fenner was asked multiple times why he had documented false information and his response was consistently "I don't know." Lt. Randall advised Deputy Fenner that "I don't know" was not an appropriate response. Deputy Fenner responded, "I don't know why it is on the paper. I don't know why it is on the contract sheet. Honestly typed it." Deputy Fenner acknowledged he had completed the form and stated, "but I cannot tell you why it is on there. Like every other sheet we have gone through."

Deputy Fenner acknowledges that he is in violation of 320.5.8 PERFORMANCE (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation and (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.

Deputy Fenner was not 100% confident that he violated 320.5.8 PERFORMANCE (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office--related business.

Deputy Fenner did not believe that he was in violation of 320.5.8 PERFORMANCE (h) Any act on-- or off--duty that brings discredit to this office.

Deputy Fenner further didn't believe he was in violation of 320.5.9 CONDUCT (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County and (m) Any other on- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

Lt. Randall believes a strong argument can be made that Deputy Fenner's actions were in fact disrespectful to a member of the public as he made no effort to follow up on a complaint made by a citizen in Sheboygan. Furthermore, Deputy Fenner put false information into an official police report and if the general public was aware of this, I believe there is a strong possibility that citizens would have unfavorable opinions of Deputy Fenner and the Sheriff's Office. Lt. Randall also feels members of the villages, including local governmental officials, who are in a contract with the Sheboygan County Sheriff's Office, would be displeased knowing that a deputy is inaccurately documenting his patrol activity. Deputy Fenner's responses at times were vague and evasive. At the beginning of the interview, Deputy Fenner's answers changed within a few minutes. Deputy Fenner was given multiple opportunities to discuss why he was putting false and inaccurate information on the village contract and selective enforcement daily reports and continually respond that he doesn't know. Lt. Randall has strong concerns why a sworn law enforcement deputy, who would need to take an oath prior to testifying in court or swear to an affidavit, can't recall why he documented a specific activity on an official Sheriff's Office document. Given that the sample of 7 village contract/selective enforcement daily reports all contained factually inaccurate and untrue documentation, it's difficult to believe any of his contract logs are fully truthful. Deputy Fenner also acknowledged that his conduct discussed during the interview was not consistent with the Sheriff's Office mission nor the Oath of Office.

Highlighted questions by Lt. Christopher Randall (CR) and Deputy Jarrod Fenner (JF):

CR: On how many occasions did you go to [REDACTED] in attempts to follow up with the registered owner in this school bus complaint?

JF: Zero

CR: Why did you document in your report that you were unable to contact the registered owner at his residence when you never attempted contact at the registered owner's residence?

JF: I don't know. I don't know why I wrote that.

**CR: So with that said, is that report truthful and accurate?**

**JF: No**

**CR: Do you believe the citizens of your community can trust a law enforcement officer if that law enforcement officer has completed false and untrue police reports?**

**JF: Yes**

**CR: You do believe they can trust you?**

**JF: Yes**

**CR: Why did you document in your report that you had attempted phone contact and contact at the residence?**

**JF: And I answered that I don't know**

**CR: I believe we were talking about the reports. I just want to make sure we are on the same page here. I'm not trying to beat a dead horse here or be disrespectful by any means. That report is not true and accurate. Excuse me, a portion of this report is not true and accurate.**

**JF: Correct**

**CR: And, your policy requires your reports to be truthful and accurate, correct?**

**JF: Yes**

**CR: So with that statement do you believe you were in violation of policy regarding truthful and accurate reports?**

**JF: Yes**

**CR: In a brief review of seven of your village contract/ selective enforcement reports, over an approximate 3-month period, you inaccurately and untruthfully documented your patrol activities on every single document. Why did you document these reports in such fashion?**

**JF: I think I have answered that already.**

**CR: And the answer is?**

**JF: I don't recall why I put those specific answers in there. We went through each sheet, you showed me it was inaccurate, I agreed to you it was inaccurate and I don't know why those are written as such.**

**District Attorney Urmanski reviewed the internal investigation and has provided correspondence to Sheriff Roeseler that he believes the facts of this investigation need to be shared as *Brady* evidence with every defense attorney and/or defendant in any case where Deputy Fenner is involved. District Attorney Urmanski issued what is referred to as a "Brady letter". Specifically, this decision requires the District Attorney to disclose to defense attorneys that he has knowledge that Deputy Fenner has not been truthful in reporting an incident(s). To ensure fair trials the Supreme Court of the United States created the Brady rule obligating prosecutors to disclose materially exculpatory evidence in the government's possession to the defense for every case. This disclosure is required by the District Attorney to ensure fair trials going forward.**

**ACTION TAKEN:**

**Deputy Fenner violated the following polices:**

**320.5.7(a) - Neglect of duty: Employees will not sleep, loaf, idle or otherwise deliberately waste time while on duty.**

