

IN RE: TOWN OF WATERFORD
CASE NO.: 2405
TRANSCRIPT OF AUDIO-RECORDED
INTERVIEW OF JOHN NELSON

Transcribed By: LAURA C. MONTEITH

1 APPEARANCES

2

3 Steve Riffel, Interviewer

4 John Nelson, Interviewee

5 Brendan Mathews, Esq

6 Denise Spude, Esq

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1 STEVE RIFFEL: -- introductions. But I'm assuming
2 that we -- since we've been talking for the last number of weeks
3 and, you know, the Town has hired us to -- or contracted with us
4 to do the interview and the investigation into some of these --
5 these concerns. Obviously, we're taping it.

6 You're taping it, I would assume so --

7 JOHN NELSON: Well, I brought my tape recorder.

8 But I do have a couple of questions as we get going
9 here.

10 STEVE RIFFEL: Oh, you can ask the ques- -- what are
11 you -- are you talking about general questions or --

12 JOHN NELSON: Yeah. Just general.

13 First question is, I understand it's being tape
14 recorded. Is it being transcribed?

15 STEVE RIFFEL: It's going to be transcribed. Correct.

16 JOHN NELSON: Okay. Good.

17 STEVE RIFFEL: So first thing I'd like to do is, John,
18 you were issued an internal notification from the Town back on
19 August 29th. It was dictating we were going to have this
20 meeting last week, the interviews. I understand you were sick.
21 Those things happen.

22 As part of that memo or that notification, you had the
23 confidentiality clause, truthfulness and forthrightness, no
24 retaliation, request for information, duty to report violations
25 of this order, among other things.

1 Are you aware, and did you receive that?

2 JOHN NELSON: You're asking me about this sheet from
3 August 23rd, or are you talking about something different?

4 STEVE RIFFEL: There's one from August 29th that was
5 dictating that we'd meet last week. It was sent through --

6 BRENDAN MATHEWS: I think it's the same thing. Just a
7 different date.

8 STEVE RIFFEL: Same thing. It was just a different
9 date because we changed the dates because there were some
10 problems with the dates.

11 JOHN NELSON: Well, I don't recall seeing that. I
12 just have the one I have in my hand dated August 23rd. I'll
13 refer to Counsel if they think it's legit or if there's some
14 underlying hidden sentence in there.

15 BRENDAN MATHEWS: No. I mean, I think this is what
16 was sent to me. I'm not sure if I forwarded it to John or not.
17 But either way, I mean, it's the same as that one.

18 STEVE RIFFEL: Do you want me to read -- do you want
19 me to read through it?

20 BRENDAN MATHEWS: No, no, no.

21 STEVE RIFFEL: Okay.

22 BRENDAN MATHEWS: I don't have any issue with it.

23 STEVE RIFFEL: Okay.

24 BRENDAN MATHEWS: I think it's the same as that one --

25 STEVE RIFFEL: All right.

1 BRENDAN MATHEWS: -- just with a different date.

2 STEVE RIFFEL: I would assume it's the same exact
3 thing just because we changed the dates. I think we redid
4 the -- the date to meet for last week, which wasn't able to be
5 done, so --

6 Do you understand that -- everything that was
7 documented or dictated in this -- this letter to you?

8 JOHN NELSON: Okay. Well, I guess we're going to play
9 the semantics game. I don't know what that is. I know what I'm
10 holding in my hand dated August 23rd.

11 STEVE RIFFEL: Okay. It's the same exact letter
12 except it was just a changed date because of the interview,
13 so --

14 JOHN NELSON: Then yes.

15 STEVE RIFFEL: Okay. Thank you.

16 Before we begin, we'll do the -- I'm going to do the
17 Garrity warning with you.

18 So you are being questioned as part of an internal
19 investigation by the Town of Waterford Police Department. You
20 will be asked questions specifically directed and narrowly
21 related to the performance of your duties or fitness for office.

22 You have the right to not criminally implicate
23 yourself as guaranteed by the Constitution. However, if you
24 refuse to truthfully and completely answer questions related to
25 the performance of your duties for fitness for duty, then you'll

1 be subject to serious discipline up to and including
2 termination.

3 If you do truthfully and completely answer questions,
4 then neither your statement nor any information or evidence
5 which is gained by reason of such statements can be used against
6 you in any subsequent criminal proceedings -- or proceeding.

7 However, your statements and information or evidence
8 which is gained by reason of such statements can be used against
9 you in relation to the Town's internal investigation and its
10 administrative proceedings.

11 In the event that you wish to remain silent, or in the
12 event that you fail -- you fail to truthfully and completely
13 answer questions, your silence or your failure to truthfully and
14 completely answer questions may be used as evidence in this
15 investigation, and depending on the evidence before the Town,
16 the Town may draw negative inferences from your silence or
17 failure to truthfully or completely answer questions.

18 You have the right to have a representative present
19 during this interview.

20 During this questioning, if you want to confer with
21 your representative, then we will allow you that opportunity.

22 If you choose to have someone appearing on your
23 behalf, then you are informed that the individual will not be
24 allowed to interfere in this interview. If such interference
25 results in your failure or refusal to cooperate with this

1 interview, then your conduct or failure to comply may be
2 considered as part of any disciplinary action that may be taken
3 against you.

4 Your reliance on the advice of your representative is
5 your responsibility, and your reliance will not shield you from
6 the consequences of your decisions.

7 Your representative will be allowed to give a
8 statement at the end of this interview.

9 I have received a copy of this notice and order, and I
10 understand the order given to me.

11 And we just need -- and we'll have -- we'll go get a
12 copy, if you want, right now.

13 JOHN NELSON: Okay.

14 STEVE RIFFEL: Thank you.

15 Okay. A lot of questions. Unfortunately, it's going
16 to be a little bit longer of an interview. So keep it moving
17 and going along.

18 But, John, how long have you been employed for the
19 Town of Waterford Police Department?

20 JOHN NELSON: October of 2015.

21 STEVE RIFFEL: Okay. What positions have you held
22 here?

23 JOHN NELSON: Part-time police officer, police
24 officer, sergeant, and now lieutenant.

25 STEVE RIFFEL: Okay. What type of education

1 background do you have or law enforcement experience, that kind
2 of thing? Education-wise, what do you have for education?
3 Formal?

4 JOHN NELSON: Education: Bachelor's degree from UW
5 Whitewater in communications. A minor in marketing with
6 emphasis in public speaking. Graduated Northwestern law course
7 and --

8 STEVE RIFFEL: School of Staff and Command?

9 JOHN NELSON: Yeah.

10 STEVE RIFFEL: Okay.

11 JOHN NELSON: School of Staff and Command. 218, if
12 you went through it yourself.

13 STEVE RIFFEL: I was an NA grad.

14 JOHN NELSON: I'd rather go to NA.

15 So multiple -- as my resume will say, multiple, you
16 know, schools other than that, but that was my executive or post
17 grad of college work.

18 STEVE RIFFEL: Besides Waterford, what other law
19 enforcement experience have you had?

20 JOHN NELSON: I was the Milw. County Sheriff's Office
21 as retired from Milwaukee County with 26.7 years. And the
22 highest rank at the sheriff's office was lieutenant.

23 STEVE RIFFEL: Okay. Have you worked part-time
24 anywhere else?

25 JOHN NELSON: Yes. Wisconsin State Fair Park Police

1 Department as a police officer, corporal, sergeant, and
2 lieutenant.

3 STEVE RIFFEL: Okay. Thank you.

4 In your current position as lieutenant at Waterford
5 Police Department, what are your duties and responsibilities?

6 JOHN NELSON: Well, I -- well, basically running the
7 aspects of the department underneath the second -- or underneath
8 the command of Bill Jeschke because he's the interim chief. But
9 as a lieutenant, I would handle things from, payroll,
10 scheduling, but primarily shift work. You're -- you're still a
11 shift officer even though you're of rank, which is very unique.

12 STEVE RIFFEL: So my understanding, and what I've been
13 told here, is that there's, like, an operations lieutenant or
14 administrative lieutenant; would you consider yourself the
15 operations lieutenant?

16 JOHN NELSON: Bill Jeschke was the administrative
17 lieutenant and second in command, and then I was just another
18 lieutenant, but I didn't have an operations title.

19 STEVE RIFFEL: Okay. My understanding is you were
20 instrumental in supervising the FTO program as well. The FTO
21 training. Is that correct?

22 JOHN NELSON: I wouldn't say supervising an FTO
23 training because under my lieutenantship, there was only one
24 officer hired, and we -- the two of us would work on how things
25 would get done with the field training program.

1 STEVE RIFFEL: The two of you, like, Jeschke and you?

2 JOHN NELSON: Yes.

3 STEVE RIFFEL: Okay. What does the Town of Waterford
4 Police Department have for their policy and procedures? Their
5 manual, their -- stuff like that?

6 JOHN NELSON: Well, there's an established manual
7 that's been around for decades, number one. Then you've got the
8 implementation of Lexipol policies and procedures, number two.
9 And that's what we were transitioning to with the retirement of
10 Matt Johnson on January 5th as chief of police, as we operated
11 without a chief of police since January 5th.

12 STEVE RIFFEL: Okay. So as far as the Lexipol policy,
13 now, my understanding is there's a sign-off procedure when you
14 acknowledge that you've received it, and that the acknowledgment
15 is that you are aware, you've read it and have gone over it.

16 Now, this is -- the ones that were current versions
17 were acknowledged, it shows 82 and then zero on your part that
18 you didn't think -- you -- you've acknowledged all the ones that
19 have come through on Lexipol.

20 Would that be correct?

21 JOHN NELSON: I'd have to see that document, because
22 prior to my departure, I had one hundred percent completion.

23 STEVE RIFFEL: Right. That's what I'm saying.

24 BRENDAN MATHEWS: It's saying you got an 82 out of an
25 82.

1 STEVE RIFFEL: That's what I'm saying, 82 -- 82 out of
2 82.

3 JOHN NELSON: Okay. Well, I want to make sure --
4 okay. Yeah, because prior to my departure, I was caught up.

5 STEVE RIFFEL: Yeah. So if you look at this, it's --
6 I have highlighted your name. So, basically, there's 82, and
7 you had zero. So you were all caught up, correct?

8 JOHN NELSON: Correct.

9 STEVE RIFFEL: Okay. So as a supervisor, as a
10 lieutenant, would you agree with me that a large part of your
11 duties as a lieutenant is to have a thorough knowledge and
12 understanding of the Lexipol and Waterford Police Department's
13 policies and procedures?

14 JOHN NELSON: Well, I would argue that Lexipol was
15 something that was newly implemented, and that the Lexipol
16 standards and Lexipol entries, we had a part-time officer that
17 was hired on and paid to at least put those in the system. That
18 was a member of your firm.

19 STEVE RIFFEL: Well, he's not a member of our firm.
20 So we probably should get -- here, we probably should get this
21 out --

22 JOHN NELSON: Oh, Marschke is not a member of your
23 firm?

24 STEVE RIFFEL: No. He's -- he's --

25 JOHN NELSON: Well, he's on your website.

1 STEVE RIFFEL: He's -- I understand that. So we might
2 as well get this out of the way right away.

3 So Sean Marschke is an associate of ours. He's not on
4 our payroll. He doesn't get paid through our payroll or
5 anything like that. He's an associate. He is on our --

6 JOHN NELSON: He's on your website. I can bring it up
7 if you'd like to see it.

8 STEVE RIFFEL: Yes, he's on it. No, I'm fully aware
9 of that, John. He's on our website. He -- he does a project
10 basis. We also have actuaries on our -- on retainer. We have
11 some other -- we have use of force people on retainer, but
12 they -- they -- they're not employees of ours, so to speak.
13 They get paid on a project basis.

14 Sean Marschke -- and I'll -- I'll put this right on
15 the record. Sean Marschke, the last time he worked for was
16 2023 -- or worked with us -- and that was for a Catholic school
17 security survey.

18 So in relationship to this situation, it was
19 immediately noted when we -- which we didn't know he was a
20 part-time officer here and doing Lexipol.

21 JOHN NELSON: Uh-huh.

22 STEVE RIFFEL: My understanding is, though, that you
23 actually were in favor of him coming here. Somebody told me
24 that. Not Sean Marschke. Because Sean Marschke's discussion
25 with me on this situation was there will be no discussions on

1 this situation.

2 He has no input on this. He has no knowledge of this.
3 He has nothing that we've done. We have -- he has no access to
4 our files. He has no access to anything.

5 So the only discussion that Sean and I have had on
6 this situation is that we would be not discussing anything with
7 him on this. So that's -- that's just so you know that. So --

8 JOHN NELSON: Okay. Well, that's your take on it. My
9 take on it when I look at it and Google your firm, he's right on
10 the page as a member of your company. So just so you know
11 that's what that is, that optics are sometimes reality and that
12 he had some play in this.

13 STEVE RIFFEL: Well, duly -- duly noted.

14 JOHN NELSON: But if we're going -- if we're going --
15 if -- if he --

16 STEVE RIFFEL: So what I'm -- duly noted. What I'm
17 asking you -- let's get back. Yeah.

18 JOHN NELSON: Well, I heard (indiscernible crosstalk)
19 is going to be in here, and I understand that.

20 STEVE RIFFEL: So do you -- do you have -- you've --
21 you've acknowledged that you had the 82, you were caught up to
22 date on Lexipol.

23 So my question for you was would you agree that a
24 large part of that is when you're transitioning the policies and
25 even the old manual, that you should know that stuff as a

1 lieutenant? That was my question. It's a yes or no.

2 JOHN NELSON: Well, it's not a yes or no question.

3 Okay? Because, number one, you're going to have to look at a
4 new system being brought in in Lexipol. It was not a
5 cut and paste from Lexipol from our old policies, because, as
6 you know, you're a former chief, Lexipol hasn't -- they have
7 their own sort of verbiage, and if it's going to be particular
8 to your agency -- and that was one of the things that we
9 discussed with Sean, was, you know, there's certain things that
10 are -- are unique to Waterford. But the Lexipol footprint or
11 boilerplate is designed to, basically, put out a general policy.

12 So if your question is -- to me is what it was -- was
13 it understanding of a general policy is? Yes. Did I understand
14 the entire Lexipol system? No. It was new.

15 STEVE RIFFEL: Okay.

16 JOHN NELSON: And that's why he was hired to do that.

17 STEVE RIFFEL: So are you familiar with the policy
18 manual or the Waterford Police Department Law Enforcement Code
19 of Ethics? Have you seen this before?

20 JOHN NELSON: I have seen this code of ethics before.

21 STEVE RIFFEL: Okay. And you -- you acknowledge that
22 this is the -- was institutionalized into the Town of Waterford
23 Police Department?

24 JOHN NELSON: I don't recall seeing that in Lexipol
25 anymore. But if it's here, that's kind of a common thing.

1 STEVE RIFFEL: That's correct.

2 So what about the Waterford Police Department closing
3 objectives?

4 Policy Manual No. 4 is train, develop, and employ a
5 diverse team of officers in terms of skill sets and life
6 experience, in addition to demographics.

7 Have you seen that before?

8 JOHN NELSON: No, I don't recall seeing that.

9 STEVE RIFFEL: Okay. How about the Town of Waterford
10 Oath of Office and the Law Enforcement Oath of Honor? Are you
11 familiar with that? This is the one when you get sworn in. And
12 the Oath of Honor and the -- and I'm assuming you're familiar
13 with the Oath of Honor, correct?

14 JOHN NELSON: Well, I see the Oath of Office that I
15 signed back in October of 2015. Okay?

16 STEVE RIFFEL: Uh-huh.

17 JOHN NELSON: And this was -- this Oath of Office --

18 STEVE RIFFEL: Oath of Honor?

19 JOHN NELSON: -- and then -- well, Oath of Office
20 heading.

21 STEVE RIFFEL: Right.

22 JOHN NELSON: Oath of Honor is the 102.3.3.1. I see
23 the document. I don't recall ever reading it.

24 STEVE RIFFEL: You've never seen that before? And --
25 even in --

1 JOHN NELSON: I've --

2 STEVE RIFFEL: When did you go through -- well, let me
3 back up a minute.

4 When did you go through Northwestern?

5 JOHN NELSON: Fall of '05.

6 STEVE RIFFEL: And you must have done that with
7 Milwaukee County; is that correct?

8 JOHN NELSON: Yes.

9 STEVE RIFFEL: Yeah. Okay.

10 Okay. So you've never really -- you said you've
11 never -- I'm sorry. Can you rephrase what the Oath of Honor is?

12 JOHN NELSON: I don't recall seeing that document.

13 STEVE RIFFEL: Okay. Have you ever seen the Oath of
14 Honor before?

15 JOHN NELSON: I've heard of it.

16 STEVE RIFFEL: Okay. You've never gone through it?

17 JOHN NELSON: (No audible response.)

18 STEVE RIFFEL: You've never been talked about?

19 JOHN NELSON: (No audible response.)

20 STEVE RIFFEL: It's a big deal with the Chiefs of
21 Police Association, IACP. So have you ever gone through it with
22 anybody else? Officers? Chief -- your chief? The other
23 lieutenant? Anything like that?

24 JOHN NELSON: Not to my recollection.

25 STEVE RIFFEL: Okay. So -- and again, John, I don't

1 know you. You know how this works. We get brought in from --
2 from the outside.

3 But straightforward, [REDACTED] as well as some
4 additional officers, have either brought forth complaints,
5 concerns, or witnessed behavior regarding your actions and
6 conduct and your abilities as a lieutenant and supervisor. So
7 we're going to go over a number of these concerns and reported
8 behaviors separately and/or together because some of them do
9 appear to tie in to each other.

10 I will tell you this, we are straightforward in the
11 fact that we don't purposely try to jam officers up. We are
12 factfinders. And I'm sure you are aware, you've been around for
13 a while, how these administrative investigations go. Your
14 counsel can certainly know how the procedure of protocols are
15 followed.

16 So in that regards, some of the complaints against
17 you -- and I'm just going to go back -- go over some of them --
18 are from female, and corroborated by male officers, in that:

19 You have fostered a hostile work environment;

20 You sexually harassed or made inappropriate comments
21 directed towards female officers that made them feel verbally
22 violated;

23 Sexual comments towards female civilians;

24 Ongoing flirting with female civilians that is
25 detrimental to your duties;

1 Showed inappropriate images of females you have dated
2 or had sexual relations with to other officers;

3 Improper use of Town resources while campaigning for
4 mayor and while conducting mayor business for Franklin;

5 Derogatory, unprofessional phone conduct while on duty
6 in the presence of other personnel;

7 Preferential treatment in scheduling officers;

8 Retaliation against certain officers;

9 Failure to utilize an FTO program;

10 Oversight of unauthorized private security service
11 getting paid in cash;

12 And dissemination of sensitive information containing
13 an employee's personnel file to other department members, among
14 other complaints.

15 There's some time records things;

16 Grant hours and labor agreement;

17 Improper conduct and use of force and the preservation
18 of footage of that incident, as well as others specified in the
19 Notice of Investigation presented to you.

20 So that -- that's kind of just what I recapped.

21 And -- and just to go -- like, again, I don't know
22 you. I don't think you and I have ever met, to be honest with
23 you. If it was, it was in passing at a chiefs conference or
24 something.

25 But for your information in regards to the officers'

1 complaints, numerous officers here individually have described
2 you to us as being overly hostile to them; scaring them; needing
3 anger management; degrading to officers and civilians; badgering
4 of officers; constant behavior which can be categorized as
5 inappropriate, boys'-locker-room antics; very egotistical,
6 unprofessional conduct that makes them uncomfortable; constant
7 mocking of other employees; a slime ball; intimidating and
8 vindictive.

9 I'm telling you this as I want you to be aware that
10 it's just not one or two officers, employees that have reported
11 these things to us. Again, we don't know you, but I feel it's
12 important that you're aware, and I would categorize the majority
13 of officers, when they have spoken to us, have categorized these
14 things.

15 So when we go into this, I'm going to ask you some
16 real specific questions and -- about a number of different
17 things.

18 So the first thing I'd like to ask you: The Town of
19 Waterford has a boat patrol, correct?

20 JOHN NELSON: Yes.

21 STEVE RIFFEL: Okay. And what lakes does that cover?
22 What does that cover?

23 JOHN NELSON: Tichigan Lake and Fox River.

24 STEVE RIFFEL: Okay. What are you -- what are your
25 direct responsibilities for the boat patrol?

1 JOHN NELSON: Mine range from organizing and
2 implementing buoys that go in the lake, in the spring, out in
3 the fall;

4 Scheduling of officers;

5 Citizen complaints regarding officers, regarding
6 missing buoys;

7 Scheduling special events on the lakes;

8 Scheduling shifts on the lake. We call it "lake."
9 That includes the lake and Fox River.

10 STEVE RIFFEL: Okay.

11 JOHN NELSON: Monthly reports, which go to the DNR;
12 Annual reports that go to the DNR.

13 STEVE RIFFEL: Okay. So you have -- ultimately have
14 the final signoff on the DNR Water Safety Patrol State Aid
15 Application and the monthly reports and things? You sign those
16 off?

17 JOHN NELSON: I have signed them and as well as I had
18 [REDACTED] sign them. But then I would submit them after I had
19 fixed her errors.

20 STEVE RIFFEL: Okay. How do -- how does the grant
21 work? The -- the grant for the State when it's submitted at the
22 end of the year for money?

23 JOHN NELSON: Well, there's no grant. It's -- it's --
24 are you talking about the reimbursement?

25 STEVE RIFFEL: Yeah. I guess that's a better word for

1 it. Reimbursement.

2 JOHN NELSON: So reimbursement is done when, at the
3 end of the patrol season, you turn in your labor costs, your
4 administrative costs, because there's administrative hours that
5 they reimburse for, fuel, anything you purchased. And, like,
6 I'll get into a point later about the boat, because you can
7 write that off with amortization over five years.

8 You can -- anything -- anything water patrol related,
9 I would work with the DNR to make sure we had approval, and then
10 they would reimburse anywhere between 70 and 75 percent back to
11 the Township.

12 STEVE RIFFEL: Okay. So you said that sometimes you
13 calculated that, and then sometimes [REDACTED] calculated that?

14 JOHN NELSON: Well, we would work together to
15 calculate that. Okay?

16 STEVE RIFFEL: Okay.

17 JOHN NELSON: And because there was receipts -- there
18 were weekly gas receipts, sometimes biweekly -- or more than --
19 it depends if it was July or if it was May as far as how many,
20 you know, expenditures, we had, props we'd buy, replace. And
21 that was one of the many things that had to be turned in, along
22 with the hours of -- patrol hours, citations, written warnings,
23 verbal warnings, inspections. There's -- there's -- it's pretty
24 comprehensive because, you know, if the DNR is going to
25 reimburse you, they want to make sure that everything you're

1 turning in is --

2 STEVE RIFFEL: So that money that comes back from the
3 DNR, where does that go? Does that go back to the Town --

4 JOHN NELSON: The Township.

5 STEVE RIFFEL: -- or does it go back to, like,
6 reimburse for the salaries paid or the stuff like that?

7 JOHN NELSON: Well, that was above me. All I knew was
8 when that check came back, that would be presented to the Town
9 treasurer. I would give it to the chief, and he would give it
10 to the Town treasurer.

11 STEVE RIFFEL: Okay. So every month there's a report,
12 like you said, sent in. And then at the end of the year, it's
13 calculated, and that end of the year is sent in for the
14 reimbursement?

15 JOHN NELSON: Yes. So you have to do a monthly
16 report --

17 STEVE RIFFEL: Okay.

18 JOHN NELSON: -- by the -- I think it's by the 10th of
19 the month. And then there's an annual that's due in December.
20 And there's also a Coast Guard report. There's, like, three
21 reports that go in. And I was training [REDACTED] to learn how to do
22 those and turn those in.

23 STEVE RIFFEL: Okay. So theoretically, then, the
24 monthly reports should match the end-of-year report that goes
25 in? Not theoretically. They should. The numbers. Correct?

1 JOHN NELSON: Correct.

2 STEVE RIFFEL: Okay. All right. So we are -- you
3 already covered that. The Town is responsible for paying the
4 officers, and then the -- basically, it's like a passthrough.

5 Basically, when the -- the money comes from the State,
6 then it goes to the Town. But already, they've done some
7 expenditures for --

8 JOHN NELSON: Well, you're given a budget.

9 STEVE RIFFEL. Okay.

10 JOHN NELSON: A very tight budget. And that budget
11 had been reduced almost every year until I got in.

12 Now, a very important piece to this is I work with the
13 Waterford Waterways Management District and had a \$6,000 annual
14 donation from them.

15 STEVE RIFFEL: What is it? Waterford what?

16 JOHN NELSON: It's WWMD. Everyone out here
17 understands it as the Waterford Waterways Management District.

18 STEVE RIFFEL: Okay. Thank you.

19 JOHN NELSON: And that's every -- that district is
20 made up of all property owners that are on the waterway. And I
21 would do an annual report to them. And when they started
22 asking, "Well, you know, what could we do to help you?" And I
23 said, "Well, I would be looking for donations to offset our
24 employee costs." And then they -- they've committed annually to
25 \$6,000 a year.

1 And that \$6,000 a year, they would say it can be used
2 for whatever you need to do to keep things afloat. Because they
3 knew our -- with our budget, we couldn't even do every weekend,
4 two days, for Memorial Day to Labor Day. The budget wasn't
5 there. So you're -- you're betting on rain days. Then you're
6 not even including buoy days, which I believe they had
7 yesterday, which is usually six officers, because you've got two
8 running buoys, and you've got -- you've got quite the extensive
9 day, probably 12 hours times six employees.

10 STEVE RIFFEL: Yeah. I was going to ask you about
11 that. So it -- so, actually, it's kind of nice that you brought
12 that up.

13 So do you work on the water? You said you work on the
14 water?

15 JOHN NELSON: Yeah.

16 STEVE RIFFEL: Okay. So what exactly is buoy day?

17 JOHN NELSON: Well, buoy day is twice a year. So
18 you've got -- like, right now is fall buoy day where you're
19 retrieving the buoys, and you're putting out winter buoys. Then
20 you spray them off, and then you stack them over here. So one
21 of you park out over here, there's a stack, and that's where
22 that stacked.

23 And then spring is when you're taking the large buoys
24 and re- -- changing them out with the winter buoys. And, you
25 know, that's -- you're using the truck to drive back and forth.

1 It's an all-day, dirty, terrible day.

2 STEVE RIFFEL: So they still have winter buoys that --
3 that fall, or do they pull them --

4 JOHN NELSON: Winter buoys are like this.

5 STEVE RIFFEL: Okay.

6 JOHN NELSON: And they're just put out there as a
7 marker so that the large buoys don't get damaged, run over by
8 UTVs and snowmobiles and whatnot.

9 STEVE RIFFEL: Okay. So they stay in all winter?

10 JOHN NELSON: The winter buoys stay in all winter.

11 STEVE RIFFEL: Okay.

12 JOHN NELSON: Then the large buoys are put out in
13 spring --

14 STEVE RIFFEL: Okay.

15 JOHN NELSON: -- and they're put in there for the
16 summer.

17 But then you're also putting together the anchors,
18 which are two cinderblocks and eight foot chain. So you -- this
19 is a whole thing. It's not just "Let's go do buoy day." It
20 would take everybody in this room 12 hours to effectively do it.

21 STEVE RIFFEL: Yeah, I can imagine.

22 So on April 22nd, 2023, last year, officer
23 participating in the buoy day. Your timecard for that pay
24 period indicates that you worked road patrol for eight hours,
25 roll call for what I would assume is .25, but it's .15 --

1 JOHN NELSON: No, it's .15.

2 STEVE RIFFEL: It's .15.

3 JOHN NELSON: Correct.

4 STEVE RIFFEL: Okay. And then you also have 10.5
5 hours of water patrol.

6 JOHN NELSON: So for buoy days -- so now that you're
7 bringing that up, buoy days -- I had this approved by Chief Matt
8 Johnson, who signed off on my time sheet. Buoy days, anybody
9 working the buoys gets paid time and a half. And that comes out
10 of that extra 6,000.

11 Because we couldn't get anybody to work buoys. Nobody
12 in this department wants to work buoy day. So the only way we
13 could get it done is if we paid every officer, whether it's
14 Janeen, who works out in front, to drive the boat -- that's what
15 she does; she drives the pontoon -- or is it -- you know, and
16 anyone and -- that's on there. So whether you're a part-timer
17 or full-timer, you're getting time and a half to work buoy day.

18 STEVE RIFFEL: Okay. So you worked buoy day that day.

19 JOHN NELSON: Let's see here. 22nd. I should have
20 this written down here. 22nd. Buoy day.

21 STEVE RIFFEL: Okay. So you were -- you were on the
22 boat working buoy day. So that's how you got that amount?

23 JOHN NELSON: Yeah. I worked 7:00 to 2:00.

24 STEVE RIFFEL: Okay.

25 JOHN NELSON: 7:00 a.m. to 2:00 p.m., buoy day.

1 Now, buoy is also me. I get here early. I set it up.
2 Because we have a -- the boat we take out there is a pontoon.
3 So we've got fueling the pontoon boat.

4 There's -- so, I mean, you know, I can see where your
5 complainant is going with this, completely off base, because
6 there's things that I do that others don't do. And that's,
7 first, is prep. Prep trailer and getting everything ready for
8 the -- for the buoy day.

9 STEVE RIFFEL: No, I get that.

10 JOHN NELSON: That's -- that's what I have to do. And
11 it's a long, dirty, terrible day.

12 STEVE RIFFEL: So -- but you were on the boat
13 according to this.

14 JOHN NELSON: Well, yeah, I was working the boat on
15 buoy day.

16 STEVE RIFFEL: Okay. So you were on the water doing
17 this buoy thing, putting them in or switching off or whatever.

18 JOHN NELSON: This is spring.

19 BRENDAN MATHEWS: I think, John, what the question is,
20 is you have eight hours of patrol on there, right?

21 STEVE RIFFEL: Right.

22 BRENDAN MATHEWS: But you were saying that you were on
23 the boat.

24 JOHN NELSON: Well, that's why this is broken down
25 here. 7:00 a.m. to 2:00 p.m. is buoy day.

1 STEVE RIFFEL: Okay.

2 JOHN NELSON: 2:00 p.m. to 10:00 p.m. is on the road.

3 STEVE RIFFEL: Okay. So you were out on the boat
4 for -- oh, I get it now. I get it. So you were out on the boat
5 here to there.

6 JOHN NELSON: Yes, sir.

7 STEVE RIFFEL: And then you were out on the road here
8 to here.

9 JOHN NELSON: Correct.

10 STEVE RIFFEL: Got you.

11 BRENDAN MATHEWS: But I -- but I think what -- what we
12 were clarifying -- or what I'm trying to clarify, too, and I
13 think we cleared up that first part, is, you know, he only
14 actually worked whatever it was, five hours there.

15 JOHN NELSON: Seven hours.

16 BRENDAN MATHEWS: But you were --

17 JOHN NELSON: Seven hours.

18 BRENDAN MATHEWS: Yeah, you got time and a half.

19 JOHN NELSON: Yeah.

20 STEVE RIFFEL: Right.

21 JOHN NELSON: Seven hours on the boat, but you're --
22 I'm paid as an -- as an overtime rate just like everybody else.

23 STEVE RIFFEL: Yeah. Okay.

24 BRENDAN MATHEWS: I just want to make sure we're all
25 on the same page.

1 STEVE RIFFEL: Yeah. That's --

2 JOHN NELSON: Well, obviously, this is done to
3 discredit or hurt me. So, I mean, that's why I'm going to be --

4 STEVE RIFFEL: I don't know that --

5 BRENDAN MATHEWS: No it's -- it's cleared up now.

6 STEVE RIFFEL: It's just -- but the other thing that I
7 have to ask you is we have some officers telling us that you
8 never were on the boat that day.

9 JOHN NELSON: Oh, absolutely.

10 STEVE RIFFEL: So why would the officers tell us that
11 you never showed up on the boat that day?

12 JOHN NELSON: I have no idea.

13 STEVE RIFFEL: Okay.

14 JOHN NELSON: Well, the thing is, is you're on the
15 boat. You could be on the -- actually taking -- moving buoys
16 around that go from the drop spots to pickups to over here,
17 hosing them off with the power sprayer, stacking them. That's
18 all jobs done when you work buoy day.

19 STEVE RIFFEL: No. I kind of get that. I just -- I
20 understand that. And I wasn't there, but --

21 JOHN NELSON: And if you're asking me exactly if I was
22 on the boat that day, I believe I was on the boat for part of
23 it, but I was also stacking the buoys, because I also identify
24 ones that are broken, buoys that need to be thrown out. We
25 throw them all right away.

1 STEVE RIFFEL: Okay. So -- but to your best
2 recollection, really, you kind of -- you were on the boat for a
3 while, you said?

4 JOHN NELSON: Well, I'm going to say this is because,
5 you know, I had buoy day -- I've worked numerous buoy days, but
6 I couldn't tell you exactly what my positions were during each
7 buoy day.

8 STEVE RIFFEL: Okay.

9 JOHN NELSON: If you're trying to put me in a corner
10 and saying exactly what did I do that day, I don't exactly
11 recall that day, but I --

12 STEVE RIFFEL: I'm not trying to put you in a corner,
13 John. What I'm trying to do is get to the information that we
14 received. You know how this works.

15 JOHN NELSON: Well, no, I do -- I do.

16 STEVE RIFFEL: I mean, you've been a cop for 30 --
17 how -- man, it's a long time.

18 JOHN NELSON: Yeah, over 30 years. I know how this
19 works.

20 STEVE RIFFEL: Yeah. So I'm not trying --

21 JOHN NELSON: That's why I'm as defensive as I am.

22 STEVE RIFFEL: I'm telling you I'm not trying to jam
23 you up.

24 JOHN NELSON: And I'm very cautious.

25 STEVE RIFFEL: I'm just trying -- I get it. I

1 understand. But again, I don't know you. I'm get -- providing
2 information; they're providing information to me.

3 JOHN NELSON: Right.

4 STEVE RIFFEL: So we're going to go through it. And
5 we're going to talk to you about it. Okay? So --

6 JOHN NELSON: But my point is, Investigator, if
7 something is being said about me -- like, I'm sitting here
8 listening to all this other -- all these other terrible,
9 baseless accusations, I'm jumping out of my chair to defend
10 myself. And then when I got somebody saying, "Well, you weren't
11 on the boat that day." Well, I was. How'd the boat get there?

12 BRENDAN MATHEWS: I think we're -- we can move on.

13 STEVE RIFFEL: Yeah.

14 BRENDAN MATHEWS: We -- we clarified that if he wasn't
15 on the boat that day, what he was doing. If -- if the question
16 needs to be, "Did you file a false time card?" and you want to
17 ask that question, then John can answer it. Then I think we can
18 move on.

19 STEVE RIFFEL: I'm getting to that.

20 BRENDAN MATHEWS: Okay.

21 STEVE RIFFEL: Thank you.

22 So we talked about this monthly time sheets. Okay?
23 We pulled the monthly time -- or not -- not time sheets -- I'm
24 sorry -- the monthly department of DNR reports from May, June,
25 July, August, and September of last year. Every month, as you

1 explained to us, there's administrative time that's put on that.
2 So the total -- and I -- actually, there's two officers that
3 have told -- or -- well, I know that [REDACTED] helps with
4 these, as does Janeen -- these activity reports for the end of
5 the month, that they get submitted. I also --

6 JOHN NELSON: Well, Janeen doesn't do the monthly;
7 Janeen does the annuals.

8 STEVE RIFFEL: Okay.

9 JOHN NELSON: And [REDACTED] wasn't prepared enough
10 to do them on her own, because I had to review every single one,
11 correct the errors, and then put it in. So for her to state
12 that she does it, that's a lie. That's not accurate.

13 STEVE RIFFEL: Well, she's not the only one. I mean,
14 she didn't -- she said she did them, but she's -- she's not the
15 only one that said she was involved in that, so --

16 So theoretically, these monthly reports and these
17 monthly calculations, especially for administrative hours,
18 should match the end-of-year administrative hours that gets
19 submitted to the State, correct?

20 JOHN NELSON: It should for the reimbursement, yes.

21 STEVE RIFFEL: Okay. So at the end of the year last
22 year, which I would assume is December do you submit the
23 end-of-year to the State?

24 JOHN NELSON: December of the year.

25 STEVE RIFFEL: Okay.

1 JOHN NELSON: Like, 2023.

2 STEVE RIFFEL: Did you advise Janeen and [REDACTED]
3 to add a number of hours to the administrative total on the
4 end-of-year?

5 JOHN NELSON: I just made sure that it jived. And if
6 they weren't properly recorded on monthly, they had to be --
7 because if we're getting reimbursed, they had to be shown at the
8 end of the year.

9 STEVE RIFFEL: The information we have is that you
10 informed them to add 26 to 29 hours to the end of the year. And
11 I -- I'll -- straight up, I've been in contact with the DNR
12 Division of Public Safety and the Resource Protection Boarding
13 Specialist.

14 JOHN NELSON: Uh-huh.

15 STEVE RIFFEL: She sent me all the -- the forms.

16 JOHN NELSON: Good.

17 STEVE RIFFEL: And she sent me all the -- and they
18 don't match at all. The administrative hours do not match the
19 grant or the monthlies. And especially seeing that we were told
20 that you had told them to add 29 hours when there was no
21 documentation from the previous months for that.

22 JOHN NELSON: I didn't say add anything that would be
23 unjust or illegal. I want to make sure that everything was
24 turned in was -- was jiving with the monthlies.

25 STEVE RIFFEL: Well, they didn't. It's not even

1 close.

2 So the monthlies -- monthlies add up to, like, 43 and
3 a half hours.

4 JOHN NELSON: That is way more than I --

5 STEVE RIFFEL: And -- well, I understand that. But
6 according to the report on the end of the year, there is.

7 And why did you tell them to add hours that are not
8 documented on the monthlies?

9 JOHN NELSON: Well, to start with --

10 STEVE RIFFEL: And your -- you sign off on them.

11 JOHN NELSON: I sign off on it. You're correct.

12 To go back, I don't recall telling anybody to add
13 anything to the monthlies. I just wanted to make sure that they
14 jive. And that was my -- my instruction to Janeen Littman on
15 that, was to make sure that they -- that they jive because
16 that's the important part of the reim- -- the reimbursement
17 part.

18 Now, if they don't go through the monthlies and make
19 it -- and I have it on my sheet, it's still -- it can -- it's
20 still eligible for reimbursement, we just have to justify it.
21 And that's either an amended form or the form in general, but
22 that's -- that's it.

23 STEVE RIFFEL: Well, so --

24 JOHN NELSON: I didn't -- I don't recall ever telling
25 anybody -- and I wouldn't tell anybody, "Oh, add these hours on

1 there." No.

2 I do -- I did -- did give the instructions to Janeen.

3 I don't know if you interviewed Janeen.

4 STEVE RIFFEL: Well, who we interviewed or didn't
5 interview, obviously, we're getting information from a long line
6 of people.

7 JOHN NELSON: Well, you're getting -- well, you're
8 getting it from one person that's got a bone to grind. Now, the
9 other one who actually does the report --

10 STEVE RIFFEL: John, I'm going to tell you straight
11 out, you can talk about this one person, but it's not just one.
12 And we'll go through some of this stuff with you.

13 JOHN NELSON: That's fine. I'm anxiously awaiting to
14 defend myself from these 18 lines of crap.

15 STEVE RIFFEL: Yeah. I get it.

16 So what you're telling us is you did not tell them to
17 add 20 some hours to the end of the year that didn't jive with
18 the monthlies that you signed off on and that were documented?

19 JOHN NELSON: And I think -- well, the short answer
20 is, I believe the -- the instruction was to make sure that
21 everything jives so we can maximize our reimbursements.

22 STEVE RIFFEL: I was going to get to that.

23 JOHN NELSON: Oh.

24 STEVE RIFFEL: Yeah.

25 JOHN NELSON: Okay.

1 STEVE RIFFEL: Because that's one thing that I talked
2 to the DNR specialist in Madison about.

3 JOHN NELSON: Uh-huh.

4 STEVE RIFFEL: And she said that there's a certain
5 amount of money that can come back on administrative hours. I
6 think it's like 30 percent that gets reimbursed.

7 JOHN NELSON: It's quite high.

8 STEVE RIFFEL: And you -- and -- obviously, the hours
9 weren't even close to doing that.

10 JOHN NELSON: No.

11 STEVE RIFFEL: So -- hence when they were instructed
12 to add these 20 some hours to the administrative -- there was no
13 documentation of any of that in the monthlies. So during the
14 month May, June, July, August, and September, while you were
15 doing the boat patrol monthlies --

16 JOHN NELSON: Uh-huh.

17 STEVE RIFFEL: -- there was no documentation of those
18 extra hours.

19 JOHN NELSON: I couldn't -- look, I mean, we're
20 talking about the end of 2023. I don't exactly recall what was
21 on those monthly reports, which I'm sure you'll show me. And
22 I'm not sure where you -- more -- how much -- how many more
23 other ways you want to ask me this question. I don't recall
24 ever telling anybody to do anything other than making sure that
25 they jive with the monthly reports.

1 STEVE RIFFEL: Okay. So your -- your position is that
2 you told them to make them jive with the monthly reports.

3 JOHN NELSON: If there was an off, because we want to
4 make sure that the total reimbursable amount is true and
5 accurate. And if there was some sort of numbers that were
6 inadvertently not put on those monthlies that I claimed, we want
7 to make sure that that's legitimately for reimbursement.

8 STEVE RIFFEL: And doesn't hours that are going for
9 reimbursement have to be documented?

10 JOHN NELSON: Yes, they -- they can be documented, but
11 they also can do an amended form. So there's also the ability
12 to put amended forms in to the State --

13 STEVE RIFFEL: There weren't, though. There weren't
14 any amended forms.

15 So I -- just so you know, here's May; here's the two
16 and a half administrative hours.

17 Here's June; here's 14 administrative hours.

18 Here's July; here's 20.5 administrative hours.

19 Here's August; there's three administrative hours.

20 And here's September --

21 JOHN NELSON: Probably none.

22 STEVE RIFFEL: -- and there's 3.5 administrative
23 hours.

24 But if you go on the -- what the specialist provided
25 me is the administrative hours come out to 121. That's not even

1 close.

2 So where did those 121 come from? And again, you
3 signed off on this. And we have been told that you instructed
4 them to add those 20 some hours onto the final report at the end
5 of the year that didn't match the monthlies.

6 How do you explain that?

7 JOHN NELSON: Well, how I explain it is that it was
8 either misreported, it was a clerical oversight on it, or that
9 the numbers off of my time sheet is what I used to calculate it
10 and should have been on an amended form. And if it was not put
11 on an amended form, I can't answer why it wasn't.

12 BRENDAN MATHEWS: Can -- can we just -- and I -- and I
13 hate to doing this, so I apologize. But I'm just doing rough
14 math in my head from the numbers you listed off, and it seemed
15 like it was about, like, 50 hours total.

16 STEVE RIFFEL: Yeah, it's -- there's -- there's a
17 number of hour -- here --

18 BRENDAN MATHEWS: Okay. So, I mean, let's -- let's
19 just -- can we just go off maybe, like, 50? And that's -- you
20 know, I think the highest was 21ish, and there was a 13, and
21 then the rest were pretty low. So let's just ■ 50. And then
22 you just said 121. Then you're talking about --

23 STEVE RIFFEL: Well, I'll tell you now, there was 43
24 and a half hours that were documented --

25 BRENDAN MATHEWS: 43 and a half.

1 STEVE RIFFEL: -- on the monthlies.

2 BRENDAN MATHEWS: Okay.

3 STEVE RIFFEL: And then on the end-of-year, it was
4 121, so you're off 77.5.

5 BRENDAN MATHEWS: Right. And that was going to be my
6 question. Because you keep going back to this 26 hours, but
7 we're off 80.

8 STEVE RIFFEL: Right. We're off. You're correct.
9 But it also goes to your comment about reimbursement, too, and
10 how much is allowed for reimbursement, so -- so what you're
11 telling me is that bottom line is you didn't -- well, let me put
12 it to you this way: Did you tell them to add hours onto that
13 final end-of-year report so you could get -- this Town could get
14 reimbursed closer to the maximum amount?

15 JOHN NELSON: Not maximum amount. Well, the
16 legitimate hours that I put in and that were put in. That's
17 what I wanted to be recorded. And if it had to be recorded with
18 an amended form, it should have been done that way. I can't
19 speak to why it wasn't.

20 STEVE RIFFEL: But you signed them all.

21 JOHN NELSON: I know.

22 STEVE RIFFEL: So you didn't sign any amended reports;
23 you just signed those reports.

24 JOHN NELSON: I signed them what -- to what I believed
25 was true and factual at the time and submitted them.

1 STEVE RIFFEL: So you didn't check them? You didn't
2 check the numbers --

3 JOHN NELSON: I --

4 STEVE RIFFEL: -- when you signed it?

5 JOHN NELSON: Apparently, the recheck on the numbers,
6 no, I did not see if every month jived. And that's why the
7 State offers up an amended form that I thought was completed.

8 STEVE RIFFEL: Okay. Do you schedule -- you said
9 you -- you did. You said you scheduled officers who worked boat
10 patrol, road patrol, and special events, correct?

11 JOHN NELSON: Yes.

12 STEVE RIFFEL: So how do you do this? What is the
13 proper mechanism for this? Is this -- and we're talking about
14 boat patrol, but we're also talking road patrol and special
15 events.

16 How -- how is that done here?

17 JOHN NELSON: Well, so boat patrol was initially
18 designed to have part-time officers work boat patrol.

19 STEVE RIFFEL: Okay.

20 JOHN NELSON: And we couldn't find enough part-timers
21 and -- to -- to work this, so we had to offer it up to
22 full-timers. And like I started -- like I told you earlier, the
23 budget we were given was such that our goal was to handle
24 weekends only from Memorial Day to Labor Day plus the two buoy
25 days. And that's pretty much what you had with your budget.

1 Unfortunately, we had, like, [REDACTED] who was not someone
2 that was able or willing to work on her own, so she --

3 STEVE RIFFEL: Why -- why not? Why wasn't she able
4 to?

5 JOHN NELSON: She wasn't confident enough in her
6 abilities to maneuver the boat and the lift and everything else
7 and approaching other boats, doing traffic stops. She preferred
8 to have a partner. So what -- that's what we did is we -- we
9 had to work with a partner with her, and that partner was almost
10 all the time a full-time officer getting time and a half then.

11 STEVE RIFFEL: So how do you -- besides that, how do
12 you schedule road patrol?

13 JOHN NELSON: Well, why don't I finish the boat patrol
14 part?

15 STEVE RIFFEL: Okay. Oh, I thought it -- okay.

16 JOHN NELSON: Well, because the -- because this is --
17 when you say how do we do it -- so we have the weekends. The
18 weekends are put out.

19 STEVE RIFFEL: Okay. How are they put out?

20 JOHN NELSON: Email.

21 STEVE RIFFEL: To everybody?

22 JOHN NELSON: Everybody that's working, email. To
23 work the event, they -- they can -- they put in. It's fluid
24 where we can add, we could (indiscernible) on the flip-flop.
25 Whatever we can do to put two people on that boat Saturday and

1 Sunday. And whether it's four hours, six hours, eight hours,
2 plus there's tie-ups, there's other events on the water. And
3 it's a -- that -- that budget is tight.

4 Then you've got, out of that exact same budget, the
5 DNR classes that are operated here that they have now. So
6 there's sometimes three, four, five DNR boater safety classes.
7 That also comes out of my budget. And that's also overtime for,
8 let's say, Nate Schweitzer, who trains it, or straight time for
9 [REDACTED] who trains it.

10 But you've got both of them working, so you've got him
11 on overtime, her on straight time to run these classes. So
12 that's another part that comes off of this budget under the
13 training module.

14 STEVE RIFFEL: Okay. I -- and I was more interested
15 in how officers are chosen to do that. Do you go by the
16 collective bargaining agreement? How do you decide who gets to
17 go on the boat, who gets to go not on the boat, who gets to go
18 on road patrol or special events? Is this done by CVA or what?

19 JOHN NELSON: Well, the short answer is the boat
20 patrol would be strictly seniority, if they say, "I got the
21 seniority, I want it." Most of them, it was still very
22 difficult to get them to work it. So nobody was fighting
23 over -- nobody was standing in line to work the boat patrol.
24 Okay?

25 Did I follow the CVA? Absolutely, I did. Was it ever

1 challenged? No. Were there's ever a grievance? No. Did
2 anybody ever come to me and say, "Hey, we got some problems with
3 scheduling?" No. Did my chief ever come to me? No. Did Bob
4 Ulander, the police liaison, come to me ever? No.

5 So if there was ever an issue with boat scheduling,
6 nothing was ever brought to my attention.

7 STEVE RIFFEL: So a little bit about -- I want to ask
8 you about Matt Johnson, the Chief. How would you describe him
9 as a chief, professionally? More hands off? Hands on? More
10 involved? It's been described to us a number of different ways.

11 I'm just -- in your professional opinion, you've
12 worked different departments, how do you categorize him as a
13 chief? Or was -- retired now, but --

14 JOHN NELSON: It depended on the situation. Depending
15 on how much or little Matt Johnson involved himself with
16 day-to-day operations. There is no way to characterize him and
17 put him in a box as this is how he was, because there's some
18 things he was hands-off on, some things he was intimately
19 involved with, which I got plenty of notes as we drag on this
20 afternoon, which what I'm going to bring examples of.

21 So when it came to boat stuff, he -- is that what
22 you're referring to?

23 STEVE RIFFEL: Anything.

24 JOHN NELSON: Yeah, well --

25 STEVE RIFFEL: I mean, how was he overall as an

1 administrator? Because you had mentioned how, you know, the
2 chief never brought you any type of thing with this, and he
3 was -- so was he hands-off with scheduling and stuff?

4 Obviously, it sounds --

5 JOHN NELSON: He would review it. He would -- he
6 would come in, and he would review to make sure things were
7 covered.

8 STEVE RIFFEL: So would you categorize your scheduling
9 of boat patrol, road patrol, and special events as fair?

10 JOHN NELSON: They are three very different jobs.

11 STEVE RIFFEL: Okay.

12 BRENDAN MATHEWS: He's asking did you do it fairly.

13 JOHN NELSON: Say that again.

14 BRENDAN MATHEWS: Did you -- did you assign people to
15 work fairly?

16 JOHN NELSON: Oh, did I assign the work to people
17 fairly? Absolutely.

18 BRENDAN MATHEWS: In all three categories?

19 JOHN NELSON: All three categories. Absolutely.

20 STEVE RIFFEL: Okay.

21 BRENDAN MATHEWS: Might as well just --

22 STEVE RIFFEL: That's fine.

23 JOHN NELSON: I know what this is all about. All
24 right? So --

25 BRENDAN MATHEWS: Yeah, yeah, yeah.

1 DENISE SPUDE: I do have a quick question. And I
2 might have totally misunderstood this.

3 [REDACTED] does the training? The boat training?

4 JOHN NELSON: We have -- well, not the boat training.
5 We have boater safety for, like, kids --

6 DENISE SPUDE: Okay.

7 JOHN NELSON: -- that want to go through boater safety
8 class. Because if you go -- if you're a successful completion
9 of the -- the DNR boater safety class, you can operate a boat
10 younger by yourself. So it covers everything from how to read
11 different buoys, how to properly put on the DNR numbers on the
12 side of the boat, you know, cautionary things, dangerous things,
13 you know, nomenclature of a regular boat, motor, fueling.

14 It covers a whole myriad of things. And it's a
15 two-day deal. And we have it right here. And it's grown
16 exponentially, but, yet, it comes out of my budget, so --

17 STEVE RIFFEL: So the reason I asked you about the
18 scheduling stuff is because it's been brought to our attention
19 by more than one officer. So, you know, obviously, you're --
20 you're kind of fixated on [REDACTED] But -- and I'm not going to
21 lie, she has a concern and a complaint. But there has been more
22 than one officer who has told us that the scheduling is pretty
23 prejudicial, unfair, and discriminatory.

24 Your reaction to this is --

25 JOHN NELSON: Well, absolutely not. And let's --

1 let's talk about that.

2 What is discriminatory about my scheduling practices?

3 STEVE RIFFEL: Well, a lot of officers say they
4 don't -- we'll get into some more of this.

5 JOHN NELSON: Okay.

6 STEVE RIFFEL: But a lot of officers say they don't
7 get even notified of scheduling or boat patrols or anything like
8 that, even the road, so -- well, let -- let's go this way.

9 Why isn't [REDACTED] scheduled to work the road at
10 all?

11 JOHN NELSON: [REDACTED] was hired -- [REDACTED] was
12 hired to work strictly as boat patrol. [REDACTED] did not
13 have -- when the -- when Chief Johnson hired her, it was
14 strictly to work the boat. She was not hired to work the road.
15 She was not trained to work the road.

16 She was not trained in Phoenix reporting system. She
17 was not trained in Badger TraCS, citations, and crashes. She
18 had knowledge from working other boat patrols for other
19 agencies. And that's where that lied.

20 STEVE RIFFEL: Well, why wasn't she trained? I mean,
21 it -- it sounds like you were pretty short. I mean, everybody
22 says that you guys are really short.

23 Why wasn't she trained to do any of these things?

24 JOHN NELSON: So my plan -- and I had brought this up
25 to David Ferger and Chief Johnson and Bill Jeschke -- was [REDACTED]

1 [REDACTED] was getting hired at the Big Bend Police Department. And
2 David Ferger was bringing her in there. And the -- this is
3 still while we had a chief. And the chief -- Chief Johnson and
4 Bill Jeschke were vehemently against [REDACTED] going on the
5 road. Okay?

6 I was of the opinion, "Well, let's get her on the
7 road, but, you know, we got to get her trained somewhere." Matt
8 Johnson, when it was brought to him, as well as Bill Jeschke
9 when Matt left, was, "We don't have the budget. We don't have
10 the training budget to do anything but the bare minimum."

11 David Ferger -- you know who David Ferger is, right?

12 STEVE RIFFEL: Uh-huh.

13 JOHN NELSON: Police officer.

14 STEVE RIFFEL: I don't -- I know of him.

15 JOHN NELSON: You heard the name?

16 STEVE RIFFEL: Yes.

17 JOHN NELSON: Okay. Well, he worked Big Bend part
18 time. He worked here full time. And he was hired -- getting
19 her hired there where he was going to conduct -- because he's
20 one of the two field training officers we have that actually --
21 certified field training officers. Okay? The other one is Bill
22 Jeschke.

23 And so it was for her to get trained there on the road
24 and then come here. And my -- my -- my goals and hopes were
25 that I was going to be the next chief, and I had no problem

1 bringing her on. And that was the discussion with, you know,
2 David Ferger, and that was the -- that was a, you know,
3 discussion and semi plan. But she had to be trained somewhere
4 on the road because she -- she is -- doesn't.

5 Now, she also works here one day a month as the court
6 officer. And the -- another important part of this --

7 STEVE RIFFEL: Who?

8 JOHN NELSON: [REDACTED] --

9 STEVE RIFFEL: [REDACTED] Okay.

10 JOHN NELSON: -- works one day a month as a court
11 officer.

12 And that, two, where we wanted her to be up on Phoenix
13 and up on Badger TraCS, so when you're in there and you're
14 hearing a citation, a judge could amend something, you can issue
15 it right there. You know, you bring in your Toughbook, you set
16 it up, you log in, and she can issue it right there and have it
17 printed out.

18 So that was part of this thing, too, was how else
19 could you benefit by having [REDACTED] trained on the road, trained
20 in TraCS, but trained out there first?

21 STEVE RIFFEL: Well, and I kind of get that. But in
22 the same sense, why would you depend on another department to
23 train an officer that works here?

24 JOHN NELSON: Well, like I said earlier, we -- the
25 chief refused to do it. He didn't -- Johnson didn't want it;

1 Jessie didn't want it; and they also said, "Look, we don't have
2 the money to do it. We don't have the money to bring her on and
3 train her and give her more hours to train to effectively become
4 a road officer."

5 And then we had another incident. You ready?

6 STEVE RIFFEL: Yeah.

7 JOHN NELSON: So we had another incident where she
8 made an arrest on the water, and she used the term "sea legs" of
9 a subject on the boat that she was arresting. And -- and -- and
10 Lieutenant Jeschke and I were like, "You can't use this term.
11 What is the term sea legs?" And she argued with us that this
12 was a DNR approved, you know, description of somebody unsteady
13 on their feet on a boat. And we're like, "No. Then you simply
14 write unsteady on their feet, and you go into detail like any
15 other (indiscernible)."

16 And this is where we learned more about [REDACTED]
17 inability to be reasonable, inability to learn, inability to
18 focus on tasks at hand -- from being trained. She was
19 vehemently against that.

20 STEVE RIFFEL: So if that occurred, that should be --
21 some -- one of your lieutenants should have put that in her
22 file, correct? That should have been a notation, unsatisfactory
23 behavior, and it should have been a professional development or
24 training thing for her to retrain her or at least professionally
25 develop her so it won't happen again.

1 So was it notated in her file?

2 JOHN NELSON: Bill Jeschke didn't do that. His
3 thoughts were -- and I'll remember, when we're doing this, you
4 know, I had told her a few times before I had to play that card,
5 which, as you know as a chief, when you start putting the screws
6 to people like that, it turns them off. So I'm trying to build
7 her up and say, "██████ what if you changed the verbiage to
8 this?" And then Bill was simply like, "Change it, or were" --
9 you know, "I'm going to reject it."

10 STEVE RIFFEL: But, John --

11 JOHN NELSON: So when he went to say what you're
12 saying, he -- it was -- he decided -- he took it over.

13 STEVE RIFFEL: Yeah, but you're a lieutenant, too. I
14 mean, John --

15 JOHN NELSON: Uh-huh.

16 STEVE RIFFEL: -- you've been to Northwestern. You've
17 been a supervisor for a bunch of places.

18 JOHN NELSON: Yep.

19 STEVE RIFFEL: You know if it's not in writing, it
20 doesn't exist.

21 JOHN NELSON: Uh-huh.

22 STEVE RIFFEL: So I -- I'm looking to see, okay, if I
23 understand what you're saying is that she has some corrective --
24 she had some corrective action, but it doesn't look to appear to
25 be anything that's documented or notated or even professionally

1 developed, saying, "Okay. We're going to take her out and, you
2 know, train her again."

3 But -- all right. Let's go past [REDACTED] What --
4 why did you stop scheduling Madrina -- Madrina? Is that how you
5 pronounce her name? -- Dela Cruz? -- we looked at her -- for
6 boat patrol?

7 We looked at her -- and talked to her, and she was
8 very adamant that she was working boat patrol when she first got
9 hired here, and then around April of 2023, she literally had
10 zero hours ever since then.

11 Why is that?

12 JOHN NELSON: I don't recall her ever putting in for
13 bullet patrol.

14 STEVE RIFFEL: You don't recall her ever working boat
15 patrol?

16 JOHN NELSON: If she did, it was very minimal,
17 obviously, with somebody else.

18 But Madrina -- Officer Dela Cruz never approached me
19 and said, "Hey, I'd like to get some boat hours." Never. Never
20 did she say that to me ever.

21 STEVE RIFFEL: Okay.

22 JOHN NELSON: Nor did she report it to either Bill
23 Jeschke or the Chief, because they would have said something to
24 me. So whatever she's alleging, she didn't share that with
25 anybody that was a supervisor.

1 STEVE RIFFEL: Well, I -- I think we'll -- we'll touch
2 base on that a little bit later, because it ties in with another
3 thing for her.

4 So when you worked here, were you married, John?

5 JOHN NELSON: Yes.

6 STEVE RIFFEL: Okay. To whom were you married to?

7 JOHN NELSON: My wife.

8 STEVE RIFFEL: I -- John, seriously.

9 JOHN NELSON: Well, what does that have to do with the
10 fact that I'm a police officer? Was I married?

11 STEVE RIFFEL: I'm -- we're going to get -- we're
12 going to get to that. Okay?

13 JOHN NELSON: Oh, I'm sure we are.

14 STEVE RIFFEL: I know. So I'm not -- am I being --

15 JOHN NELSON: Was I married?

16 STEVE RIFFEL: Am I being disrespectful to you?

17 JOHN NELSON: Well -- well, we'll go with these 18
18 points.

19 STEVE RIFFEL: I didn't put -- I didn't put that -- I
20 mean, those are -- those are the -- the people that have said
21 stuff, so --

22 JOHN NELSON: I'll answer your questions.

23 BRENDAN MATHEWS: All right. He was -- he was -- he
24 was married --

25 STEVE RIFFEL: Thank you.

1 BRENDAN MATHEWS: -- and he's not married anymore.

2 STEVE RIFFEL: Well, I want him to answer. Okay?

3 So --

4 JOHN NELSON: Of course I'll answer.

5 STEVE RIFFEL: All right. So who were you -- who were
6 you --

7 JOHN NELSON: I was married to [REDACTED] (phonetic).

8 STEVE RIFFEL: [REDACTED]. Okay.

9 And when did you get divorced?

10 JOHN NELSON: July of 2023.

11 STEVE RIFFEL: Okay. Thank you.

12 While you were going through your divorce and after,
13 did you have, or had, numerous phone calls to or from your wife
14 or ex-wife while on duty at the police department?

15 JOHN NELSON: No.

16 STEVE RIFFEL: You never had phone calls at that time?

17 JOHN NELSON: I didn't say never.

18 Did I get an occasional call? Sure.

19 STEVE RIFFEL: Were you in the office at that time?

20 JOHN NELSON: I don't recall. I've been divorced over
21 a year.

22 STEVE RIFFEL: So you don't remember if other
23 employees were around when this happened?

24 JOHN NELSON: When she called?

25 STEVE RIFFEL: Yeah, when you talked to her.

1 JOHN NELSON: I have no -- I have no recollection.

2 STEVE RIFFEL: Okay. So you have -- I'm just going to
3 ask you, straight out, the questions.

4 Did you yell and use a loud voice while on the phone
5 when you were talking to your wife or ex-wife?

6 JOHN NELSON: I don't yell on the phone, no.

7 STEVE RIFFEL: Okay. Officers and employees, numerous
8 ones, have described you as screaming, angrily shouting at her,
9 and it was a continued behavior and occurred multiple times.

10 How do you address that? And it's not just one
11 officer.

12 JOHN NELSON: That's fine. That's fine if they're
13 whatever -- whatever. I don't recall ever having any sort of
14 loud, boisterous conversations with anybody.

15 And no one ever said to me, "John, what's going on?
16 Why are you talking loud to that person?" No one ever went to a
17 boss or supervisor of mine and complained. No one ever went to
18 the Town Board Member, Bob Ulander, and complained.

19 So now I only hear it now when it's -- you know, let's
20 pile on investigation.

21 STEVE RIFFEL: Well, I'm going to ask you really
22 specific questions. You've said you didn't, but I'm going to
23 ask you anyways.

24 Did you call her cunt on the phone?

25 JOHN NELSON: Never.

1 STEVE RIFFEL: Did you call her a whore on the phone?

2 JOHN NELSON: Never.

3 STEVE RIFFEL: Did you call her a fucking bitch on the
4 phone?

5 JOHN NELSON: Never.

6 STEVE RIFFEL: Did you call her a crazy bitch on the
7 phone and tell other officers and employees to never get
8 married?

9 JOHN NELSON: Never called her names and loud -- and
10 again, this just is amazing that this is coming now when nothing
11 apparently offended anybody and went to a supervisor. So, no.
12 Everyone's -- so nobody had a problem with this prior -- to a
13 supervisory level. No.

14 STEVE RIFFEL: Okay. So you're saying this never
15 happened, is what you're telling me?

16 JOHN NELSON: I'm saying that -- you're asking me if I
17 had conversations. Yes, I had conversations. May have been --
18 may have there been some loud talk? Perhaps. Was it loud and
19 using the words you said? No.

20 STEVE RIFFEL: So all these officers that have told us
21 this separately and independently are making this up?

22 JOHN NELSON: I don't know what they're doing, but I
23 didn't say it. And who do they know who I was talking to? I
24 mean, I guess if they're -- if they had this much of a problem
25 and they were this offended by it and they were just shocked and

1 taken back, why wouldn't they have gone to a supervisor instead
2 of waiting till now on load-up-on-John day?

3 STEVE RIFFEL: Okay.

4 JOHN NELSON: That's a great question, isn't it?

5 STEVE RIFFEL: Directing your attention to Saint
6 Thomas Fest last year, a number of officers were at the festival
7 to include -- and I'm going to probably really slaughter this
8 name -- Officer Walkowiak? Walkowiak, is that what you guys
9 call --

10 JOHN NELSON: Officer Jessica Walkowiak.

11 STEVE RIFFEL: Walkowiak. Thank you.

12 Dennis, Lieutenant Jeschke, [REDACTED] and then --
13 and yourself.

14 Do you recall that event?

15 JOHN NELSON: Spring of '23.

16 STEVE RIFFEL: Okay. Do you recall being there with
17 these officers?

18 JOHN NELSON: I recall working the event. I don't
19 really recall who all worked it.

20 STEVE RIFFEL: Okay. I'm sorry. Say this
21 Walkowiak -- is it Walkowiak?

22 JOHN NELSON: It's Jessica Walkowiak.

23 STEVE RIFFEL: Walkowiak. Walkowiak.

24 Did she get asked by Lieutenant Jeschke or the band
25 that organized to go up on stage and hold a flag with another

1 officer as a tribute?

2 JOHN NELSON: I don't -- I have no idea.

3 STEVE RIFFEL: You don't remember that?

4 JOHN NELSON: I believe she was up there.

5 STEVE RIFFEL: Okay. Do you recall that if she had
6 recently, within months prior to this event, given birth to a
7 baby and [REDACTED]

8 JOHN NELSON: [REDACTED]

[REDACTED] Yes.

10 STEVE RIFFEL: Okay. Were you aware that she was
11 wearing a ballistic vest on her -- her uniform -- or with her
12 uniform?

13 JOHN NELSON: No.

14 STEVE RIFFEL: Well, let me ask you this: Why do
15 officers wear ballistic vests and body armor, generally?

16 JOHN NELSON: Generally?

17 STEVE RIFFEL: Yeah.

18 JOHN NELSON: To hopefully avoid being killed.

19 STEVE RIFFEL: Okay. And what is the Town of
20 Waterford's Police Department policy on wearing --

21 JOHN NELSON: It's optional.

22 STEVE RIFFEL: Okay. For everybody?

23 JOHN NELSON: Everybody.

24 STEVE RIFFEL: Okay. So Officer -- let's just say
25 Jessica -- has said that she was asked to go up there, and a

1 number of officers have confirmed this.

2 Did you ask her in front of all the other officers if
3 she really wanted to go up on stage, and if she was really going
4 to wear her vest as it made her look really fat?

5 JOHN NELSON: I never said that to her. In fact, to
6 add to that -- because I see where this is going -- is there
7 were times that she approached me and had complained about the
8 amount of weight that she had gained during her pregnancy. And
9 she felt very uncomfortable about the weight she had gained and
10 became very self-conscious about it. And I had offered her if
11 she wished to get another uniform, the department would pay for
12 it, pants or shirt, until she felt that she'd gotten back to the
13 weight she was comfortable with.

14 STEVE RIFFEL: Okay. So you didn't continually tell
15 her that her vest -- vest made her look fat and that she had to
16 lose some weight, and she should take the vest off because she
17 looked fat?

18 JOHN NELSON: No.

19 STEVE RIFFEL: Okay. And you said you think she did
20 go up on stage, correct?

21 JOHN NELSON: I think every year they've had officers
22 go up on stage during one of the tribute songs, and I don't
23 recall who went up this year, who went up last year, who went up
24 the year before. I mean, I'm not really sure.

25 STEVE RIFFEL: And you don't re- -- do you recall

1 Dennis approaching you later and telling you how inappropriate
2 and how embarrassing this was for her that you made these
3 statements?

4 JOHN NELSON: Matt Dennis said that?

5 STEVE RIFFEL: Yeah.

6 JOHN NELSON: No.

7 STEVE RIFFEL: So -- because you had mentioned earlier
8 that you said, "Why didn't anybody say anything?"

9 You don't remember that at all?

10 JOHN NELSON: Yeah. No, that didn't happen. Matt
11 Dennis never said a peep.

12 STEVE RIFFEL: Okay.

13 JOHN NELSON: And we can talk about that, too, if you
14 wish.

15 STEVE RIFFEL: Well, we'll get to that.

16 JOHN NELSON: Good.

17 STEVE RIFFEL: Have you ever made any comments to
18 other officers on Clerk Heather Frank's weight and her clothing
19 and outfits?

20 JOHN NELSON: No. And if this is Heather Frank --

21 STEVE RIFFEL: I'll get to that, too.

22 JOHN NELSON: Okay.

23 STEVE RIFFEL: Okay? I'll give you an opportunity,
24 John.

25 JOHN NELSON: Good. I'm waiting.

1 STEVE RIFFEL: I know you are.

2 So in regards to [REDACTED] have you made ongoing
3 comments to her in front of other officers and employees, to
4 include Lieutenant Jeschke, pointing out that her hair color is
5 gray due to her age and makes her look unappealing?

6 JOHN NELSON: No.

7 STEVE RIFFEL: Okay. Have you ever told her that
8 Walmart is open and if she would want to run and get some hair
9 color so she looked better?

10 JOHN NELSON: No. I would like to answer these,
11 though.

12 STEVE RIFFEL: Yeah. Yeah. Hold on one -- I'll get
13 this one last one in, and then you can answer.

14 JOHN NELSON: Good. Get another -- good.

15 STEVE RIFFEL: Did you say she must have a new man
16 that she died her hair finally?

17 JOHN NELSON: No.

18 STEVE RIFFEL: Okay. Have you told her that she does
19 not wear enough makeup and indicated to everyone present that
20 she's not physically appealing body-wise?

21 JOHN NELSON: No.

22 STEVE RIFFEL: Why would all these officers say this?

23 JOHN NELSON: I don't know, but --

24 STEVE RIFFEL: I'm -- I'm -- I mean, I'm not -- I'm
25 serious. I don't know -- I'm just asking you. Why would all

1 these officers say this?

2 JOHN NELSON: I don't know why all these officers
3 would say this. I'm not sure who you all interviewed.

4 STEVE RIFFEL: Well --

5 JOHN NELSON: But I know what I'm going to come back
6 with and people that should have been interviewed.

7 So to answer [REDACTED] Okay. First of all, any
8 discussion with [REDACTED] was initiated by [REDACTED]
9 [REDACTED] would talk about the fact that she's gained 50 to 60
10 pounds over the past -- this is -- I mean, the last time I
11 actually talked to [REDACTED] -- I haven't talked to her all
12 this year. Maybe once before the training.

13 But she would talk about the amount of weight she has
14 gained over the last few years and openly would talk about, you
15 know, everything from her sexual excursions, you know, the fact
16 that she had a sexual relationship with Sean Marschke. And she
17 went into details about how she dated him when he was married to
18 his first wife, after she had passed, and then subsequently, you
19 know, stopped dating him when he got married again.

20 But apparently, Sean Marschke would say things like
21 "Wait. Let's go out to lunch." And she knew what "lunch"
22 meant. And she would openly talk about this in front of Bill
23 Jeschke, and we just kind of played it off because we knew [REDACTED]
24 had very -- she had very low-self-esteem issues.

25 [REDACTED] would also talk to us in detail about her

1 current boyfriend. [REDACTED] but
2 then she would be mad that he would go by his ex-girlfriend's
3 house that he owns.

4 And she would -- and then she would talk about her
5 hair. And she'd say, "Well, what do you think about my hair?"
6 And, you know, "Do you think I should put purple dye in it? Do
7 you think I should put red dye in it? What do you think I
8 should do other than gray? I can run to Walmart and go get
9 something before I go into" -- "before I start my shift."

10 And bill and I -- especially me --

11 STEVE RIFFEL: So she -- you're saying she brought
12 that up, not you?

13 JOHN NELSON: She would -- she would -- I never talked
14 about her. She would bring the conversations to myself. Okay?
15 Because she felt, apparently, that comfortable as a friend,
16 which I thought she was, and a coworker.

17 Because when she would talk to me and say, "Well, you
18 know" -- you know, I had a heart attack and triple bypass
19 surgery in April of 2019, unsuspected.

20 STEVE RIFFEL: She did, or you did?

21 JOHN NELSON: I did.

22 STEVE RIFFEL: Oh, you did. Okay.

23 JOHN NELSON: Okay? Now, [REDACTED] is also a wellness
24 coach. That's what she does on the side. So she's a wellness
25 coach on the side, and she said, "Well, what kind of medications

1 are you on and" -- she got me into the 12-hour fasting, so I --
2 I don't eat 12 hours a night.

3 And I told her, "[REDACTED] what you told me to do, I've
4 done. It works. Why don't you do the same thing?" You know, I
5 mean, I -- we would just talk openly.

6 STEVE RIFFEL: So -- so you're basically saying that
7 she -- and you just mentioned her boyfriend. So you never said
8 anything about, like, he doesn't want to marry you because how
9 she looks and acts? You never said that to her?

10 JOHN NELSON: No. I just said -- I said, "I don't
11 know why he doesn't marry you." She'd ask me. She'd say,
12 "John, why don't you think he wants to marry me?"

13 She would have these conversations with me as a friend
14 would and -- and she knew all my medicines -- I wrote down the
15 dozen medicines I was on for my heart, which I take every day.
16 And she'd make comments, "Oh, you better stay married because
17 you're not going to be able to get it up again with these" --
18 "with these medicines you're on." And it was a big joke.

19 And she would -- she would go into details like that.
20 And it was like, "Okay, [REDACTED] Well, we're just kind of being
21 friends about or talking." I never sat back knowing that she
22 was going to try to do this to me. We just talked to her and
23 were nice to her. We were nice to her. And, you know,
24 obviously --

25 STEVE RIFFEL: Well, let's get by [REDACTED] again, because

1 it seems to be a really sticking point with you, and I get it.

2 JOHN NELSON: Oh, it is because it's ridiculous.

3 STEVE RIFFEL: Are you saying because she's -- okay.

4 So you're saying it was mostly --

5 JOHN NELSON: Well, let me ask you this --

6 STEVE RIFFEL: But, you know, I'm not -- so you're
7 saying she bantered with you and stuff. This is what you're
8 saying?

9 JOHN NELSON: She initiated any conversation that had
10 to do with her hair, her weight, [REDACTED] anything. She initiated
11 it.

12 STEVE RIFFEL: Okay. Let's move on.

13 Have you told Officer Dela Cruz in front of other
14 employees, to include Lieutenant Jeschke, at least a half a
15 dozen occasions or more, "Madrina, we need to get you a man"?

16 JOHN NELSON: No. No. "We need to a man"? No.

17 STEVE RIFFEL: Have you talked to her about giving her
18 a younger man after saying, "You've been an officer a long time,
19 and how do you feel about your age?"

20 JOHN NELSON: I would never bring age into -- age into
21 anything. She had talked about dating and getting into the
22 dating scene. And she's in her Christian mingles and her church
23 group. And she would say, you know, "Well, these" -- "all these
24 older guys are coming at me."

25 And I'm like, "Well" -- I said, "Well, are there any

1 younger guys at the church?" And that's -- any reference to
2 younger had to be younger with the church, but -- yeah,
3 mischaracterization.

4 STEVE RIFFEL: Okay. We'll get in -- okay. Let's --
5 moving on from employees.

6 So do you eat at the Crossover Cantina & Eatery once
7 in a while?

8 JOHN NELSON: Crossover?

9 STEVE RIFFEL: Yeah.

10 JOHN NELSON: Hate the Crossover.

11 STEVE RIFFEL: Okay. So --

12 JOHN NELSON: It's extremely rare that I'm ever at the
13 Crossover.

14 STEVE RIFFEL: We have an officer that has informed us
15 that he was there with you making -- and you were making loud
16 comments of the women not present physically appearance so loud
17 that he had to tell you to calm down. He also told us that you
18 were making comments of [REDACTED] -- and I'm using his
19 words -- "ass in a sexual manner." And it goes by what a number
20 of these officers have said, that you flirt with a lot of these
21 women and bartenders and waitresses.

22 Are you saying -- do you recall this Crossover and
23 this officer telling you to calm down and be quiet?

24 JOHN NELSON: No.

25 STEVE RIFFEL: Okay.

1 JOHN NELSON: Who's the officer?

2 STEVE RIFFEL: Well, I'll get into that a little
3 later.

4 JOHN NELSON: So you're going to identify who the
5 officer is? Because I need to face my accuser when we come back
6 at him.

7 STEVE RIFFEL: Okay. I understand that. You'll have
8 an opportunity if that's what you'd like.

9 Do you have a municipal court clerk named Sherry?

10 JOHN NELSON: Yes.

11 STEVE RIFFEL: Okay. Have you made comments to
12 Sherry, with other officers and employees present, about her
13 age? And to other officers and employees about her age?

14 JOHN NELSON: Not in a negative way.

15 STEVE RIFFEL: Did you say she was over a hundred?

16 JOHN NELSON: Never. She turns 80 in December, and
17 she's very proud of that.

18 STEVE RIFFEL: Have you ever told officers that
19 hopefully she'll die soon, so you don't have to deal with her?

20 JOHN NELSON: I've never said that about Sherry ever.

21 STEVE RIFFEL: Okay. You've never --

22 JOHN NELSON: And shame on whoever said that.

23 STEVE RIFFEL: Do you ever swear or use vulgarities
24 towards her?

25 JOHN NELSON: No.

1 STEVE RIFFEL: Okay.

2 JOHN NELSON: Never.

3 STEVE RIFFEL: So you've never made fun of her because
4 of her age -- and I'll say this like this: Mocking her,
5 intimidating [sic] her shuffle walk, and making frequent
6 bathroom visits due to her age -- how many times she uses the
7 bathroom?

8 JOHN NELSON: She made reference to that. That she
9 could -- that we can all hear her coming because she shuffles on
10 the carpeting. She had made comment about that. She had made
11 comment about the bathroom because she uses it more than
12 anybody, and she would laugh about it.

13 She has a big bone to pick with me because we had to
14 confront her and talk to her about her bad, poor work
15 performance when it came to mailing in the 15-day notices to the
16 State for owe to the IRS.

17 STEVE RIFFEL: Yeah.

18 JOHN NELSON: And we were losing that battle. And we
19 were losing through -- because of her inability to do her job.
20 And we had to call her in --Nate Schweitzer, myself, Bill
21 Jeschke -- and speak with her about that. Okay?

22 And from that point on, she was really -- she had a
23 chip on her shoulder. She was real snarky. She was very
24 snippy. She went right to her husband, Dale Gerke, Town
25 supervisor -- okay? -- and discussed that with him, because then

1 he got really crappy with us, as well as talking to her
2 daughter, Heather Frank. That's her daughter.

3 STEVE RIFFEL: Yeah, I'm aware of that.

4 JOHN NELSON: Okay. And that's -- so when that day
5 happened -- and I can't think of when that was, but it's got to
6 be perhaps late last year or maybe early this year. From that
7 point forward, she wouldn't talk, she wouldn't acknowledge, she
8 had always a -- there was always something she didn't want to
9 talk to us about. It just seemed like she was very distant.
10 And she was very angry that we -- that we -- we didn't challenge
11 her; we just showed where she made the mistakes.

12 STEVE RIFFEL: So are these documented? These things
13 in her file -- in her personnel file?

14 JOHN NELSON: I don't know. I don't have access to
15 it. Bill Jeschke did.

16 STEVE RIFFEL: All right. So we've been informed by
17 several officers and employees independently. And I'm just
18 going to tell you that again. And honestly, there's so many
19 reported things that it would be -- take lists and lists.
20 Constant pattern and continuous behavior of boasting and
21 bragging about your sexual encounters with females you've either
22 dated or described as "picked up." This includes showing
23 officers and employees pictures on your phone of women and
24 describing that you slept with them or were dating them.

25 Have you ever shown officers and other employees

1 pictures of women in very skimpy bikinis and telling them that
2 you've slept with those women at events that they're at?

3 JOHN NELSON: I have shown people pictures from
4 Facebook gallery of women that I may have dated, but never went
5 into any detail. But they were public. They were on a Facebook
6 public post, public gallery. Nothing inappropriate. Nothing
7 risque.

8 And again, I'll go back to the fact that if somebody
9 was this offended, this shocked, never said a word to me, never
10 went to a supervisor, never went to the Town Board Liaison,
11 Ulander, until now I see it here.

12 STEVE RIFFEL: Well, what if I told you that a number
13 of officers have said that they were worried about retaliation
14 because you're a lieutenant, and you had a lot of power in the
15 police department?

16 JOHN NELSON: That's ridiculous. I've never
17 retaliated against anybody in my nine years here. I worked -- I
18 go overboard to try to help everybody and not put paper on them,
19 which now I see it's coming back to haunt me because I should
20 have.

21 STEVE RIFFEL: Have -- so have you told the officers
22 that you -- about going out to bars, picking up women and the
23 things you did with them? Taking them home? Having sex?
24 Describing them as nasty?

25 JOHN NELSON: Never. Because, A, I don't go out to

1 bars. I don't drink. I haven't had a drop of alcohol in 18
2 years.

3 Do I go out, and am I social? Yes. But that's it.
4 Am I friendly? Yes. But I don't go out of my way, and I'm not
5 hitting on people. I've had the same girlfriend for a year and
6 a half. I've had nothing to do with this. This is ridiculous.

7 STEVE RIFFEL: Okay. During working hours, especially
8 during River Rhythms, do you describe and talk to officers that
9 you're working with about the women there describing their
10 bodies in a derogatory and sexual innuendo manner?

11 JOHN NELSON: No.

12 STEVE RIFFEL: Okay. Have you shown officers and
13 employees pictures of a real estate agent you dated?

14 JOHN NELSON: She's on the wall. And I went out
15 with -- she -- she puts the calendars out here. And I -- and
16 we're friends. Dated a few times. But we're friends. But she
17 donates the calendars here, so she's on a calendar all over the
18 place.

19 STEVE RIFFEL: So have you shared pictures while in
20 uniform at lunch of a girlfriend laying -- or any time -- laying
21 by a pool in a skimpy bikini?

22 JOHN NELSON: No. And again, any photos were off of
23 Facebook gallery.

24 STEVE RIFFEL: Okay.

25 JOHN NELSON: So they're public.

1 STEVE RIFFEL: And I'm just going to go down the list,
2 John --

3 JOHN NELSON: Sure.

4 STEVE RIFFEL: -- because I know you're -- well, I
5 don't know, but I'm going to just ask you.

6 Have you shown other officers or employees pictures of
7 women you have dated in very skimpy lingerie?

8 JOHN NELSON: No.

9 STEVE RIFFEL: T-shirts with no bra with breast
10 enlargement, possibly a women from Rockford that you described?

11 JOHN NELSON: Again, Facebook only. So whatever is in
12 their Facebook gallery, is Facebook. Nothing privately sent to
13 me. Nothing risque. Nothing --

14 STEVE RIFFEL: Okay.

15 JOHN NELSON: Nothing that would be considered,
16 apparently, rude or disrespectful or whatever. Whatever is on
17 their Facebook gallery.

18 STEVE RIFFEL: Have you showed pictures of topless
19 women to officers?

20 JOHN NELSON: Never.

21 STEVE RIFFEL: Okay. Naked women?

22 JOHN NELSON: Don't have any pictures. No.

23 STEVE RIFFEL: Okay. Did you show a female officer on
24 boat patrol when you were working with her a photo of your phone
25 of a female that was on the water that day in a red, white, and

1 blue bikini, and you knew this person?

2 JOHN NELSON: No. But it's got to be something on
3 Facebook.

4 STEVE RIFFEL: Okay.

5 JOHN NELSON: So I'm sure [REDACTED] making that
6 allegation. So I'm not sure what she's looking at here. But
7 again, nothing ever reported to me. No one ever stopped and
8 said, "Welp, stop. I'm offended."

9 So anything that's on a Facebook -- I mean, anything
10 that's Facebook related, people are showing back and forth.
11 It's Facebook.

12 STEVE RIFFEL: Okay. And like I said, I'm just going
13 to go down the list.

14 Have you made comments to male and female officers
15 when approached by females at special events or while on duty
16 about "She's got a banging body for a 50-year-old"?

17 JOHN NELSON: I don't ever use that term "banging"
18 about anything. No. It's ridiculous.

19 STEVE RIFFEL: "Look at her ass"? "She is hot"? And
20 "boobs"?

21 JOHN NELSON: No, not at all.

22 STEVE RIFFEL: Okay. Officers and employees have
23 stated to us that you do this on a consistent, constant basis.
24 Happens all the time. You brag about sex you have with these
25 women, including in front of them, while discussing your sexual

1 experiences, and many times with Lieutenant Jeschke in the room
2 or office.

3 Are you telling us you don't engage in this behavior
4 at all?

5 JOHN NELSON: I don't engage in this behavior because,
6 A, it's characterizing me as a horrible person, and I don't talk
7 like this at work, period. And this puts me in a light, which
8 is -- shame on who is ever doing this. I'm really looking
9 forward to finding out who this -- these -- all these people are
10 you speak of.

11 STEVE RIFFEL: Did you call in sick for work at least
12 one day or more, and inform Lieutenant Jeschke you could not
13 come in because you had been having sex all night with a woman,
14 and you couldn't make it in?

15 JOHN NELSON: No. And as you know, that document I
16 gave you specifically stated I've never taken a sick day since
17 I've been an employee here since October 2015. And since you're
18 digging through my file and getting my time sheets, go all the
19 way through. Not one sick day ever taken. Ever.

20 STEVE RIFFEL: Okay. It's been reported to us, and
21 looking at examinations of things, that an officer and
22 Lieutenant Jeschke went to, I guess I'll say, a second response
23 in the same day to a domestic incident between a female and a
24 male on Fox Lane. Initially, it appeared nothing was done about
25 the issue. But when Jeschke and the other officer returned, the

1 female half of the call made statements about sleeping with you.
2 Lieutenant Jeschke ended up not arresting her for a DVO -- DVOs
3 or domestics here? What is it? The DAVs, domestics -- but for
4 disorderly conduct.

5 Did you respond to that call first?

6 JOHN NELSON: No.

7 STEVE RIFFEL: Okay. Who is --

8 JOHN NELSON: I have no idea what you're talking
9 about.

10 STEVE RIFFEL: You don't have any clue who this female
11 would be or anything?

12 JOHN NELSON: No. No.

13 STEVE RIFFEL: Lieutenant Jeschke made a comment
14 supposedly about that he wasn't going to lose your -- his job
15 over what you were doing and ended up issuing her a citation.

16 JOHN NELSON: I have no idea what you're talking
17 about.

18 STEVE RIFFEL: Okay. So do you invite women from
19 prior events, like River Rhythms, Saint Thomas Fest -- is there
20 a car show and stuff?

21 JOHN NELSON: Fishing and auto show.

22 STEVE RIFFEL: Do you invite women that you meet to
23 come to the future events and stop in and see you, talk to you
24 when you're working?

25 JOHN NELSON: Not that I recall. I mean, am I

1 friendly? Do I mention other events that are going out in the
2 community? Sure.

3 So that's -- that's -- what? Are you done with that
4 one?

5 STEVE RIFFEL: Well, I -- you're kind of saying you
6 don't do it, so --

7 JOHN NELSON: Well, I -- I don't do it. But I'm --
8 I'm wondering, so being professional or being friendly or being
9 whatever, now that's --

10 STEVE RIFFEL: It's a continuous pattern of flirting.

11 JOHN NELSON: Oh, a pattern of flirting.

12 STEVE RIFFEL: And talking and trying to pick up women
13 or been dating these women and things like that.

14 JOHN NELSON: Well, I'm not dating anybody. I'm not
15 dating other women other than my girlfriend. And the thing is,
16 is any of these -- these baseless allegations, again, why were
17 they not reported to my supervisor?

18 STEVE RIFFEL: I don't know.

19 JOHN NELSON: Exactly. Well, then apparently --

20 STEVE RIFFEL: I wasn't there. I'm -- I'm telling
21 you, I think there's a lot of people that have told us that they
22 were worried about retaliation.

23 But -- well, I'll give you an example. Car show.
24 Were you at the food court while on duty with another officer,
25 and a middle-aged female, who was smoking, wearing what was

1 described to us as a very small black dress, that you were
2 currently dating, approach you and talk to you and spend a lot
3 of time with you there?

4 JOHN NELSON: No. I mean, I -- I'm currently dating.
5 If they come to say hi --

6 STEVE RIFFEL: Can you tell me who this is?

7 JOHN NELSON: I don't know her name. That's the
8 picture on my wall over there.

9 STEVE RIFFEL: Yeah, I know. You don't -- you've
10 never met her before other than -- where was this?

11 JOHN NELSON: All right. So this was -- the important
12 thing in the background -- this is the Tishigan Parade. Okay?

13 STEVE RIFFEL: Uh-huh.

14 JOHN NELSON: So the Tichigan Lions Parade is the last
15 Sunday in July. And this is when I was working on the traffic
16 post at the end. This woman -- okay? -- who was standing here,
17 rented a house, her and her family, up here. Okay?

18 STEVE RIFFEL: Okay.

19 JOHN NELSON: There's a farmhouse. So this is North
20 Tichigan and this is North Lake. So she had the farmhouse up
21 here. She had a number of children. And she was at the end of
22 the parade. She didn't get any candy. She said, "Hey, I
23 remember you. I saw you at so and so place." And she's like,
24 "Can I get some candy?" because we had a bunch left over.

25 And I said, "Well, you can get some candy." And I

1 said, "I can" -- I said, "That's an ankle monitor you're on."
2 She's like, "Yeah." I said -- she goes, "Well, I get it off in
3 a week or two."

4 I said, you know, "Can I get a picture?" And she's
5 like, "Absolutely." And she was all happy. And she got a
6 picture. And that was the picture that's up --

7 STEVE RIFFEL: When was that?

8 JOHN NELSON: Oh, it's got to be three or four years
9 ago.

10 STEVE RIFFEL: So why would you put it on your wall?

11 JOHN NELSON: Well, it was about the -- the -- the
12 humor and the irony of the event, which is known to be a little
13 crazy and out of control, and then she was there. But she was
14 in good spirits. She -- she knew what I asked her I was going
15 to do, and she had no problem with it.

16 STEVE RIFFEL: Okay.

17 JOHN NELSON: And again, if anybody was shocked,
18 angered, or bothered by that photo that's been on my wall for
19 how many years, first time I'm hearing it. My chief had no
20 problem. All the board members coming out had no problem. But
21 now it's a problem.

22 STEVE RIFFEL: So we're going to pivot off the -- the
23 girls, obviously -- the women-line-of-questioning, I guess.

24 Does Waterford Police Department have body cameras?

25 JOHN NELSON: No.

1 STEVE RIFFEL: Okay. So they don't have one at all?
2 They don't have any policies or never -- they don't have body
3 cameras at all?

4 JOHN NELSON: Prior to me leaving May 6th, there were
5 no body cameras here.

6 STEVE RIFFEL: Okay.

7 JOHN NELSON: Are you getting to this other point down
8 here?

9 STEVE RIFFEL: Well, I'm going to get -- talk to you
10 about some things.

11 JOHN NELSON: Oh, great.

12 STEVE RIFFEL: So on January 16th, 2023, you responded
13 to an assault incident on Fowlers Bay Road.

14 Are you familiar with what I'm talking about?

15 JOHN NELSON: Not exactly, no.

16 STEVE RIFFEL: So a person by the name of Jacob -- and
17 I might pronounce it wrong -- L-i-c-h-e-y, Lichey, on Fowlers
18 Bay Road, it was -- looks like you categorized it as a battery,
19 simple assault, resisting, disorderly conduct.

20 JOHN NELSON: Yes.

21 STEVE RIFFEL: Okay. So you're familiar with that?

22 JOHN NELSON: Now I am. Yeah.

23 STEVE RIFFEL: Okay.

24 JOHN NELSON: I'd still like to reference my report,
25 because it's been a long time, if you're going to ask me details

1 about it.

2 STEVE RIFFEL: Okay.

3 JOHN NELSON: Okay.

4 STEVE RIFFEL: Yeah. I kind of highlighted that so I
5 can show you what --

6 JOHN NELSON: Oh, you want it back?

7 STEVE RIFFEL: Well, I'd kind of like it back.

8 So you're familiar with it now, correct?

9 JOHN NELSON: Yes.

10 STEVE RIFFEL: Okay. So what exactly was the
11 summation of the incident to your knowledge?

12 JOHN NELSON: Okay. So I've dealt with this family
13 for four plus years, dealing with this -- this young man over
14 the course of, you know, I would say four to five years, and
15 this family. Real good family. Their -- their son got into
16 alcohol and drugs pretty bad. He becomes very abusive.

17 And upon my arrival that day -- well, I'm going to go
18 back -- my first incident when he was -- back in -- when he was
19 in high school, he drove by a traffic stop of mine and yelled
20 out, "Fuck the police," as loud -- real loud. So that was my
21 first time taking him home and issuing him a citation or DC.
22 Then I would see him at all these events in the community, and
23 it was fine. And he -- when he was not impaired, he was good to
24 deal with. Mom and dad had no problem with him.

25 But as he got older and he had a child and -- they

1 lived in the basement of that house in Fowlers Bay. And they
2 would have abuse things with him. His ex-girlfriend, the mom
3 and dad, always a family mess.

4 And it had, you know, occasionally -- and then I get
5 called this night there, and I roll in there as the first squad,
6 because I -- we work alone, and I was waiting for my backup --
7 and I'll get into that because I know where this is going. And
8 I get there, and his dad's got a bunch of lumps on his head
9 because the son had -- had punched him a few times, and he had
10 pushed mom on the ground.

11 And they're like, "Okay." Well, I'm like, "Where is
12 your son?" And to get downstairs where he lives, you go through
13 the garage, and you go down the stairs, and that's where the
14 entrance to his bedroom is. And he had been at the base of
15 those steps. So that's why I was there.

16 STEVE RIFFEL: Okay. Did you use force to get the
17 subject to comply with your orders?

18 JOHN NELSON: So then as I encountered him at the
19 bottom of the steps, I stayed at the top of the steps. And I'm
20 like -- I'm like -- you know -- and his name is Jacob. And I'm
21 like, "I got to talk to you for a minute." And he's like, "Fuck
22 you, Nelson. Fuck you, Nelson." And he knew -- he knew who I
23 was.

24 And he was just enraged. And he's a pretty -- he's a
25 very solid -- he's -- he's going -- he's a big guy. And he's

1 young, but he's all amped up, and he's ready to go. And I'm on
2 the very top, and I'm like -- now, I already know I'm taking him
3 to jail. I already know he battered his dad, pushed his mom.
4 He's going to jail.

5 And we're just in the garage. And I'm like, "Okay.
6 Well, I want to talk to you." And he gets up, and his -- you
7 know, his fists are going. And we don't -- I don't have a
8 bodycam on. Okay? So I don't capture prior to me trying to,
9 you know, take him into custody.

10 And as he gets up to the top, I go to grab his arm,
11 and now he falls, and he's coming at me and the fight's on. And
12 then when I say the fight's on, it means he's actively
13 resisting, he's threatening me, he's swinging at me. And as I'm
14 struggling with him -- I mean, I'm, you know, two and a half
15 times his age. But, you know, he's a -- he's a big guy. And
16 he's a strong -- and he's amped up.

17 And now I'm, you know, having to take him -- wrestle
18 him around a little bit. I decentralize him to the ground,
19 create a temporary dysfunction.

20 STEVE RIFFEL: What do you mean decentralize him to
21 the ground? Describe that.

22 JOHN NELSON: Well, decentralize means I took him down
23 to the ground.

24 STEVE RIFFEL: Okay.

25 JOHN NELSON: Okay? So I --

1 STEVE RIFFEL: Directly down?

2 JOHN NELSON: Directly down to the ground?

3 STEVE RIFFEL: Yeah. I mean --

4 JOHN NELSON: Yeah, it was directly --

5 STEVE RIFFEL: Okay.

6 JOHN NELSON: I mean, from what I recall, I mean,
7 it's -- you know, again, I'm not completely a hundred percent
8 what was that night.

9 But what I am a hundred percent on is the deputy
10 Sheriff Lauze, who was my backup, didn't assist in anything
11 and -- until the Town of Norway squad got there with another
12 full-time deputy who was working part time for Norway. And I
13 had cuffed this individual. Waited for the medical to clear him
14 before I took him to jail.

15 STEVE RIFFEL: Okay.

16 JOHN NELSON: And -- and that's what -- that's where
17 that ended. Okay? So my -- I documented it. I let my --

18 STEVE RIFFEL: Yeah. So you don't have use -- you
19 don't have use of force reports here? Separate from this?

20 JOHN NELSON: No.

21 STEVE RIFFEL: Okay. So this is just the -- what --
22 what's ever include -- included in this. Because some
23 departments have these use of force reports.

24 JOHN NELSON: Oh, I know. Stick man and all that
25 stuff.

1 STEVE RIFFEL: Yeah, that crap. Yeah.

2 JOHN NELSON: But -- but --

3 STEVE RIFFEL: Not crap. But --

4 JOHN NELSON: I know. I would have said it, too.

5 So what I did is -- but after that happened, I let my
6 chief know.

7 STEVE RIFFEL: Okay.

8 JOHN NELSON: Okay? So I -- I did. I -- not only I
9 documented it, I let my chief know. He confirmed -- the first
10 words out of his mouth was "Were you injured?" Meaning was I
11 injured. And I said, "No."

12 I said, you know, "Just, you know, standard use
13 force." And then it -- whatever -- and I took him to jail, and
14 he was medically cleared, and he was taken. That's what -- and
15 that's -- that's where it ended.

16 STEVE RIFFEL: Okay.

17 JOHN NELSON: Until -- but go on.

18 STEVE RIFFEL: Until what?

19 BRENDAN MATHEWS: Go ahead.

20 STEVE RIFFEL: Well, he was going to say until.

21 What's --

22 BRENDAN MATHEWS: Well, he's -- he's going to talk
23 about what you want. So go ahead.

24 STEVE RIFFEL: All right. Well, let me ask you these
25 questions: So you said you talked to Chief Johnson about this

1 incident, correct?

2 JOHN NELSON: Uh-huh.

3 STEVE RIFFEL: All right. And he asked you if you
4 were injured and --

5 JOHN NELSON: Yes.

6 STEVE RIFFEL: Okay. So let me ask you this: Did you
7 ever place your hands or arms around that -- Jacob's neck?

8 JOHN NELSON: Around his neck --

9 STEVE RIFFEL: Yeah.

10 JOHN NELSON: -- to choke him out? No. I didn't -- I
11 don't recall ever -- in the struggle, there may have been some
12 wrestling around during the struggle where Lauxe watched me and
13 didn't help me.

14 STEVE RIFFEL: How do you spell Lauxe?

15 JOHN NELSON: I don't know. It starts with a "C."

16 STEVE RIFFEL: Okay.

17 JOHN NELSON: It's like -- or it starts with an "L."

18 STEVE RIFFEL: "L."

19 JOHN NELSON: L-a-u-x-e maybe.

20 STEVE RIFFEL: Yeah. It sounds -- okay.

21 Did you ever direct the subject into a parked vehicle
22 in the garage knocking down a large garbage can?

23 JOHN NELSON: I don't believe so. I mean, we -- we
24 were struggling around a car.

25 STEVE RIFFEL: Okay.

1 JOHN NELSON: I don't know exactly what all went down
2 with it, but we were struggling around the car.

3 STEVE RIFFEL: Did you squeeze the subject's neck
4 during the incident?

5 JOHN NELSON: And -- did I squeeze his neck --

6 STEVE RIFFEL: Squeeze his neck, yeah.

7 JOHN NELSON: I don't believe I did.

8 STEVE RIFFEL: Okay. Did you apply a rear-neck, a
9 choke hold with your left arm to the subject's neck at any time?

10 JOHN NELSON: Not to my knowledge, no.

11 STEVE RIFFEL: Did you yell at the subject "Don't make
12 me hurt you"?

13 JOHN NELSON: I used heavy control talk. I said a lot
14 of things.

15 STEVE RIFFEL: Okay. Well, did you say that?

16 JOHN NELSON: I don't know.

17 STEVE RIFFEL: Did you, at any time, place your knee
18 on the subject's chest?

19 JOHN NELSON: On his chest?

20 STEVE RIFFEL: Uh-huh.

21 JOHN NELSON: I don't recall placing my knee on his
22 chest. It would have been lower when I'm trying to cuff him.

23 STEVE RIFFEL: Okay. Did you tell the subject if he
24 burned you with a lit cigarette, it was going to be a bad
25 fucking day?

1 JOHN NELSON: I don't believe so. No. I don't even
2 think he was smoking.

3 STEVE RIFFEL: While attempting to control the subject
4 during the arrest, did you ever wrench his head several times
5 back and forth by grabbing his hair by the back of the neck --
6 or by the back of the head?

7 JOHN NELSON: I don't recall.

8 STEVE RIFFEL: Okay. Did you ever slam the subject's
9 head into the garage floor cement?

10 JOHN NELSON: When I decentralized him, we both went
11 down hard on the ground. And that's why you decentralize
12 somebody.

13 STEVE RIFFEL: Okay. While this was all occurring --
14 and you -- you said you used heavy control talk --

15 JOHN NELSON: Uh-huh.

16 STEVE RIFFEL: -- did you ever tell the subject,
17 "Motherfucker, now we're going to add obstructing and resisting
18 charges"?

19 JOHN NELSON: I probably told him what the added
20 charges will be.

21 STEVE RIFFEL: But you didn't say "motherfucker"?

22 JOHN NELSON: I don't recall that, but I definitely
23 used heavy control talk to get him under control. He was out of
24 control.

25 STEVE RIFFEL: Okay. So we've reviewed the bodycam --

1 our bodycam video of the incident.

2 JOHN NELSON: Okay.

3 STEVE RIFFEL: We reviewed it more than once. I'll
4 just be honest with you, John, it clearly shows evidence of
5 everything I just asked you.

6 JOHN NELSON: Okay.

7 STEVE RIFFEL: Why didn't you document the amount of
8 force that you used in the report that we saw in the bodycam?

9 JOHN NELSON: I believe I did at the time. I don't --
10 when -- when you're in an active -- active, basically, fight
11 with a person, I'm not remembering every little thing that was
12 done. All I do recall is the deputy that sat there and did
13 nothing except make sure his bodycam was working. And we'll go
14 into that. But go on.

15 STEVE RIFFEL: So if we had a use of force expert come
16 in and look at this -- a Wisconsin DOJ certified use of force
17 instructor -- what do you think -- would they say that was a
18 reasonable amount of force and within the DOJ guidelines?

19 JOHN NELSON: I believe I used a reasonable amount of
20 force considering somebody was actively resisting and fighting
21 with me.

22 STEVE RIFFEL: Okay. What would you like to say about
23 that? Because you said you wanted to say something.

24 JOHN NELSON: Oh, sure. Absolutely.

25 STEVE RIFFEL: About bodycams -- is this Lauxe -- or

1 Lauxe?

2 JOHN NELSON: Deputy Lauxe.

3 STEVE RIFFEL: Okay.

4 JOHN NELSON: So when I make this arrest, and he's
5 medically cleared, and I take him to jail, I hear nothing about
6 this. And then it was -- some time had taken place. I don't
7 know how long had taken place. Where -- well, first of all, let
8 me go back.

9 So when I reported this to the chief, Chief had no
10 problem with it. He read my report. He was fine with it, you
11 know, given the circumstance of the -- you know, the certain --
12 the incident and why I had to go in and do what I had to do as
13 far as taking control of somebody that was out of control and
14 fighting with me.

15 Then he -- again, I don't know what the timeframe
16 was -- but it was quite some time where he calls me in the
17 office, and he says, "I just got a call from the sheriff's
18 department, a female captain, that says she" -- "that she's very
19 concerned about the use of force that I used with this arrest."
20 And he -- and then she sent him a clip of it -- okay? -- from
21 the bodycam. I have never seen it.

22 And he said, "Well, I reviewed it, and I'd like to,
23 then, make a charge against your deputy for cowardice. Because
24 as my officer is trying to take this subject into custody, your
25 deputy sat there and did nothing to assist my officer while he's

1 struggling to take control. Therefore, there had to be more
2 force used. Your deputy is a coward. And now I want to put in
3 a cowardice complaint." And then that's where it ended.

4 Then the chief told me he had someone else review
5 this -- this video or whatever, and he approved and signed off
6 on it that I had acted within the -- my abilities to act on
7 this. So he reviewed it, and he signed off on it and said
8 there's no problem.

9 He also mentioned that he had another entity review it
10 and sign off. So when you're saying that you're looking at
11 somebody else that's going to say, oh, I'm terrible, I used too
12 much force, well, my chief didn't think that. And my chief
13 approved it, and he said he approved it with another third party
14 that reviewed it. So that's the last thing I heard about it.

15 STEVE RIFFEL: There's absolutely no documentation on
16 anything that your chief had anything reviewed.

17 JOHN NELSON: Well -- well --

18 STEVE RIFFEL: Or even -- even conducted an internal.

19 JOHN NELSON: Well, he didn't conduct an internal
20 because he felt that there was nothing that I violated. So if
21 my chief reviews it and said there's nothing that's violated, he
22 moved on.

23 STEVE RIFFEL: Okay.

24 JOHN NELSON: But when you're going to say -- so -- so
25 if my chief said it's okay, now I'm being brought back in front

1 of this? I mean, that makes no sense. That's like a
2 double-jeopardy thing.

3 So wait a minute. He looked at it. He said, "No,
4 there's no problem," and then now there's a problem?

5 STEVE RIFFEL: Okay. Well, I prefer to keep moving
6 because we still have a lot of stuff to cover.

7 JOHN NELSON: I'm sure we do. I'm ready.

8 STEVE RIFFEL: You're the elected Mayor of Franklin,
9 correct?

10 JOHN NELSON: Yes.

11 STEVE RIFFEL: Okay. Is that full time, by the way?
12 No, part time?

13 JOHN NELSON: Part time.

14 STEVE RIFFEL: Okay. When did you run the campaign
15 for mayor?

16 JOHN NELSON: Spring of 2023.

17 STEVE RIFFEL: Oh, so recently? Last year? Like a
18 year and a half ago?

19 JOHN NELSON: I was elected April 2023.

20 STEVE RIFFEL: Okay. You were a lieutenant during
21 this time?

22 JOHN NELSON: Yes.

23 STEVE RIFFEL: Okay. Who is Kelly Hersh?

24 JOHN NELSON: Kelly Hersh is my director of
25 administration.

1 STEVE RIFFEL: Okay. In Franklin?

2 JOHN NELSON: She is the director of administration
3 for the City of Franklin.

4 STEVE RIFFEL: Okay. When did she get hired in
5 Franklin? And there -- there's a reason for this. I'm not
6 trying to be --

7 JOHN NELSON: Oh, I'm sure there is.

8 STEVE RIFFEL: So when did she get hired in Franklin?

9 JOHN NELSON: May of 2023.

10 STEVE RIFFEL: Okay. So after you got hired? I mean,
11 after you took over?

12 JOHN NELSON: After I got elected.

13 STEVE RIFFEL: Okay. Did you know her prior to this?

14 JOHN NELSON: Yes.

15 STEVE RIFFEL: What did you -- what context?

16 JOHN NELSON: Friends.

17 STEVE RIFFEL: Okay. Did she happen to run your
18 campaign at all or have anything --

19 JOHN NELSON: She worked on it.

20 STEVE RIFFEL: Okay. Did you use any references in
21 your position as an officer, sergeant, lieutenant in
22 Waterford -- but you would have been a lieutenant, I guess,
23 correct? When this -- when you were running?

24 JOHN NELSON: Uh-huh.

25 STEVE RIFFEL: Okay. As part of your campaign?

1 JOHN NELSON: I said I was in law enforcement --

2 STEVE RIFFEL: Okay.

3 JOHN NELSON: -- 20 some years or 30 years or since
4 1994. I used references like that, of course.

5 STEVE RIFFEL: Photos? Anything like that?

6 JOHN NELSON: Somebody put a photo -- I know what
7 you're going to say. Somebody took a photo of me holding a cat
8 that was stray here, if that's what you're talking about.

9 STEVE RIFFEL: Well, this is your Mayor John Nelson --
10 that's your uniform in Waterford, correct?

11 JOHN NELSON: That's me when I went to vote.

12 STEVE RIFFEL: Okay.

13 JOHN NELSON: And these are neighbors --

14 STEVE RIFFEL: Okay.

15 JOHN NELSON: -- that saw me voting that took a
16 picture and posted it.

17 STEVE RIFFEL: That's --

18 JOHN NELSON: That's me at River Rhythms with the lead
19 singer of the Lunch Money Bullies.

20 STEVE RIFFEL: But this is for your mayor for --
21 campaign, correct?

22 JOHN NELSON: I'm not sure if that's --

23 STEVE RIFFEL: Mayor John Nelson, Franklin, Wisconsin.

24 JOHN NELSON: No, I -- I -- I see that part.

25 STEVE RIFFEL: That's the cat you're talking about?

1 JOHN NELSON: Yeah. Somebody took a picture of the --
2 the office girls took a picture of a cat that was wandering
3 around.

4 STEVE RIFFEL: Okay. So besides the cat picture,
5 there's a couple other pictures here in your Town of Waterford
6 uniform on your campaign website and your mayor website,
7 correct?

8 JOHN NELSON: And they were posted -- other people had
9 posted them, and we just took them off of other people's posts.
10 So they were public posts. Like, Jamie from Lunch Money
11 Bullies, that's the guy that was sitting on that scooter, and we
12 took the picture. And the other ones were me voting with the
13 neighbors at the same time.

14 STEVE RIFFEL: Okay. While campaigning for mayor, did
15 you utilize either the police department phone, the police
16 department cell phone, or your personal phone while on duty to
17 campaign for mayor?

18 JOHN NELSON: Well, number one, I don't ever -- I have
19 a cell phone here, but I don't use that, and my campaigning was
20 done when I was off duty. But I work a very fluid work
21 schedule. So my work schedule is five on/two off, five on/three
22 off. Okay?

23 But I also work second shift and day shift. So I
24 don't -- so when I work three day shifts, two second shifts,
25 then I'm off for two days. And then vice versa, and I'm off for

1 three days. So it's not like I have a -- "Oh, John Nelson works
2 day shift." No. I work either 6:00 to 2:00 for three days,
3 2:00 to 10:00 for three -- for two days. Then I'm off for
4 three. And then it rotates the opposite way.

5 STEVE RIFFEL: Yeah. No, I get it.

6 JOHN NELSON: So, I mean --

7 STEVE RIFFEL: Yeah. Smaller departments have that.
8 Yeah.

9 JOHN NELSON: So, I mean -- so to say "Were you ever
10 on your phone?" I mean, there's going to be -- there's no way
11 of saying -- in -- in pinning me down on a certain date and time
12 unless I looked at my schedule. But my phone, I don't -- I
13 didn't do anything that would ever conflict with me doing my
14 job.

15 STEVE RIFFEL: That's not what I asked you.

16 JOHN NELSON: I know.

17 STEVE RIFFEL: Did you utilize the phones to use -- to
18 do campaigning for mayor?

19 JOHN NELSON: No.

20 STEVE RIFFEL: Did you utilize your police email
21 addresses while campaigning for office?

22 JOHN NELSON: I -- I didn't. And to go back a few
23 steps here is when it came to the email, I asked the chief,
24 because I was an alderman for six years prior to running for
25 mayor. And the chief knew because I had communicated with him

1 regularly about a very -- you know, a divorce I was going
2 through, and that she had taken the computer or the docking
3 station, the computer desk, the chairs. And I was fine with it.
4 I wanted her gone.

5 So she did that. And -- and I asked, I said, "You
6 know, is it a problem if" -- because I -- I -- I spent a lot of
7 time here when I was off duty because I didn't want to be at
8 home. And he's like, "Well, if you're, you know, using it,
9 that's fine because" -- he made reference to our DPW
10 superintendent that only has a Town of Waterford email for his
11 email, for personal and professional, and he only has a Town of
12 Waterford cell phone for personal and professional. And he's
13 like, "Well, if Kenny can do it, then I don't see a problem with
14 it." And I'm like, "Well" -- I said, "I just want to read
15 stuff." And -- and that was fine. And he didn't have an issue
16 with it.

17 STEVE RIFFEL: Yeah. So since your election of mayor,
18 have you conducted Franklin mayoral duties and business while on
19 duty with the Waterford Police Department?

20 JOHN NELSON: No. But I'll tell people "Look, I got
21 to call you back." Because again, that -- that schedule I
22 explained is extremely fluid, and nobody understands it unless
23 you're in this business.

24 STEVE RIFFEL: So you've never done it on the phone or
25 in person, meeting with constituents in Franklin or in uniform

1 at all?

2 JOHN NELSON: Okay. When you say "meeting with
3 constituents" -- because if I was off of work here at 2:00,
4 there'd be times that I would drive right to city hall, and I'd
5 still be in the uniform.

6 STEVE RIFFEL: Okay. That's what I'm asking.

7 JOHN NELSON: Well, I mean, there was occasions that I
8 would leave here and go to city hall, and if I didn't have my
9 change of clothes with me, then I would be in there doing
10 business. But I'm not meeting with groups. I'm doing -- I'm
11 taking care of things. And I'd go home and change, or I'd bring
12 a sweatshirt, something like that, or a t-shirt, but that's the
13 extent of it.

14 STEVE RIFFEL: Okay. So the question I'm going to ask
15 you here is, have you ever attended a Franklin City -- via
16 speaker phone on their end -- meeting during your shift-by-phone
17 while working at Waterford Police Department?

18 JOHN NELSON: I would say not on -- not while on duty.
19 I probably was here doing it, but not on duty.

20 STEVE RIFFEL: Well, during a traffic stop, the
21 meeting had to be placed on hold while you were -- you told the
22 attendees in Franklin to wait while you issued a citation to a
23 driver. And we also pulled a bunch of citations to look at
24 that.

25 Do you recall that?

1 JOHN NELSON: No.

2 STEVE RIFFEL: Not at all?

3 JOHN NELSON: No, sir.

4 STEVE RIFFEL: Okay. You didn't come back on the
5 meeting later and said you had to write a citation -- it was a
6 cloudy, rainy day, and you had to do it?

7 JOHN NELSON: Not to my knowledge, no.

8 STEVE RIFFEL: Okay. So I'm just going to tell you,
9 John, almost all -- all -- if not all the officers and employees
10 have informed us that while running for office, you were
11 consistently promoting yourself and your campaign while on duty
12 on the phone. After election, you consistently -- and they say
13 it's an everyday occurrence -- I'm not here -- I'm just telling
14 you what we've been told -- you work on mayoral duties while on
15 duty with the Town police department. An actual employee
16 described you as a politician in a cop's uniform. This includes
17 emails and phone calls. It was also told to us by people that
18 it hinders your ability to perform your duties in Waterford.

19 So I'm asking you straight up, how many times, on
20 average, would you conduct mayor business while you were on
21 duty?

22 JOHN NELSON: Not while on duty.

23 STEVE RIFFEL: And again, how many cell phones do you
24 carry while you're on duty?

25 JOHN NELSON: Two.

1 STEVE RIFFEL: One that's -- for what? What are the
2 two for?

3 JOHN NELSON: My personal one and the Town of
4 Waterford issued police department phone.

5 STEVE RIFFEL: Okay. You don't take one for Franklin?

6 JOHN NELSON: No.

7 STEVE RIFFEL: Did you get one for Franklin?

8 JOHN NELSON: Yes.

9 STEVE RIFFEL: Okay. Did an officer ever comment to
10 you after hearing you in the office on the phone during mayoral
11 duties for Franklin and obvious Franklin business -- the exact
12 quote was told to us, "Oh, you're doing more mayor business."
13 And you said, "It never ends."

14 Do you recall that?

15 JOHN NELSON: I don't recall that quote, but it -- it
16 is -- it -- it's -- it's very busy, yes. But if I take a call,
17 I say, "Well, I'll be off shift at 2:00, or I can call after
18 this, or I'm off the next day. I'll take a call, or I'll turn
19 off and just let it go to voicemail.

20 STEVE RIFFEL: Did another officer ever comment to you
21 regarding "How do you have time to be mayor and also lieutenant
22 here?" in front of other employees, and another officer who was
23 present stated, "That's because he is always on the phone
24 working as a mayor while he's sitting at his desk"?

25 Do you recall that?

1 JOHN NELSON: No.

2 STEVE RIFFEL: So you're saying to us that this
3 doesn't affect your performance at all or any type of --

4 JOHN NELSON: Absolutely not.

5 STEVE RIFFEL: So another officer has stated that the
6 everyday mayoral duties affected your job performance to the
7 point where you went to calls or assignments, and you wouldn't
8 give the time needed on those assignments as you were always
9 doing Franklin business. And they knew it was Franklin business
10 because they can hear your references to The Rock, which in --
11 that's that sports complex, correct?

12 JOHN NELSON: Yes.

13 STEVE RIFFEL: -- and the actual mayor business.
14 What's your response to this?

15 JOHN NELSON: Well, my response is that it's -- it's
16 not, but I -- is it a demanding job? Yes. And I've had many
17 conversations with the Town chairwoman about balance. And she
18 encouraged me to run for mayor.

19 And she's like, "You know what, it's a balancing act."
20 Because she says, "I work there from eight to noon. I get
21 calls." I said, "Yeah, I get calls, too, but I don't" -- "I
22 separate the two."

23 And, you know, people talk, and people ask me
24 questions. Coworkers ask me questions. "What's going on at The
25 Rock?" "What's going on here?" "What's going on there?" And,

1 you know, now, looking back, should I have said, "I'm sorry. I
2 can't comment, coworker, because I don't" --

3 STEVE RIFFEL: I don't think it was a comment, John.
4 I think they mostly reporting that it's a long time -- there's a
5 long time with these calls and the calls are lengthy. That's
6 what I think that -- this is nothing about commenting about --

7 JOHN NELSON: Well, then they should have reported to
8 my boss or supervisor. And again, nothing -- I've never been
9 talked to as six years alderman, now a year and a half as mayor,
10 ever -- that there was ever an issue, a problem or concern about
11 my job performance, job duties, responsibilities, nothing, zero
12 until this document.

13 STEVE RIFFEL: So we also spoke to some people who
14 were employed by Franklin when -- when you were not on
15 administrative leave here, and they have informed us that you
16 would call very frequently, daily, and conduct mayor business
17 when they were new, and you were here at Waterford on duty.

18 How do you respond to that?

19 JOHN NELSON: I don't re- -- I have no idea what
20 you're talking about.

21 STEVE RIFFEL: Okay. Are you familiar with the State
22 of Wisconsin public record laws as they relate to elected and
23 appointed officials?

24 JOHN NELSON: Pretty familiar.

25 STEVE RIFFEL: Okay. Are you aware as an officer,

1 lieutenant, and as a mayor, you are subject to open records?
2 Wisconsin open record laws?

3 JOHN NELSON: Yes.

4 STEVE RIFFEL: Okay. In the subject of emails and
5 conversations, it's not exactly where the record is located,
6 it's the -- or where you're located, it's the topic of the
7 conversations; is that correct?

8 JOHN NELSON: Say that again.

9 STEVE RIFFEL: So if you're -- if you're here and
10 you're doing -- if you're sending an email from here referencing
11 mayoral business, that is a topic of an open records law -- or
12 open records in Franklin, because it's not where you're at, it's
13 what the -- the record's about.

14 JOHN NELSON: No.

15 BRENDAN MATHEWS: I'm just going to jump in here. I
16 mean, if it's a record for Waterford, it's Waterford's record.

17 STEVE RIFFEL: That's not what I'm asking.

18 I'm asking you if you're at your computer doing emails
19 in the Town of Waterford email server, and it's your Town of
20 Waterford Police Department email address, but you're
21 referencing and sending out emails to Franklin people or
22 Franklin businesses or Franklin employees about Franklin
23 business? That's considered an open record for Franklin,
24 correct?

25 BRENDAN MATHEWS: No, that's a legally flawed premise.

1 STEVE RIFFEL: I'm just asking what he thinks about
2 this.

3 BRENDAN MATHEWS: Well, you're asking him a legal
4 question. The record custodian would be the Town of Waterford
5 in that situation.

6 STEVE RIFFEL: I'm not saying they're not the Town --
7 custodian. But I'm also saying that it's very clear that the
8 subject of an email determines if it is a record, not the
9 location of where you're at. Because if that's the case, I
10 could go up north and send a whole bunch of emails from up north
11 from a part-time job, where I was working, about Chiefs of
12 Police business and consider it not an open record. And that's
13 what I'm saying.

14 BRENDAN MATHEWS: No, it would still be an open
15 record --

16 STEVE RIFFEL: Right.

17 BRENDAN MATHEWS: -- if you send it under work email.

18 STEVE RIFFEL: All right. So --

19 BRENDAN MATHEWS: And then whoever the -- whoever that
20 work email would go through, that's who the record custodian
21 would be.

22 STEVE RIFFEL: Right. But is it still cons- -- okay.
23 Let me rephrase it.

24 Is it still considered an open record -- or not an
25 open record -- is it still considered a record that needs to be

1 maintained and -- and kept?

2 BRENDAN MATHEWS: You're saying a public record --

3 STEVE RIFFEL: Yes.

4 BRENDAN MATHEWS: -- under Chapter 19?

5 STEVE RIFFEL: Yes.

6 BRENDAN MATHEWS: Yes.

7 Go ahead, John. You can answer.

8 JOHN NELSON: Well -- okay. Let's bring this home
9 again. So if you could rephrase that question so that I can put
10 my head around open records. I'm aware of open records, but
11 what are you -- what -- what's your point here?

12 STEVE RIFFEL: All right. Well, let's just put it
13 this way: Have you ever utilized your police email address to
14 conduct Franklin business or communication with employees of
15 Franklin regarding Franklin business?

16 JOHN NELSON: So what I did is -- and I'm going to go
17 back to the permission I had from the chief of police and then
18 from Bill Jeschke to move forward. And as long as I wasn't
19 composing an email -- so I never composed an email from
20 Waterford. I may have responded to emails that I was included
21 on, but I didn't compose emails and conduct Franklin business on
22 my Waterford email.

23 However, again, during this whole divorce proceeding,
24 the chief allowed me to be here and had no problem with me --
25 because he knew it was better for me to be here than to be at

1 home where there was problems. So he had no problem with me
2 being here through that entire process. So if you're asking me,
3 you know, was I -- was I responding, I may have responded to
4 things, but I never composed anything.

5 And did I do it from here? Probably a few times, you
6 know, but I -- there were -- there were emails that were -- I
7 was part of a group that I had no control over that kept on
8 being reply all, reply all, reply all, reply all, that I didn't
9 respond to that were tagged into the server here.

10 STEVE RIFFEL: Right.

11 JOHN NELSON: And there was nothing I could do to
12 prevent being in that group.

13 STEVE RIFFEL: Well, we had -- I'll -- I'll -- just
14 straight out, I looked at a bunch of emails that we pull -- had
15 pulled. There's stuff from you for the firefighters union over
16 in Franklin. There's stuff to Hersh. That's why I asked you
17 who she was.

18 JOHN NELSON: Right.

19 STEVE RIFFEL: There's a whole bunch of those that are
20 there talking about Franklin business through your Waterford
21 email address.

22 JOHN NELSON: Well, there was, I believe, six
23 responses that were made as a response to something. That was,
24 like, the senior lunch program, the seniors getting a 50-year
25 plaque. There were certain things like that were responded to,

1 but not initially composed. And again, I had the permission of
2 the chief and then the number two, which was Bill Jeschke.

3 And another point that's very important here, that the
4 two of them had the administrative rights to monitor any emails
5 coming in or out of the Waterford PD. I did not have that level
6 of ability. But the two of them had that ability to monitor any
7 email coming in or out of the system.

8 And never once ever was that brought to me that, "Hey,
9 you can't do this. You're doing something wrong." Because I
10 had advised my chief of that, and he was -- he was more happy
11 that I was here and not home and, you know, wasn't worried about
12 what I was doing. But I wasn't composing, as others compose
13 personal stuff here, and it's not even a -- a concern.

14 STEVE RIFFEL: So what you're telling me is you've
15 never utilized the Town of Waterford email address in a direct
16 attempt to circumvent open record laws or anything in Franklin?

17 JOHN NELSON: To circumvent?

18 STEVE RIFFEL: Yeah.

19 JOHN NELSON: Never.

20 STEVE RIFFEL: Okay.

21 JOHN NELSON: Never ever. I was an open -- I was the
22 records custodian. Bill and I were records custodians. I'm not
23 going to circumvent anything.

24 STEVE RIFFEL: Okay. And so I'm pretty sure you guys
25 are aware, the Town has made a record -- records request to

1 Milwaukee County Sheriff and Milwaukee County Parks Department
2 for your personal file contents. The reason we did this is we
3 believe the file contains matters that are probably pertinent to
4 this reported behaviors in this current situation.

5 I'm going to ask you what is your personal knowledge
6 of what is contained in the Milwaukee County Sheriff's
7 Department personnel file?

8 JOHN NELSON: Well, number one, when I got hired here
9 by Chief Tom Ditscheit, I agreed and signed off on my file being
10 released to get me the job here, to get hired. So Officer Mike
11 May did my background. And Officer Mike May went to internal
12 affairs. They actually called me to say, "Hey, this Officer May
13 here" -- "there's an Officer May here from Waterford." You
14 know, "He's to do your background." I said, "Yeah, do my
15 background."

16 Same thing when I got hired by State Fair Police.
17 They -- both entities had full open knowledge of my file, full
18 open knowledge of permission to do whatever they wished to
19 complete my background. So Waterford's got that information.

20 STEVE RIFFEL: So -- but that's not what I asked you.

21 What's your personal knowledge of what's in there?
22 You know, and we did, we looked at your employment quest- -- you
23 know, we looked at your employment file and stuff.

24 JOHN NELSON: Okay.

25 STEVE RIFFEL: But what's your personal knowledge?

1 What's in your Milwaukee County Sheriff's Department file --
2 personnel file?

3 JOHN NELSON: I know there's -- I mean, I'm -- I don't
4 know this -- its exact entirety. But there's -- there's some
5 complaints in there. There was another witch hunt from Sheriff
6 David A. Clarke, Jr., that I legally challenged for his illegal
7 promotions to captain. And he went on a character assassination
8 attempt. And I explained that all to Chief Ditscheit before he
9 hired me.

10 STEVE RIFFEL: John --

11 JOHN NELSON: What?

12 STEVE RIFFEL: -- I'm asking you to explain it to me.

13 JOHN NELSON: Well, what? That's -- that's it.

14 STEVE RIFFEL: What's in there? What do you know
15 that's in there?

16 JOHN NELSON: So now you want to go into what's in my
17 personnel file? I mean, this is -- this is dumb.

18 BRENDAN MATHEWS: I'm not -- easy, John.

19 I just -- I don't know where we're going with this.

20 But -- I mean, you have the file. You know what's in there.

21 STEVE RIFFEL: Well --

22 JOHN NELSON: Yeah.

23 BRENDAN MATHEWS: You're kind of asking him to tell
24 you what's in there. And -- and -- I mean, if you want to put
25 the file in front of him and let him look at it, he can go

1 number by number. And I'm not trying to be a jerk here. I'm
2 just saying, like, I don't really get it. I mean, is there an
3 allegation here that he didn't, like (indiscernible) the file?

4 STEVE RIFFEL: Well, let me put it -- okay. Let's go
5 this way.

6 BRENDAN MATHEWS: Yeah.

7 STEVE RIFFEL: We reviewed your -- we reviewed your
8 application for your employment and your questionnaire when you
9 applied here.

10 JOHN NELSON: Uh-huh.

11 STEVE RIFFEL: And there's a question on there --
12 103 -- let's see if I have it. Here it is. 103, where you
13 said -- what did you say here? It's highlighted.

14 BRENDAN MATHEWS: Here's my thing with this line of
15 questioning is, so under Chapter 164, you got to put us on
16 notes, right? This stuff? And this is something new that I'm
17 just learning about right now.

18 STEVE RIFFEL: I don't think it is.

19 BRENDAN MATHEWS: Well, it's not one of the
20 allegations on here, right? Do you agree with me?

21 STEVE RIFFEL: I'm going to look at it.

22 BRENDAN MATHEWS: It's not on the 18.

23 STEVE RIFFEL: Well --

24 BRENDAN MATHEWS: I'm not saying I have them
25 memorized. I -- I'm just -- I'm just telling you, you know, the

1 reason that they have the notice requirement is so that you can
2 prepare yourself for the questions you're going to be asked.

3 Not -- you know, it's not like "gotcha" interview, so to speak.

4 STEVE RIFFEL: Well, it actually is. Because looking
5 at -- and -- and I'll move on to -- but encouraging a Franklin
6 citizen to obtain records related to years of Town resources for
7 Franklin. You submitted an open records request or -- for
8 Milwaukee County Sheriff's Office personnel records related to
9 you to drop the issue in exchange for favors with Franklin.

10 So the question becomes -- well, that's what I'm
11 asking. What did you think was in there? And I'm going to go
12 into that line of questioning, like, right now.

13 But in this -- I'll put it this way: In this thing,
14 you said, "A verbal written reprimand for not notifying the
15 sheriff immediately regarding a basis of complaint against me
16 for academic misconduct." It was unfounded, correct?

17 JOHN NELSON: Correct.

18 STEVE RIFFEL: Okay. But in your 2015 lawsuit, which
19 I read, the decision that you filed against Clarke, on page 21
20 of the decision, it clearly states that in 2012, you were
21 informed of two internal investigations against you, including
22 one for sexual harassment. This is directly related to what I'm
23 going to ask him in -- about the Franklin citizen.

24 So is that correct?

25 JOHN NELSON: No, because the two internals were then

1 dropped because they were baseless, and that was part of a
2 settlement agreement opposed to going to battle over that. So
3 they were -- they were dropped, and I did approve everybody --
4 both PDs to get my file and review whatever they wish.

5 STEVE RIFFEL: Did you do the same thing with
6 Milwaukee County Parks?

7 JOHN NELSON: Yes.

8 STEVE RIFFEL: Okay.

9 JOHN NELSON: No. Okay. What are you asking me about
10 Milwaukee County Parks?

11 STEVE RIFFEL: Well, you worked for them, too, for a
12 while, right?

13 JOHN NELSON: I did. I transferred from the sheriff's
14 department to the County Parks.

15 STEVE RIFFEL: Did you -- did you allow the Town of
16 Waterford and everybody to look into that personal file?

17 JOHN NELSON: A hundred percent, yes.

18 STEVE RIFFEL: Okay. Okay.

19 JOHN NELSON: I was there over eight years.

20 STEVE RIFFEL: So that was an unfounded complaint,
21 this academic thing, which sounds kind of hanky. Not on your
22 part, but just weird. I don't -- academic, so -- but you listed
23 that even though it was unfounded. Why didn't you list the
24 other two? Like the -- the ones you just said about the sexual
25 harassment on here that were unfounded?

1 JOHN NELSON: Because those two were part of a federal
2 lawsuit settlement that didn't even get to the investigative
3 point. That was the investigative point.

4 STEVE RIFFEL: Okay. Okay. So I'm -- I actually know
5 the answer to this. To be honest with you, I almost don't want
6 to ask it, but I'm going to.

7 Do you know a Franklin resident named Richard -- and I
8 don't know why anybody can't have a Smith name, but --
9 Busalacchi.

10 JOHN NELSON: Richard A Busalacchi. Date of birth,
11 April 4th, 1969.

12 What would you like to know about Richard Busalacchi?

13 STEVE RIFFEL: Well, do you -- first of all, are you
14 familiar with him?

15 JOHN NELSON: Yes.

16 STEVE RIFFEL: Okay. So I'm going to go through some
17 questions, and I'm sure you're going to let me know some things.

18 JOHN NELSON: Uh-huh.

19 STEVE RIFFEL: Did he also make an open records
20 request to Milwaukee County Sheriff's Department for your
21 personnel file?

22 JOHN NELSON: Yes.

23 STEVE RIFFEL: Okay. Did you contact him through a
24 mutual source in mid June with an offer to create peace, and a
25 few weeks later, did he reach back out to you through a mutual

1 source and agree to meet with you?

2 JOHN NELSON: We -- there was a reach-out because
3 he's -- he is a -- I call them "keyboard cowards." He's a
4 basement blogger that attacks me because he was a very close
5 friend of the guy that I beat in the election.

6 So Richard Busalacchi runs his own little blogging
7 page which attacks me almost every day. And it's like -- and
8 it's -- it's on -- you know, it's -- it's one of his things he
9 does.

10 So Richard Busalacchi had made an allegation that I
11 was interfering with his -- every time he has a police complaint
12 and -- which is untrue. So I brokered a meeting in my mayor's
13 office with him and the chief of police to, basically, say,
14 "Look, Rich, you're blogging all about the fact that I'm
15 interfering in a police complaint." And the chief said, "Look,
16 what complaint are you talking about? I don't have anything to
17 do with his" -- "anything he's got a complaint about. Just do
18 it. I don't really care."

19 So the chief said, "Look, I'm going to assign a
20 detective to handle all your complaints. And whatever your
21 complaints are, this detective will handle them. He'll address
22 them with you." And that was when Rich, you know, realized that
23 I wasn't obstructing anything he had and what his problems were
24 and -- because he would openly blog and complain that there was,
25 you know, this big conspiracy, and that's what he's -- that's

1 kind of his thing.

2 So that's when Rich offered -- he's like, "Look, I
3 know I put in this open records request. You've been
4 forthright. I've got a detective. I'm pulling it back. I
5 don't want it." And I said, "Okay. Well, I was blocking it
6 anyway. I was using my legal right to" --

7 STEVE RIFFEL: Oh, waznuki (phonetic) you?

8 JOHN NELSON: What?

9 STEVE RIFFEL: The waznuki? Did they waznuki you?

10 BRENDAN MATHEWS: Yes.

11 STEVE RIFFEL: Yeah. Okay. They -- they notified you
12 that somebody was looking for it, you could argue that you
13 didn't want it released.

14 JOHN NELSON: Yes.

15 STEVE RIFFEL: It's what -- it would call it -- okay.

16 JOHN NELSON: Sorry. I didn't know.

17 BRENDAN MATHEWS: (Indiscernible) notice. He's right.

18 JOHN NELSON: Yeah. Okay. So that -- so that's what
19 I was doing anyway, was I was blocking anybody from getting that
20 file -- because he's going to use it to put on his website.

21 Because what he did -- going back to the emails. When
22 he was given the emails, he posted them. He posted all the
23 emails he got from here. It was, like, 81 emails. Your office
24 has them. 81 emails. He posted right away.

25 "Look at this scandal." Nobody cared. They gave

1 laughing emojis. Nobody -- nobody cared because they had
2 nothing relevant other than the things I gave you examples of.

3 So going back to Rich Busalacchi, why he has problems
4 with me is because he also was infatuated with this woman who
5 got a restraining order, and I helped him obtain that through
6 the women's center.

7 STEVE RIFFEL: You helped her obtain it?

8 JOHN NELSON: I helped her obtain it against him --

9 STEVE RIFFEL: Okay.

10 JOHN NELSON: -- because he's a psychopathic predator.

11 And he is. And this judge found him guilty of violating a
12 restraining -- first of all, the judge issued it. Okay? He
13 violated it. And he actually gets sentenced September 27th --

14 STEVE RIFFEL: Okay.

15 JOHN NELSON: -- for violating a restraining order.

16 He hates me. So the reason why now he --

17 STEVE RIFFEL: I don't disagree with you there.

18 JOHN NELSON: So --

19 STEVE RIFFEL: I'm going to be honest with you, I
20 don't disagree with you.

21 JOHN NELSON: Well, he's -- he's a psychopath.

22 So the problem is he's -- and I'm glad this is on
23 record. So the problem with him is he's looking for anybody
24 that'll listen to his case against me.

25 STEVE RIFFEL: Okay.

1 JOHN NELSON: So -- and that includes Milwaukee DA's
2 Office, court counsel, State of Wisconsin Ethics Board, even the
3 FBI. He went to the FBI against me. I have -- he did.

4 STEVE RIFFEL: Yeah. I'm -- well, I don't know what
5 the FBI would do about it.

6 JOHN NELSON: Well, no, but this is because of -- I
7 mean, there's a -- but he went to them. So not one entity --
8 now, he admitted this in this meeting with the chief of police,
9 that he went to all these entities. And I told him, I said,
10 "Rich" -- I said, "I've never been contacted by any of these
11 entities regarding any of your complaints." He lost his mind.
12 He was so angry because he feels that there's --

13 STEVE RIFFEL: Well --

14 JOHN NELSON: So now --

15 STEVE RIFFEL: Okay. So I get the point of the fact
16 that he's -- sounds like -- in your position, he's got an axe to
17 grind with you.

18 JOHN NELSON: Huge axe.

19 STEVE RIFFEL: He hates you. Okay. But let me ask
20 you this.

21 JOHN NELSON: Sure.

22 STEVE RIFFEL: Just so we can keep going and not -- I
23 get it. I mean, I understand this. And I'm not disagreeing
24 with you on some of the points that he's not very fond of you.
25 I'll -- I'll be quite honest with that.

1 On July 5th, did you meet with him at the Hideaway in
2 Franklin at a back corner table?

3 JOHN NELSON: I know we had lunch. I don't know what
4 day we had lunch.

5 STEVE RIFFEL: Did you have it there?

6 JOHN NELSON: We ate at the Hideaway, yes.

7 STEVE RIFFEL: Okay. Are you aware that there are
8 security cameras there at the Hideaway?

9 JOHN NELSON: I'm assuming there's security cameras.

10 STEVE RIFFEL: Okay. So did you inform him that if he
11 retracted his open records request for your personnel file, that
12 you would help him have access to the Franklin police chief and
13 police department for his complaint?

14 JOHN NELSON: No. I said that we're going to have a
15 meeting with the chief, period. And that's when he brought up,
16 "Well" -- you know -- you know, "I'm going to take you at your
17 word, and if everything works out, you know, I'm going to" --
18 "I'm going to" -- "I'm not" -- "I don't want your file. I know
19 it's" -- you know -- he -- he went in -- and then he goes into
20 this whole reasoning behind why he hates the current county
21 supervisor, who was involved with this woman, who's got the
22 restraining order against him, and that's where that
23 conversation led.

24 STEVE RIFFEL: Okay. Well, let me ask you this: Did
25 you further advise him at the meeting that you had contacted the

1 then president of MATC, which apparently was his employer, to
2 complain about him and get him fired, and then you were
3 surprised at how fast they acted and he got fired?

4 JOHN NELSON: So I'm going to answer this, but can I
5 ask why this has anything to do with Waterford Police
6 Department?

7 STEVE RIFFEL: Because it has to do with the fact
8 that we're talking about this open records request. It's
9 also -- and I understand what you're saying. But he's saying
10 that this is also playbacking to when he did the open records
11 request here. And I'm going to lean into that. Because he did
12 an open records request here as well.

13 JOHN NELSON: Oh, I know -- I know he did. He told me
14 he did.

15 STEVE RIFFEL: Okay.

16 JOHN NELSON: I mean, so why Rich Busalacchi thinks
17 that I helped him in his demise. So he had been an employee of
18 MATC for about 33 years, and he was of a director level. Okay?
19 He sent -- and I don't know exactly what month, but it was late
20 last year -- an email to all the Franklin electives and certain
21 department heads and members of The Rock that -- and he just
22 blasted them. Openly blasted them.

23 Meaning, hypercritical, making all his crazy
24 allegations like he's got on his website. And he does this.
25 And he does this from the MATC domain. Okay? So for -- and

1 I -- I open it up in my mayor's email. I'm like -- I'm reading
2 this whole hit piece, and I'm like, "Oh, Rich Busalacchi." His
3 signature on the bottom about his position at MATC. So it came
4 from MATC.

5 STEVE RIFFEL: What did he do?

6 JOHN NELSON: What?

7 STEVE RIFFEL: What did he do there?

8 JOHN NELSON: He was, like, a director level.

9 STEVE RIFFEL: Oh, okay.

10 JOHN NELSON: He was -- I mean, he was 150 plus a year
11 and was in a supervise -- I mean, he was in admin. He wasn't a
12 professor. He was admin. He had elevated from a professor
13 level to admin.

14 And so I did reach -- I did reach out, and I asked the
15 president of MATC. I said, "Look, Franklin taxpayers give you
16 5.2 percent every year of our tax bill. Are you okay with your
17 employees hammering us from your domain?" She was giddy. She
18 was so excited because they wanted to get rid of him. I didn't
19 know this, but I learned later he was on a last chance
20 agreement.

21 STEVE RIFFEL: Uh-huh.

22 JOHN NELSON: So that's why they worked quick. So
23 they gave him, apparently -- in his words, they gave him an
24 offer, whether -- you know, retire, or you're on your last
25 chance out.

1 So then what he does is he goes on this whole big
2 thing on his page, including coming to -- to Common Council
3 meetings, and saying, "Hey, I'm retiring. I'm" -- and he would
4 come to every Common Council meeting. If you really want to
5 have fun, look at all those citizen comment periods. He would
6 come there and just go at me every time.

7 STEVE RIFFEL: Yeah, I hear that's what -- I don't
8 doubt that.

9 JOHN NELSON: That's what he does. So what I'm saying
10 is -- so I was the only one. I told him, I said, "Rich" -- I
11 said, "If you're asking me to tell you the truth, I will." I
12 said, "I did say" -- "I did contact the president of MATC." And
13 I did reiterate what I just told you about the 5.2 percent, and
14 that his is from the domain. I said, "But anybody could have
15 did it. You gave it to every elected, department heads, The
16 Rock. Anybody could have contacted MATC. I'm just telling you
17 that I did."

18 STEVE RIFFEL: Let me ask you this: Did -- when --
19 during this meeting at the -- the Hideaway, did -- did you raise
20 your fist to him and -- and in an aggressive manner, basically,
21 where he made a comment that "What are you going to hit me in
22 public"?

23 JOHN NELSON: No. I was talking like this to him
24 because he asked me --

25 STEVE RIFFEL: So you were -- you were pointing your

1 finger at him?

2 JOHN NELSON: But I'm sitting in my seat.

3 STEVE RIFFEL: Okay.

4 JOHN NELSON: But I'm talking. I'm not yelling at
5 him. I'm threatening him. But he asked me about this -- the
6 restraining order. And I said, "Yeah, if I" -- because the --
7 the woman -- the younger -- much younger woman, that he was some
8 sort of involvement in, that had the restraining order against
9 him, her parents come to the council meetings, and they see him.

10 And I said, "Rich" -- I said, "I don't know how the
11 dad handles seeing you knowing that his daughter's got a
12 restraining order against you." I don't -- I don't understand
13 how the -- I give that guy the -- Nobel Peace Prize, I believe
14 is what I said. But there was never any threatening anything.
15 There was never ever, you know, whatever.

16 STEVE RIFFEL: Well, on July 6th, at the Franklin
17 Civic Celebration, did you go up to him and inform him based
18 upon your lunch meeting, that you'd set up a meeting with the
19 chief of police to discuss this whole complaint that he had?

20 JOHN NELSON: All I remember is when I saw him at --
21 at the Franklin event, I walked up, I shook his hand, he shook
22 my hand, and I went to the bathroom.

23 STEVE RIFFEL: And you never said anything about
24 setting up a meeting?

25 JOHN NELSON: I thought we talked about that prior to.

1 STEVE RIFFEL: Okay.

2 JOHN NELSON: I mean, we talked about setting up a
3 meeting with the chief, and then we had a meeting with the
4 chief.

5 STEVE RIFFEL: Yeah. Did you set that up for July
6 10th, like, in the morning with the chief?

7 Were you there?

8 JOHN NELSON: I -- I -- well, I set up a meeting. And
9 yes, I was there.

10 STEVE RIFFEL: Okay.

11 JOHN NELSON: It was three of us.

12 STEVE RIFFEL: So July 12th, he's telling us he met
13 with Detective Zalewski over at Franklin and -- to discuss this
14 unrelated matter. And he said right after that, he delivered an
15 envelope containing a hard copy email that you had sent -- he
16 had -- that he had sent the Milwaukee County Corporation Counsel
17 withdrawing his open records request.

18 Did you send him a text message -- to him on July 25th
19 saying "received" and "thank you"?

20 JOHN NELSON: I -- I do recall sending him something
21 saying, I believe, receive -- because he had said he was going
22 to do it, and just -- I wanted to acknowledge it, because I
23 wasn't there whenever he dropped it off. I mean, I get a stack
24 in that mayor's inbox daily.

25 STEVE RIFFEL: Okay.

1 JOHN NELSON: So whenever I got to looking at the
2 mail, I believe I did reach out to him.

3 STEVE RIFFEL: Okay. I think we've covered him
4 enough.

5 Continuing on. What is Officer Dela Cruz's -- and
6 we're going to go back to her -- responsibilities here at the
7 PD?

8 JOHN NELSON: Very minimal. Extremely minimal. She
9 was doing -- and I know what this is leading to. She would do
10 some -- some occasional investigations.

11 STEVE RIFFEL: Okay.

12 JOHN NELSON: But extremely limited. She was not road
13 patrol trained. She didn't want to be patrol trained. And then
14 she would work as a court officer.

15 STEVE RIFFEL: So how long has she been with the PD,
16 do you think? I mean, off the top of your head?

17 JOHN NELSON: A few years. I don't know exactly how.

18 STEVE RIFFEL: Do you -- what was her background
19 training and experience before this?

20 JOHN NELSON: I knew she came from the Milwaukee
21 Police Department.

22 STEVE RIFFEL: Do you know what rank she held?

23 JOHN NELSON: Lieutenant.

24 STEVE RIFFEL: So I asked you this earlier. Did she
25 work boat patrol on hire? She said she worked for two years on

1 the boat when she was hired.

2 JOHN NELSON: I don't recall her ever working a boat
3 shift. She may have worked occasionally with somebody else, but
4 I don't recall. Because there were times that we just needed
5 somebody to -- to hop on a boat and fill in to put another
6 officer on. But I don't recall exactly when she did it.

7 STEVE RIFFEL: So you don't remember her working at
8 all on the boat?

9 JOHN NELSON: I think I -- because I got her a boat
10 shirt. So I got her a uniform shirt. But I couldn't tell you
11 if she worked one shift or more than one shift. I have no idea.

12 STEVE RIFFEL: Okay. As part of her responsibilities
13 here, she also assigned background investigations for police
14 officer candidates?

15 JOHN NELSON: Some.

16 STEVE RIFFEL: Okay. Approximately two years ago,
17 Officer Dela Cruz was assigned to a background investigation to
18 a candidate who was a male, reportedly worked at (indiscernible)
19 and security and had knowledge of computers and had previously
20 worked at some other departments.

21 Are you familiar with the candidate I'm speaking of?

22 JOHN NELSON: Yes.

23 STEVE RIFFEL: Okay. So it's been reported to us that
24 you wanted him to work here due to his experience and stuff?

25 JOHN NELSON: Absolutely.

1 STEVE RIFFEL: Okay. And you wanted him to start by
2 April 23rd, around buoy day, boat patrol; is that correct?
3 Because of the amount of people you need?

4 JOHN NELSON: Well, I don't recall the exact dates,
5 but I wanted him because he actually is an assistant chief of a
6 boat patrol unit in Burlington, as well as I had worked with him
7 at State Fair PD, and I actually was his supervisor until he got
8 promoted. And yes, I was a -- I was very much in support of him
9 coming here to work.

10 STEVE RIFFEL: Okay. Apparently he didn't get hired
11 due to his extensive poor background. A decision also
12 reportedly that Chief Johnson made at the time.

13 During this whole thing, did you ask her multiple
14 times during and after her background investigation, "Why isn't
15 this kid getting hired?"

16 JOHN NELSON: I asked her prior to the investigating
17 being -- investigation being completed, you know, "Where are you
18 at with it?" Because it was taking ex- -- it took a -- it took
19 her a long, long time to get what I felt was a pretty simple
20 background done.

21 STEVE RIFFEL: Well, he was apparently ineligible for
22 rehire the last three police departments he worked. So I think
23 that's maybe what took so long.

24 But what did she tell you about the fact that he
25 wasn't getting hired?

1 JOHN NELSON: She didn't share anything other than it
2 took time. But to combat what you're saying is, one of those
3 police departments -- he's back there. I mean, he's been
4 working back at State Fair PD and, you know, he's also training
5 officers on TraCS, and now they have Phoenix.

6 So -- continue.

7 STEVE RIFFEL: Well, she had said to us that she --
8 she told you it was up to the chief, and she just does the
9 background investigation.

10 Do you remember that comment?

11 JOHN NELSON: No.

12 STEVE RIFFEL: So she also stated to us that after the
13 background investigation, she was immediately removed from any
14 boat patrol work via your scheduling. Meaning, she didn't get
15 notified or scheduled anymore for boat patrol even though she
16 had worked it for two years.

17 Do you recall that?

18 JOHN NELSON: No. And like I said earlier, if she had
19 a problem and wasn't getting shifts that she thought -- that she
20 thought that she should have gotten, she never said a word to me
21 about it. Never went to any of the other bosses, the chief.

22 STEVE RIFFEL: Well, she actually did, according to
23 her?

24 JOHN NELSON: Well, nobody came to me and said, "Hey,
25 Madrina wants boat shifts, or Madrina would have got boat

1 shifts.

2 STEVE RIFFEL: She didn't really go to the chief. She
3 had a discussion with the chief and told him exactly why she
4 wasn't volunteering for things anymore and things like that.

5 JOHN NELSON: And that was never communicated with me.

6 STEVE RIFFEL: Okay. So you didn't remove her
7 purposely from the boat patrol because --

8 JOHN NELSON: Never. I would have encouraged it. I
9 would have embraced it.

10 STEVE RIFFEL: Did you tell her to hand in her boat
11 patrol shirt?

12 JOHN NELSON: I was collecting them at the end of the
13 year, but I believe she still has it.

14 STEVE RIFFEL: She was also taken off the boat patrol
15 email notifications.

16 Who has control of that.

17 JOHN NELSON: Bill Jeschke.

18 STEVE RIFFEL: You didn't have anything to do with
19 that?

20 JOHN NELSON: With her taken off? I don't think she
21 was taken off.

22 STEVE RIFFEL: Yeah, of the emails.

23 JOHN NELSON: No. He sets the email groups up.

24 STEVE RIFFEL: Okay.

25 JOHN NELSON: I can modify an email group, but he's

1 the basic overseer. But she was never taken off of anything.

2 STEVE RIFFEL: So she's also said that she -- she
3 believes -- actually, she doesn't believe -- she said she -- her
4 exact comment was she knows that you're -- for that failed
5 background, your actions were retaliatory against her.

6 JOHN NELSON: Never.

7 STEVE RIFFEL: So she -- yeah, you -- you've kind of
8 stated that.

9 But she also told us that she also did court duties
10 and asked for a uniform shirt that could be like a dress shirt
11 for looking nicely.

12 JOHN NELSON: Uh-huh.

13 STEVE RIFFEL: And you said you would get her the
14 uniform shirt, and the PD would pay for it.

15 JOHN NELSON: Uh-huh.

16 STEVE RIFFEL: Okay. Later in an email, you stated,
17 "Hey, I had to pay for my own shirt, so why should we pay for
18 yours?"

19 JOHN NELSON: I don't talk like that, number one.
20 That was from Bill Jeschke. And going back to this whole start
21 is I said to her, "Whatever you want." I got her pants --
22 multiple pairs of pants. I got her the shirt. I got her a
23 jacket, that was almost \$400, to work for special events.

24 I was the one that got her all those things that
25 she -- that Jeschke didn't want to give her and Matt didn't --

1 Johnson didn't want to give her because of her limited work.
2 And when she went out and did backgrounds and whatever, she
3 wanted to be in uniform, so I got her what she wanted to wear.
4 I -- whatever she wanted, I had it all set up at -- at -- well,
5 it was called -- it's called Reds. It's on -- on --

6 STEVE RIFFEL: Yeah, I know. Reds Uniform.

7 JOHN NELSON: Reds uniform.

8 STEVE RIFFEL: Yeah.

9 JOHN NELSON: And the -- the one woman that works
10 there is -- was the one that would directly set everybody up
11 with whatever we wanted. I made the call, and I said, "Whatever
12 she needs, she got." So I was the one that got her everything
13 she wanted. She was never denied anything.

14 STEVE RIFFEL: Okay. Well, I will say this, John --
15 and again, this is from another officer, approached her while
16 she was engaged in this background and informed her you turned
17 down doing a background check on somebody you wanted to hire
18 because if it didn't pass, he didn't want his hours cut.

19 JOHN NELSON: Well, that was -- okay. Let's go back
20 to this uniform thing first. So the conversation about the
21 uniform thing was the service stripes that you wear on your
22 sleeve. Okay?

23 STEVE RIFFEL: Okay.

24 JOHN NELSON: So the service stripes, that comment
25 was, "Look, I had to pay for my own service stripes being put on

1 my uniform." Okay? One through five years. And then I
2 transitioned from five -- from five to six. Okay? Going into
3 my 30th year this year. And everything I had transitioned, I
4 had to pay for. And she got mad because she thought the service
5 stripes should have been covered by the police department.

6 STEVE RIFFEL: Oh, so you told her that's what she
7 should have to pay for.

8 JOHN NELSON: But I -- but I wasn't snarky like that.
9 I didn't send an email crappy like that. I told her, I said,
10 "Look, Madrina, I had to pay for my own." And then Bill
11 responded to her in a way that may have been a little more
12 aggressive than she liked.

13 STEVE RIFFEL: Okay.

14 JOHN NELSON: But she got that.

15 Oh, what -- what's -- now what's the next part?

16 STEVE RIFFEL: Well, I was just asking about the
17 officer who was afraid of retaliation, too.

18 JOHN NELSON: Sure.

19 STEVE RIFFEL: You said -- you seem to know what this
20 is all about.

21 JOHN NELSON: Oh, Absolutely. Brad Spiegelhoff has
22 been nothing but hypercritical of myself, Bill Jeschke, Matt
23 Johnson. He retired from Racine and had worked here part time
24 quite often. And I have on my phone a picture of a -- of a
25 document that he wrote that said that he -- you know, Brad --

1 Brad took it upon himself to -- like, for example, Sarah Polka,
2 female officer here. Retired from MPD. Excellent. Excellent.
3 And he didn't think, because of her nails, because of the length
4 of her nails, that she could adequately shoot and pass firearms
5 qualification.

6 So we've got two firearm instructors. Okay? Brad
7 Leach, Mike May. They -- she passed. She was just fine. But
8 he didn't believe it. So he started his own internal, his own
9 findings and went up into the barn over there where all the
10 documents are kept. All the -- you know, every time you shoot,
11 they've got to keep it for I think seven years.

12 STEVE RIFFEL: Yeah.

13 JOHN NELSON: And then you sign off on it, and they
14 date it. And he didn't believe she passed. So he brought it
15 upon himself. Now, that caused a problem with Polka. Okay?
16 Because she got wind of that, and she's like, "What are you
17 doing?" She brought it to me. I brought it to Matt -- Matt
18 Johnson -- to go on the hands-off part.

19 That was an example of hands off. He didn't want to
20 address anything. So now it festers. And now it gets -- now it
21 gets the to two other firearms instructors really angry. And
22 they're like, "Wait a minute. You're calling into question our
23 integrity? She passed."

24 So now we got all this mess swirling around with Brad
25 Spiegelhoff. And now Brad comes to me with some of this crap.

1 And I'm like, "What are you doing?" You know, "Why are you" --
2 "you're not supposed to do any of this stuff."

3 And then he says to me, "Well, I'm doing it because I
4 think, you know, everybody's lying, and everybody's covering up
5 for Sarah Polka. And I'm like, "Nobody's covering up for this."
6 And this conversation continued.

7 And he's like -- he's like, "Well, what would you do
8 if you were a chief?" I said -- I said, "I'd give you one
9 warning to stop all this, or you'd be done. You'd be fired
10 here."

11 And then he writes this document out that because of
12 all the drama here, he's not going to take any investigations
13 on. And I said, "I saw what you put on Bill Jeschke's desk." I
14 mean, "You realize you caused this drama. You caused it." I
15 got Sarah Polka, Brad Leach, Mike May in a mutiny position.
16 They're that angry about what Brad Spiegelhoff is doing, and our
17 chief is not doing anything about addressing it.

18 And, you know, he talked to for a little bit. But he
19 wasn't -- because he wanted Brad Spiegelhoff to remain as an
20 investigator part time for a number of the -- the issues that we
21 have.

22 STEVE RIFFEL: Well -- and I'm not trying to twist
23 your arm, but --

24 JOHN NELSON: What?

25 STEVE RIFFEL: Okay. So earlier you said that Johnson

1 never came to you with any of these concerns. Well, if he's
2 this hands off on stuff like this --

3 JOHN NELSON: Yeah.

4 STEVE RIFFEL: -- what makes you think he'd have come
5 to you anyways, then, if you were not, you know, performing as
6 you should be?

7 JOHN NELSON: Because the -- okay. So who's not
8 performing?

9 STEVE RIFFEL: Well, I'm saying we have these
10 allegations and these concerns about your performance as a
11 lieutenant, and you said -- you keep saying, "Well, nobody came
12 to me."

13 JOHN NELSON: Right.

14 STEVE RIFFEL: "My supervisor" -- so if Johnson didn't
15 come to Spiegelhoff or -- and ask him about it because he's
16 hands off, maybe he was hands off with you.

17 JOHN NELSON: Because I had never seen this type of
18 dynamic in a small police department that I figured he'd jump on
19 this because you -- you've got everybody pissed off. You've got
20 everybody angry. You got morale going through the shoot because
21 of one person. And that one person is Brad Spiegelhoff, and he
22 wouldn't address it. So for -- so Spiegelhoff works --

23 STEVE RIFFEL: So how do you know he's the background
24 guy I was talking about?

25 JOHN NELSON: Because he's the only other one that

1 does backgrounds.

2 STEVE RIFFEL: Well, there's the process of
3 elimination.

4 JOHN NELSON: Right?

5 STEVE RIFFEL: Okay. Okay.

6 JOHN NELSON: And he complains nonstop. So that's why
7 I figured he doesn't like me because I confronted him with that
8 sheet that he said he wasn't -- so it wasn't real hard to figure
9 out, but --

10 STEVE RIFFEL: Okay. What -- so we'll go back to the
11 field training program. And what does this -- what is it
12 supposed to entail here? Let's put it that way.

13 JOHN NELSON: Okay. So first of all, the -- the
14 hiring process and training process here is extremely limited.
15 I believe our -- our training budget was about \$6,000. And
16 that's all inclusive. That's shooting. That's everything. I
17 mean, it is -- it is very, very, very, very limited.

18 So to become a part-time police officer for Waterford,
19 you had to have been full time somewhere else. So you're not
20 fresh -- I mean, you're -- you're full-time officer either
21 actively or were.

22 Then you're brought on, and --

23 STEVE RIFFEL: That doesn't include boat patrol,
24 obviously? Or does it?

25 JOHN NELSON: No, no. It does not.

1 STEVE RIFFEL: Okay.

2 JOHN NELSON: Boat patrol is it's own other animal.

3 STEVE RIFFEL: Okay. Just clarifying.

4 JOHN NELSON: Okay. So now you've got that part of it
5 with, you know, to be hired. Like when I was hired, I was full
6 time somewhere else. I got hired on. I had knowledge of TraCS.
7 I had knowledge of Phoenix, Chapter 51 proceedings.

8 What I didn't understand was, "Oh" -- "Oh, this is how
9 you handle a dog bite." Okay. This is how you handle something
10 over here." I mean, I knew what we had to do.

11 So to be full -- part time here, you're full time
12 somewhere else. Then you're hired. And if you're hired full
13 time here, it's only from the part-time ranks. So if you're
14 going to hire somebody full time, they come from the part-time
15 ranks. So they have at least in the nine years I've been here.
16 Okay?

17 And when you're hired on, you are -- you go -- you
18 ride along with somebody. Okay? And -- and you're also -- that
19 somebody in a training mode is actually paid more. It's per the
20 CBA that they actually get paid more while they're in a training
21 position.

22 STEVE RIFFEL: Seems pretty -- pretty normal.

23 JOHN NELSON: It's -- it's not -- but it's not a bad
24 deal.

25 So there is training. And, like, when I look -- you

1 know, this -- this -- one of these 18 points, you know, there --
2 there is a field training program. Is it a low level because we
3 have a low budget? Yes. Could it be better? Of course it
4 could be better. But with what budget?

5 I mean, I didn't know that this checkbook was going to
6 be open for all this other stuff going on here. I mean, we
7 were -- we were told this is very limited. And that's why --
8 going back to [REDACTED] -- getting her trained, we -- the
9 chief didn't want to spend the money. So we have -- I mean,
10 where is it going to come from? I mean, we only had, like, six
11 grand, and that's -- that's -- that's all in.

12 STEVE RIFFEL: So what -- I mean -- and you --
13 normally you're looking at orientation, you know, some policies
14 and procedures. You said ride-alongs. I mean, I've had
15 officers laterally transfer that had 15, 16 years in when I was
16 chief, and we still put them through an FTO program, as in,
17 like, at least six weeks, if not longer, because our normal one
18 was 16 to 18 weeks.

19 You don't have that here at all?

20 JOHN NELSON: No.

21 STEVE RIFFEL: And you had -- as a lieutenant, you had
22 no responsibility for this at all?

23 JOHN NELSON: Well, because I've got -- you know, the
24 chief that hired me, which transitioned to Matt Johnson, which
25 also put Bill Jeschke in second in command of the agency and

1 then command of the agency, this is the way it was done, and
2 there was no money. I mean, I brought forth numerous times to
3 Matt Johnson when he took over as chief about training. He's
4 like, "Well, you got to go to the board. The board controls the
5 money." And he kept -- and that was his answer.

6 So Bill and I, as we were going through the chief's
7 process, were like, "Good. We're going to really hit up the
8 board for more training dollars because we have" -- you know, we
9 didn't have -- there were no issues with new officers getting
10 hired other than learning the 36 square miles and the only two
11 ways to get from the village to the Township because of the
12 waterways.

13 So we're -- you know, and -- and -- and the training
14 about the addresses. And once they got their -- their
15 whereabouts with how to navigate around the Township was the
16 biggest thing.

17 STEVE RIFFEL: Well, how -- how big of it --
18 average-wise, how long are they in training with an FTO or a
19 training officer? I'm not -- just say a training officer. How
20 long do you think average?

21 JOHN NELSON: It was Bill's suggestion, and I -- I
22 went along with it. It was pretty much maybe eight to ten
23 ride-alongs. And if they were fine with that, that was going to
24 be enough, if they showed their ability to -- to do the job.

25 STEVE RIFFEL: So how do you determine if they're

1 eligible for solo work? Is there a -- is there a meeting
2 between yourself or Jeschke or anybody and the person who's
3 training them and the officer and saying, "Okay. We believe
4 you're ready"? Does anything like that happen?

5 JOHN NELSON: Yeah. The discussions take place with
6 the officer that's been hired about -- about "Do you feel
7 comfortable?" You know, "How do you feel?" There's shadowing
8 that goes on.

9 And again, every time we would bring in anything --
10 and -- and in my time here, as far as full-time officers hired,
11 they came from the part-time rank, so they were already good to
12 go. Okay? I mean, but if somebody knew hired, you -- you would
13 have them out there. You'd drive with them. You're also seeing
14 their work product.

15 When I got hired and Bill Jeschke was my field
16 training officer, I set up a binder. So I had a binder example
17 of things that I didn't know about, which was the Racine County
18 way of doing it, Chapter 51, the Racine County way of doing an
19 animal dog bite. It's like example, example, example, not a
20 binder.

21 Others created binders. You know, to what level? I
22 don't know. But that was a binder issue that it seemed to be
23 pretty successful in the other two departments I work for to
24 have those examples of how to complete.

25 STEVE RIFFEL: Well, and that's because officers have

1 told us there's really no FTO training manual at all. They
2 never get one. Or there's -- even with a new hire, they --
3 usually, you know, they call it rook books, they call it certain
4 things in other departments. But there's not one here, correct?
5 There's no training manual that an officer will get when they're
6 hired here at all?

7 JOHN NELSON: There -- there wasn't to that level.
8 But the -- any officer that was hired when I was in any sort of
9 supervisory rank, even an officer, I had my book, and they would
10 use that as examples, they would make copies and from DA REC
11 forms on down. So they made their own books.

12 And then if there was ever any issue, it wasn't
13 brought to me. So, I mean, there was -- as they did their jobs,
14 including when I was moving up through the ranks, these were all
15 officers that were already here. So, I mean, I wasn't involved
16 in, like, a "Oh, we got a brand new officer coming in that has
17 no experience."

18 BRENDAN MATHEWS: Can we -- can we just ask the money
19 question?

20 STEVE RIFFEL: I mean --

21 BRENDAN MATHEWS: Not that I don't love hearing John
22 talk sometimes, but can you just ask them, like, were you ever
23 asked to implement a FTO program?

24 STEVE RIFFEL: Yeah, I'm getting to that.

25 BRENDAN MATHEWS: Okay. Sorry.

1 STEVE RIFFEL: It's all right. I'm trying to give him
2 every opportunity to describe, you know, how this thing works.

3 BRENDAN MATHEWS: Yeah.

4 JOHN NELSON: Yeah, it's terrible. It's --

5 STEVE RIFFEL: So officers have informed us that even
6 with Lexipol policies, there was no initial supervised
7 explanation or followup or understanding or discussion of the
8 policies; is that correct? You kind of alluded to that earlier.
9 You said they kind of were implementing on them.

10 JOHN NELSON: Well, if you're talking about Lexipol,
11 when Marschke was hired to bring on Lexipol and start
12 implementing it, my job then was to alert the staff on how to
13 properly log in to Lexipol via email, and instructed them to
14 review and sign off on the Lexipol policy and procedures. And
15 that's where people would bring us information that, "Well, the
16 Lexipol doesn't jive with our current policy, and so what's it
17 going to be?"

18 And I brought that to Matt Johnson, and so did Bill
19 Jeschke, and he's -- and he's like, "Uh-Oh." So then they
20 worked -- and then Matt Johnson worked with Marschke to figure
21 that part out. But then I had people signing off on what they
22 could sign off on.

23 And then we were gone May 6th. And then there was
24 another phase to this. So I don't know what got changed.

25 STEVE RIFFEL: So -- but going back, I mean, if

1 they -- they're not familiar when they're getting trained with
2 any of the policies or procedures, and they're not -- there's no
3 real set rules or procedure to do it, how, as a lieutenant, and
4 you as a lieutenant, administer that -- make them adhere to
5 policies and procedures or at least of knowledge of them?

6 JOHN NELSON: Well, the policy and procedure manual --
7 books we -- we have in the squad room. Okay? So the policy and
8 procedures are set forth, and they're in the squad room. All
9 the officers know where they are. I asked when I got hired,
10 "Well, don't I have to sign off on something?" So the prior
11 chief, when he put me in my position as a part-time officer,
12 because coming from another agency that we had to sign off on
13 pretty much everything and acknowledge and actually it stayed
14 fair, you -- you were given hard drives.

15 So the goal was to put something in hard drives and
16 give them to the officers, and then that fell to the wayside,
17 and there was no money to do this and no money to do that. So,
18 basically, after the third or fourth time of me being told
19 there's no money for this, that, and the next thing, I stopped
20 because it wasn't my department to run. How many more times do
21 I need to ask something before I get shot down again that we're
22 not to the level of training that we believe we need to be in.
23 However, when you look at -- I'm going to move that clock.

24 STEVE RIFFEL: No. Well, the reason being is I'm
25 trying to gauge -- because there's a lot of stuff. So I'm

1 really interested in what you have to say. I'm listening. We
2 also have that on -- she's listening. So -- but I'm also -- and
3 to be honest with you, John, I've seen officers that I've had
4 these with have to go on tangents -- and I'm not saying you're
5 going on a tangent -- but you go on --

6 JOHN NELSON: I'm explaining.

7 STEVE RIFFEL: And then we're -- we're getting to the
8 point -- and I get to the point because you've said it, like,
9 three times. Johnson never implemented anything really. That's
10 the bottom line on this, right?

11 JOHN NELSON: Because of --

12 STEVE RIFFEL: He never had --

13 JOHN NELSON: Because of costs. But you have to
14 remember one important thing. Since you took a picture of the
15 wall with that citizen, did you take a picture that's to the
16 left about two feet, where it says that Waterford is the safest
17 community in the State of Wisconsin? We earned that. It's the
18 front page above the fold, Racine General Times.

19 STEVE RIFFEL: Yeah, I've heard that.

20 JOHN NELSON: Well, you can see it. I have it framed.

21 So all these, like, attacks about how terrible some
22 things are, I got to keep it in perspective that as far as a
23 police department goes, we really were doing a damn good job.
24 And according to the State of Wisconsin, we were the safest
25 community in the State of Wisconsin. And that's on that wall.

1 STEVE RIFFEL: Yeah, I know. I -- I heard that.

2 So, all right, I think we beat on the -- the training
3 program. Let's go to special events.

4 What is your involvement in working or scheduling
5 officers working special events? I'm talking Spanky's, what we
6 talked about before and all these other things.

7 JOHN NELSON: Well, we didn't mention Spanky's before.

8 STEVE RIFFEL: Well, we had -- okay. I'm talking
9 Spanky's --

10 JOHN NELSON: Good.

11 STEVE RIFFEL: -- River Rhythms, things like that.

12 What's your involvement in that?

13 JOHN NELSON: Okay. So I would schedule some special
14 events; Bill Jeschke would schedule some special events.

15 STEVE RIFFEL: Okay. Okay. Which one do you
16 schedule?

17 JOHN NELSON: It depends. I mean, I -- we would --
18 there were some events that I would schedule; some events that
19 he would schedule. And --

20 STEVE RIFFEL: And how do you -- let's say, how do you
21 schedule Spanky's?

22 JOHN NELSON: Okay. So Spanky's, the first part of
23 this was the ownership asked for Bill and I to work there.

24 STEVE RIFFEL: And that's --

25 JOHN NELSON: Okay?

1 STEVE RIFFEL: -- Matt Allen?

2 JOHN NELSON: Yes.

3 STEVE RIFFEL: How well do you know him?

4 JOHN NELSON: I know he owns Spanky's.

5 STEVE RIFFEL: Okay.

6 JOHN NELSON: Am I friends with him? Do I hang out
7 with him? No. Do I know him? Yes.

8 STEVE RIFFEL: Okay.

9 JOHN NELSON: I used to go there a lot.

10 And so Matt Allen would -- he would -- he would ask
11 for Bill and I to work. And when this first happened, when the
12 first SpankyPalooza, as it's called, would -- took place, he
13 asked for Bill and I to work it. And Matt Johnson's like,
14 "Well, I don't know. Well, make sure they've got workers'
15 compensation proof of insurance," and then -- then go --
16 that's -- that's fine.

17 And I know Bill and I worked it. Ferger and I worked
18 it. And that's how that would be done, because it was just an
19 event that was -- and Matt Johnson had no problem that the owner
20 asked for certain officers to work --

21 STEVE RIFFEL: Okay. So --

22 JOHN NELSON: -- and he honored that.

23 STEVE RIFFEL: -- you're saying that Matt Allen asked
24 for you and Jeschke, basically, and that's how you ended up
25 working that with him?

1 JOHN NELSON: Yes, sir.

2 STEVE RIFFEL: So how did you and, well, Jeschke and
3 anybody else -- you've mentioned Ferger -- get paid for that?

4 JOHN NELSON: That was paid by cash.

5 STEVE RIFFEL: So that has actually been reported to
6 us that it's paid by cash. Through Matt Allen, correct?

7 JOHN NELSON: Yes.

8 STEVE RIFFEL: Okay.

9 JOHN NELSON: Matt Allen. Yes.

10 STEVE RIFFEL: Okay. So were you at Spanky's for a
11 meal when a worker approached you, with other people present,
12 and asked you if you were coming back for your \$500 tip again
13 that year?

14 JOHN NELSON: No. \$500? No.

15 STEVE RIFFEL: Okay. Based upon -- how much cash did
16 you get paid for doing this Spanky's thing?

17 JOHN NELSON: I don't recall exact amounts. I don't
18 recall.

19 STEVE RIFFEL: Did you put this on your taxes?

20 JOHN NELSON: No.

21 STEVE RIFFEL: Did you notify the Town that you were
22 getting these -- the cash payouts? Or cash --

23 JOHN NELSON: The Town knew about it.

24 STEVE RIFFEL: Okay.

25 JOHN NELSON: Well, I'm going to say my chief of

1 police knew about it, and it was openly discussed. The only
2 concern the Town had -- meaning the Town electeds -- was that
3 there was workers' compensation insurance.

4 STEVE RIFFEL: Did you put any of that time on your
5 time sheet ever for Spanky's?

6 JOHN NELSON: Never.

7 STEVE RIFFEL: What about any other -- River Rhythms?
8 You get paid cash for them, too?

9 JOHN NELSON: River Rhythms was cash as well.

10 STEVE RIFFEL: Okay. Did you put any time on your
11 time sheet for that?

12 JOHN NELSON: No.

13 STEVE RIFFEL: How much cash did you get for River
14 Rhythms?

15 JOHN NELSON: Terrible. 20 -- it was like 20 some
16 dollars an hour.

17 STEVE RIFFEL: And who paid that?

18 JOHN NELSON: That was right from the sponsor --

19 STEVE RIFFEL: Okay.

20 JOHN NELSON: -- from River Rhythms. Because that was
21 the deal that the village set forth is if you're going to have
22 River Rhythms, you're going to have two officers there during
23 the event. And in order -- our goal was to keep it internal,
24 meaning to keep Waterford PD relevant. We would work -- it was
25 like \$100 for the -- the four hours that you were there.

1 STEVE RIFFEL: So it's been told to us that you and
2 Lieutenant Jeschke tip or your pay was dependent on how
3 intoxicated Mark Allen was at the end of the night when he paid
4 you; is that correct?

5 JOHN NELSON: Who is Mark Allen?

6 STEVE RIFFEL: I mean -- I'm sorry -- Matt Allen. I
7 knew a Mark Allen from school.

8 JOHN NELSON: Plymouth.

9 So Matt Allen -- I don't know where that's coming
10 from. Matt Allen would pay us after the event was done. And,
11 you know, he knew upfront what the part-time wage was, and it
12 was up to him what he felt we should get.

13 STEVE RIFFEL: And you've -- you and -- you yourself
14 have passed out cash money to other officers for that?

15 JOHN NELSON: For what?

16 STEVE RIFFEL: For Spanky's? Working Spanky's or
17 River Rhythms? Saint Thomas Fest?

18 JOHN NELSON: Well, Saint Thomas Fest were checks.

19 STEVE RIFFEL: Okay. Let's just stay with River
20 Rhythms and Spanky's.

21 JOHN NELSON: Okay.

22 STEVE RIFFEL: You've given envelopes, or you've given
23 cash to officers who worked it?

24 JOHN NELSON: Yes.

25 STEVE RIFFEL: Yes.

1 Okay. How much do they get?

2 JOHN NELSON: Same.

3 STEVE RIFFEL: Same thing?

4 JOHN NELSON: Same. Absolutely.

5 STEVE RIFFEL: Now, let's talk about Saint Thomas
6 Fest. So Saint Thomas Fest is done by check now? By -- from
7 Saint Thomas?

8 JOHN NELSON: Well, I wasn't there this year.

9 STEVE RIFFEL: No. No. I know that.

10 JOHN NELSON: Because my whole world ended May 6th.

11 But the whole -- prior to that, what they would do is
12 Saint Thomas Aquinas had their church festival and the -- let's
13 say, the five of us worked, you know, three hours, four hours,
14 seven hours, ten hours, I would give them an email with the
15 amount of hours times a part-time wage, and then they would
16 write a check for that. And then I would get an envelope, and
17 I'd write the names of the officers, I'd put in their mailboxes,
18 and I would let them know via text that there was -- your check
19 was in the mailbox. And that was, again, an accepted practice
20 and a practice that had been going on for a number of years.
21 And this is nothing new.

22 I'll -- I have more to say, but go ahead.

23 STEVE RIFFEL: Well, I'm assuming you're saying it's
24 nothing new. It's what kind of --

25 JOHN NELSON: Oh, it's nothing new. And Racine County

1 still does it with Racine County Fair, Apple Holler, Wells
2 Brothers Pizza. They're actually paid in cash.

3 Waterford Police Department used to work -- before
4 this current sheriff -- used to work for -- at the Racine County
5 Fair, and then you were paid at the end of the day in cash. So
6 this cash concept is nothing new.

7 This -- on the Highway 64, you got the Bear Den Zoo
8 it's called, and then they had a Halloween-themed whatever and a
9 Spook Festival, and it was always a scary thing. And they paid
10 cash to the officers that worked it. So as long as -- you know,
11 this -- this has been going on. Two chiefs knew about this.
12 Two chiefs were well aware how this was being done. And it was
13 never a problem, never an issue until now.

14 STEVE RIFFEL: So did you participate in officer's
15 time, like, including your own, like, various events and, like,
16 sending emails and how much time people worked and how much
17 money they would get paid cash that way? Like, on the emails?

18 JOHN NELSON: The -- the officers knew that they were
19 going to get paid the part-time wage via check with no taxes.

20 STEVE RIFFEL: From Saint Thomas.

21 JOHN NELSON: Well, Saint Thomas was one. They also
22 have the annual, you know, game dinner -- Wild Game Dinner, that
23 was paid the same way. There were events that were paid that
24 way. And the officers knew what they were going to get, and
25 that's -- that's the thing. But nobody wanted to work River

1 Rhythms because that was the lowest paid assignment out there.
2 But we wanted to make sure we didn't -- we -- we -- we stayed
3 relevant. And we didn't want to lose it. So that's why we kept
4 doing -- we did it for that role.

5 STEVE RIFFEL: So when you were -- were you present
6 during the meeting in the Town of Waterford with an officer from
7 the Town of Waterford, Lieutenant Jeschke, and Village of
8 Waterford President -- is it Don Houston? -- talking about this
9 and how much cash was getting paid out and stuff like that?

10 JOHN NELSON: I recall a number of different meetings
11 that took place regarding special events and the Town -- the
12 Village -- okay? -- that's Village where River Rhythms is.

13 STEVE RIFFEL: Right.

14 JOHN NELSON: And now the Village was taking on the
15 position of -- which I was happy about -- that no longer wanted
16 to have a cash exchange and wanted to have it paid because the
17 Town was like, "Well, hey, if you're going to use a squad, and
18 you're going to be in our uniform, we want to have something on
19 the books to make sure it's more than just workers'
20 compensation."

21 And we're like -- I sat back, and I told
22 Teri Jendusa-Nicolai whatever you guys come up with as a board,
23 we'll follow, but come up with something. And that came from
24 the prior chief and the chief before that. So this has been
25 going on for the nine years I've been here without change.

1 STEVE RIFFEL: So and again, I understand that. But
2 are you aware that in the State of Wisconsin, under state
3 statute, there are specific laws regarding the operation of
4 security guard agencies? And there is no exemption for police
5 officers? I mean, you're technically running an operation and
6 there's -- there's -- operation being run --

7 JOHN NELSON: Okay.

8 STEVE RIFFEL: -- based upon the fact that you're not
9 employed by the Town, in a sense.

10 How did you think that was going to work out for --
11 for things that would happen or if you had to make an arrest or
12 if there was a lawsuit or anything?

13 JOHN NELSON: How would I think how what would --

14 STEVE RIFFEL: Well -- if you're at River -- let's
15 say, you're at Spanky's --

16 JOHN NELSON: Yeah.

17 STEVE RIFFEL: -- and you're getting paid cash from
18 the owner --

19 JOHN NELSON: Okay.

20 STEVE RIFFEL: -- and you're not putting it on your
21 taxes. And there's statutes that require security guard
22 licensing for everybody who does this. Because I -- I've seen
23 lawsuits that police departments have got sued for this --

24 JOHN NELSON: Okay.

25 STEVE RIFFEL: -- by private security department.

1 How did you think that was going to work out if you
2 got hurt or if you hurt somebody or if somebody at -- you had to
3 use force or anything at one of those places when you were
4 getting paid cash?

5 JOHN NELSON: Well --

6 STEVE RIFFEL: You're not under the auspices of a
7 security guard firm.

8 JOHN NELSON: Can I answer?

9 STEVE RIFFEL: Yeah.

10 JOHN NELSON: Okay. So I guess I would revert back to
11 not only history, but then the current county seat, meaning the
12 sheriff's office, continues to do it. So I would probably ask
13 Sheriff Schmaling the same question.

14 But you're asking me this question? Is -- all -- the
15 only thing that the chiefs were concerned is that we had
16 workers' comp insurance.

17 STEVE RIFFEL: But you never thought about all that
18 stuff? About the sec- -- I mean, if it's me, I'm going to work
19 for cash.

20 JOHN NELSON: No.

21 STEVE RIFFEL: I'd be like, "This is putting me in a
22 how of a predicament."

23 JOHN NELSON: Well, I didn't, and nor did the bosses,
24 and nor did the Town board.

25 So if you're looking at should I have thought that

1 there's a -- there's a big -- something horrible could happen
2 here, that didn't come across anybody's mind, and is still a
3 practice at the sheriff's office. So I guess that's how I would
4 look at it.

5 STEVE RIFFEL: Yeah, you've mentioned that a number of
6 times.

7 JOHN NELSON: Yeah. A couple of times. I'm hoping
8 that it sits in.

9 STEVE RIFFEL: Okay. So we're almost getting close
10 to -- to -- towards the end, but there's a couple more things
11 that I have to cover with you, John.

12 One of them is Heather Frank; she's a -- you've
13 mentioned her before.

14 JOHN NELSON: Uh-huh.

15 STEVE RIFFEL: She's a clerical employee for the Town,
16 correct?

17 JOHN NELSON: Hold on. So --

18 STEVE RIFFEL: You don't know if she is or not?

19 JOHN NELSON: No. No. What's your question again?

20 STEVE RIFFEL: I said, "Is she a clerical employee for
21 the Town?"

22 JOHN NELSON: Heather Frank is a part-time, clerical
23 employee for the Town of Waterford, and she's been here over 19
24 years.

25 STEVE RIFFEL: Police department?

1 JOHN NELSON: Police department only.

2 STEVE RIFFEL: Are you aware that she had an
3 extramarital affair with a sworn police officer several years in
4 the past that was investigated internally by the department?

5 JOHN NELSON: Yes.

6 STEVE RIFFEL: Okay.

7 JOHN NELSON: Yes.

8 STEVE RIFFEL: [REDACTED]

9 [REDACTED]

10 JOHN NELSON: That she was able to keep her job
11 because her mother, Sherry Gerke, wife of Town Board Supervisor,
12 Dale Gerke, went to then chief Tom Ditscheit and, basically,
13 begged the chief not to fire her. Okay? [REDACTED]

14 [REDACTED]

15 [REDACTED] So
16 that's that part of that.

17 STEVE RIFFEL: How did you come to find out this
18 information from the personnel file about this internal
19 investigation that was done years ago?

20 JOHN NELSON: First of all, I have no access to
21 internal files. I have none.

22 STEVE RIFFEL: So how did you come to find out about
23 it?

24 JOHN NELSON: Oh, this was a rumor that I had heard
25 numerous times when I first got hired. That -- that was a --

1 that -- it was -- the officer's name was Jimmy Hecht, and it was
2 openly talked about that her and Jimmy Hecht had this ongoing
3 relationship and it was sexual in nature, and it was here in the
4 PD.

5 And she was going to get fired by the chief, and then
6 her mother went to bat for her, and so did Dale Gerke, Town
7 Board Supervisor, to, you know, list the things that I just said
8 about her and everything else. So I -- I've never seen, nor do
9 I have access to, anybody's personnel files.

10 STEVE RIFFEL: So you don't -- you're telling me you
11 don't remember exactly where you heard this from?

12 JOHN NELSON: When I first started here nine years
13 ago, it was openly talked about. Openly talked about.

14 STEVE RIFFEL: So at least one officer, who is a
15 witn- -- well, I'd call him an officer witness, I guess -- has
16 advised us that you told him about Frank's affair, including
17 possible sexual activity in the department that you just
18 mentioned, that there was an internal and what the outcome was.

19 Have you told other officers about this?

20 JOHN NELSON: No, because I don't know that there was
21 an internal at all. I don't know what all -- all I knew is that
22 she was still working there. But what Heather Frank would come
23 to me -- and Heather Frank -- now, you -- you and -- you --
24 questioned Heather Frank who works here two days a week.

25 Heather Frank, when she came to me about --

1 STEVE RIFFEL: How do you know we questioned Heather
2 Frank?

3 JOHN NELSON: Because you're talking about Heather
4 Frank.

5 STEVE RIFFEL: Okay. I'm just asking.

6 JOHN NELSON: Well, earlier you mentioned something
7 about Heather Frank.

8 STEVE RIFFEL: Okay.

9 JOHN NELSON: Did you not?

10 STEVE RIFFEL: Yeah.

11 JOHN NELSON: Okay. So Heather Frank --

12 STEVE RIFFEL: You can continue. Yeah. I'm just
13 asking.

14 JOHN NELSON: -- is -- is -- she has some issues with
15 retention of -- of anything. So someone that's been here over
16 18 years, you know, couldn't answer questions about the
17 schedule, couldn't print out a crash report, couldn't print out
18 a TraCS citation, had issues with pretty much everything.

19

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Meaning, "Hey, you can't do your job. I'm not asking you" -- and that's what basically led to the end of the Saturday, eight to noon clerk here.

So that was -- basically, a clerk would be here, which was her every Saturday from eight to noon. And the chief at the time said, "Look, I got to save some money. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

STEVE RIFFEL: So you're -- you're telling us that you never told any other officers about her -- or talked to any other officers about her sexual affair in this --

JOHN NELSON: Because I didn't witness it. I heard rumor. People asked me if the -- if this rumor is true. I'm like, "I don't know." I said, "I don't" -- I said, "It's a rumor." I said, "I hear a lot of rumors, but I don't know for sure."

I mean, I've never met Jimmy Hecht. But everybody

1 made -- I mean, everybody talked about it. I mean, when the --
2 when I first got hired here, pretty much that whole group was
3 still working here that witnessed this whole affair debacle at
4 the PD. So I'd heard about her right away.

5 STEVE RIFFEL: Okay. Flipping over.

6 So we talked about the notice of administration leave
7 from the Town on May 6th that was hand delivered to you; is that
8 correct?

9 You have the original May 6th notice that placed you
10 on admin leave?

11 JOHN NELSON: Yes.

12 STEVE RIFFEL: Okay. Did you understand the letter
13 and the directives?

14 JOHN NELSON: Yes.

15 STEVE RIFFEL: Okay. Do you agree with us that the
16 letter specifically states that during an ongoing investigation,
17 you were directed not to discuss the investigation or any matter
18 with anyone employed by the Town except a union representative
19 or court served counsel?

20 JOHN NELSON: Discuss the investigation as far as
21 what?

22 STEVE RIFFEL: (No audible response.)

23 JOHN NELSON: Well, I'm going to ask you because, I
24 mean, there's people that are calling me up and blowing me up
25 with rumors and innuendos and everything else. And I'm like, "I

1 don't know. I have no idea."

2 STEVE RIFFEL: Do you have the May 6th --

3 DENISE SPUDE: (Indiscernible.)

4 STEVE RIFFEL: Do you have the May 6th letter?

5 DENISE SPUDE: I don't have my computer.

6 STEVE RIFFEL: Here. Here I got it.

7 DENISE SPUDE: Yep.

8 STEVE RIFFEL: Right here.

9 It says: "You are directed to not engage in any
10 conduct that interferes with or undermines the integrity and
11 effectiveness of the internal investigation. While this
12 investigation remains ongoing, you are further directed not to
13 discuss this investigation in any matter with anyone employed by
14 the police department or the Town, except with respect to
15 seeking any union representation you may be entitled to. If you
16 had any questions about the scope of permissible or
17 impermissible conduct, then you are directed to question to me,"
18 which was the Chairwoman Nikolai. If you were contacted by
19 other department members who wish to discuss department
20 business, you were directed to have them contact her.

21 Do you understand that?

22 JOHN NELSON: Yes.

23 STEVE RIFFEL: Okay. Did you discuss this
24 investigation with anyone employed by the Town of Waterford or
25 the police department during that time -- this time?

1 JOHN NELSON: Not to the points that you're bringing
2 up that were about what's active and was I looking to undermine.
3 I'm not asking questions about anything and anyone. But these
4 were people that I -- some of them -- some of them that were
5 considered friends that reached out on my wellbeing. But
6 that's --

7 STEVE RIFFEL: Did you speak to anybody not employed
8 by the Town about this? Not -- besides your lawyer and --
9 lawyers and -- I don't know. Do you have a union?

10 JOHN NELSON: We'll see.

11 STEVE RIFFEL: Okay. I'm assuming you have a
12 supervisor union that were two of you.

13 JOHN NELSON: All right.

14 STEVE RIFFEL: All right. Did you speak to anybody
15 else about this investigation not employed by the Town?

16 JOHN NELSON: Yes.

17 STEVE RIFFEL: Who?

18 JOHN NELSON: Oh, I -- when -- when you talk about
19 details, I wouldn't give details. I'm saying my phone blows up
20 quite a bit. And "blows up," meaning, I get plenty of people
21 calling me and asking me "How you doing?" "What's going on?"
22 And it's based on -- it's based on all the posts that Teri
23 Jendusa-Nicolai puts out there.

24 So when Teri Jendusa-Nicolai, on her own, posts on her
25 page updates, our names, what's going on with the investigation,

1 she's mentioning officers by name, and -- and us -- she didn't
2 mention our names -- my name for about a month and a half. And
3 the next thing you know, everything is Bill Jeschke, John
4 Nelson. And that's where that blogger took advantage of that.

5 But everything people are reading on her site, then my
6 phone bows up. "What's going on with this?" "Where are you
7 at?" "Have you been interviewed yet?"

8 STEVE RIFFEL: So you've talked to a lot of people
9 about it?

10 JOHN NELSON: Not details.

11 STEVE RIFFEL: Okay.

12 JOHN NELSON: I'm not -- I'm not telling people about
13 this crap. 18 attack points. Baseless. Never.

14 STEVE RIFFEL: How many times have you personally
15 spoken to officer Sarah Polka, either in person or via phone or
16 text since your May 6th notice?

17 JOHN NELSON: I've talked to her a few times because
18 she is a post officer. And --

19 STEVE RIFFEL: So what -- what were the context of the
20 discussions, then, if she's a post officer?

21 JOHN NELSON: Well, I never -- I never really realized
22 when an officer over my career would say that, "Well, you know,
23 this is really putting me in a tough time," you know? Because
24 I've listened to the stuff, and I'm like, "Yeah, yeah, yeah.
25 Whatever."

1 Well, I take it a hundred percent heart because I've
2 never felt -- I've never felt so attacked, so alone, so
3 hammered-on in my entire life until after this -- this whole
4 start -- crap started May 6th.

5 So do I talk to her? I talk to her, yes. And she's a
6 post officer. She's listens. I don't ask her about this or
7 that. I don't ask her any details about anything other than
8 what, emotionally, this has done to me.

9 STEVE RIFFEL: And there's no doubt, John, that --

10 JOHN NELSON: Terrible.

11 STEVE RIFFEL: -- that investigations internally, for
12 the people who are the subject of them and the people who are
13 involved in them, and even the department, it's bad for the
14 organizations, I don't deny that.

15 But you're saying that based upon your discussions
16 with Sarah Polka, did you -- you didn't discuss any of the basis
17 of the investigation of the people?

18 JOHN NELSON: Because I didn't know the basis of the
19 investigation. I didn't know this until August 23rd. So when
20 you're talking May, June, July, when you took all these months
21 to find out everybody you could that's got something to bitch
22 about with John Nelson, and you find out it took how many
23 months? And every day, per that -- per that agreement, every
24 day between hours of eight and four, I need to be available,
25 right? Yes. So it's like every day: "Is today" -- "am I going

1 to get hammered on today?" "Is today the day?" "Is today the
2 day?"

3 And this really, really weighs on people. It's --

4 STEVE RIFFEL: Oh, I know that.

5 JOHN NELSON: It's -- and -- but I -- and I -- and --
6 and our chief and I, as a lieutenant, I did a lot of these
7 internals. A lot. And I never realized being on this side of
8 it what it's done to me. I mean, it has just -- it's changed
9 me.

10 I mean, I used to be, believe it or not, a very
11 pleasant guy. I go to zero to a hundred like that. And I've
12 never believed that I would be that person. And I've become
13 that person because of this crap and this attack. And it's
14 taken this many months.

15 STEVE RIFFEL: Let me -- let me tell you this:
16 Officer Polka has talked to us, and she's estimated that she had
17 spoken to you at least a half dozen times since you were served
18 notice up to at least July 22nd. She further informed us that
19 during one or more of these discussions, you stated to her that
20 there are interviews going on at the PD, and she acknowledged
21 that. She also stated that you said it sounds like they're
22 serious.

23 Did you make statements to her in reference to the
24 investigation?

25 JOHN NELSON: No. I made statements to the fact that

1 people in the community have reached out and said, "Hey, I know
2 they're interviewing this person. And we heard this person was
3 interviewed." And I'm like, "I have no idea." I'm just
4 repeating what I've been told and heard as far as rumors,
5 because the rumor mill is brutal.

6 STEVE RIFFEL: Okay. So did you talk to her about
7 officer Feger and -- with her about him?

8 JOHN NELSON: Yeah. After Teri Jendusa-Nicolai starts
9 posting about David getting fired for this Brady thing, which he
10 should have never gotten fired for. And I thought David was a
11 very good officer. And I was very disappointed in how the
12 outcome was going.

13 And it was all public because as soon as they'd meet,
14 she'd post. As soon as he'd meet, he'd post. And then -- and
15 David -- and we -- we -- I talked to David, because David was in
16 the same mental spot I am. I mean, your whole -- your whole
17 career is --

18 STEVE RIFFEL: I don't -- I never met him. I -- I can
19 imagine what he felt.

20 JOHN NELSON: Yeah. He's a -- he's a very good guy.
21 He's a great dad.

22 STEVE RIFFEL: Did you -- did you discuss with Officer
23 Polka that you couldn't believe this was happening based upon
24 the investigation, what was going on, and things like that
25 nature with her?

1 JOHN NELSON: When I talk post information, I talked
2 about, absolutely, I couldn't believe this was going on. I
3 couldn't believe after -- at 56 years old, I'm -- I'm -- I'm
4 facing this type of crap, and I'm going to be defined as this?
5 Yeah, this -- this was a -- this was a big problem with, you
6 know, anxiety, stress.

7 STEVE RIFFEL: Oh, I get it.

8 JOHN NELSON: And -- and I -- I don't get depressed,
9 but I get very angry. I mean, like, a snap of a finger.
10 Because I just can't wait to -- I can't believe that this is
11 being done and that that was a big deal.

12 STEVE RIFFEL: Well, you're probably not going to
13 believe this then either, but Officer Polka had told us that
14 during more -- more than one of these discussions, you talked to
15 her about [REDACTED] and her making a complaint against
16 you, and you didn't think you did anything inappropriate or say
17 anything inappropriate; is that correct?

18 JOHN NELSON: That's from somebody else in the
19 community that had mentioned that they had heard [REDACTED]
20 say --

21 STEVE RIFFEL: But did you discuss with her --

22 JOHN NELSON: I did -- I just said --

23 STEVE RIFFEL: That's not what I'm ask -- John, I'm
24 asking if you talked to Sarah.

25 JOHN NELSON: Well, I'm -- I'm -- but I'm giving you

1 the full answer, not just a yes and no, because I had heard that
2 it was [REDACTED] that was come out on me, and I couldn't
3 believe it because I thought we were friends. I thought we were
4 all good. I said, "I'm" -- "I can't believe this is happening."

5 But I didn't say, "Hey, I heard this about [REDACTED]
6 And I never asked any details of this investigation because I'm
7 not going to put anybody else in a trick bag.

8 STEVE RIFFEL: Well, she also told us that you
9 discussed with her that [REDACTED] made a complaint.

10 Did you -- did you --

11 JOHN NELSON: Oh, that's for sure.

12 STEVE RIFFEL: Okay.

13 JOHN NELSON: Well, I knew she made a complaint based
14 on Bill's complaint.

15 STEVE RIFFEL: But you discussed it with Sarah?

16 JOHN NELSON: This is prior to that. I knew there was
17 a complaint prior to May 6th.

18 STEVE RIFFEL: Okay. So she also said that she --
19 when you talked to her, she talked to you about how [REDACTED] was
20 getting a payday, and that's how she described it.

21 What was the context of that discussion?

22 JOHN NELSON: I don't recall any context in a payday.
23 It was, again, hearsay from members of the community that [REDACTED]
24 was communicating with.

25 STEVE RIFFEL: Well, how many times do you think you

1 talked to Polka about this stuff?

2 JOHN NELSON: Post stuff?

3 STEVE RIFFEL: No, I'm not talking post.

4 JOHN NELSON: I know. I know. I don't know.

5 STEVE RIFFEL: It's -- I'm talking this other stuff.

6 JOHN NELSON: Not too many. Not -- not that often. I
7 don't know. I was just --

8 STEVE RIFFEL: But you did discuss with her [REDACTED]
9 [REDACTED] and stuff --

10 JOHN NELSON: No, not details about [REDACTED]

11 STEVE RIFFEL: But you talked to her about the
12 investigation?

13 JOHN NELSON: About rumors. I know you're trying to
14 put me in a corner about [REDACTED]

15 STEVE RIFFEL: Well, you either did or didn't.

16 JOHN NELSON: Well, when you -- well, because this
17 is -- did I discuss a rumor that was being talked about? I
18 never asked her if she knew about it for sure. I never asked
19 her any details about it. I never asked her if she was being
20 questioned. I never asked about any of those interviews. I
21 didn't talk -- I didn't violate any of this document.

22 STEVE RIFFEL: Well, you know, Polka says you -- you
23 were on suspension when you talked to her about this stuff. And
24 it clearly states you can't talk about this stuff in the
25 directive. That's my question for you. And she's the one who

1 told us this. I didn't make it up.

2 JOHN NELSON: Right. No.

3 STEVE RIFFEL: So Polka is the one that told us.

4 JOHN NELSON: Well, you -- I understand what may have
5 been said, but I didn't talk to Polka about those things in
6 detail at all.

7 STEVE RIFFEL: Okay.

8 JOHN NELSON: So I don't know why that would be said.
9 But again, it's -- it's, you know, apparently a pile on
10 document, so --

11 STEVE RIFFEL: Well, I know that's how you feel. And
12 I -- I'm sure this is documented many times.

13 JOHN NELSON: Well, yeah.

14 STEVE RIFFEL: We're almost finished, John.

15 Do you know a Franklin citizen named Robert
16 Swendrowski?

17 JOHN NELSON: Yeah, I know Bob.

18 STEVE RIFFEL: How do you know him?

19 JOHN NELSON: Well, Bob Swendrowski is in that same
20 group of angries that has a problem. And I was his alderman.
21 And I was good with him until his ditch issue came in front of
22 the City, where there's a drainage issue on his ditch, because
23 he has an illegal pipe that goes from his -- from his sump pump,
24 where it should go just pile into the front yard, but he
25 doesn't. He pipes it out to the ditch. Then he bricked his

1 ditch to the north and puts a solid pipe to the north.

2 And I have to put that in perspective because this is
3 what he does. So he blames the City for standing water to the
4 north of his property. And he's been in front of the Board of
5 Public Works. He's been in front of me as an alderman, and he
6 doesn't get his way three years ago.

7 It was brought up again about three or four months
8 ago. He was all good with me. And then when another
9 determination came down that he wasn't getting the ditch re-dug,
10 refixed, the new culverts put in, because it's not the City's
11 fault, it's his fault that there's water there. Well, there's
12 no water anywhere around his property.

13 Bob Swendrowski, is -- is a very angry -- a very -- he
14 likes to make personal battles off of things. And he told me,
15 he's like -- he's like, "I'm talking" -- he left me message,
16 "I'm talking to the Town of Waterford, and you're going to get
17 fired and everything else." And I'm like, "You know what?" And
18 he -- he -- he puts these long emails out. I put him in the
19 same category as Rich Busalacchi. When they're not getting what
20 they want or they think there's a conspiracy, they go in attack
21 mode.

22 And again, what does that have to do with Waterford?

23 STEVE RIFFEL: Well, I'm getting to that.

24 JOHN NELSON: Sorry.

25 STEVE RIFFEL: That's all right. I understand. I

1 want your answer, so I'm -- I'm listening to it.

2 Do you -- are you aware -- just out of curiosity --
3 what his son does for a living?

4 JOHN NELSON: He's a chief somewhere.

5 STEVE RIFFEL: Okay. Did you have one or more
6 conversations with him regarding Franklin business as mayor --
7 as mayor while you were on duty with Waterford Police
8 Department?

9 JOHN NELSON: I don't think on duty. I was probably
10 here, but I wasn't on duty.

11 STEVE RIFFEL: Okay.

12 JOHN NELSON: Or if he did call me, I said, "Hey, Bob,
13 I can't talk. I'm on duty."

14 STEVE RIFFEL: Well, he's provided us with information
15 that you spoke to him. You commented on the internal
16 investigation regarding you. And one conversation, he taped
17 it -- it's one-party consent -- you stated that Town Chairwoman,
18 Teri Jendusa-Nicolai, was wacko, was suffering from
19 posttraumatic stress disorder due to her past victim trauma, and
20 bragged about the \$110,000 you were making while on suspension.

21 Is that an accurate statement?

22 JOHN NELSON: I mentioned Teri Jendusa-Nicolai going
23 through an extremely horrible situation where she was -- and
24 that's why her ex-husband is still in jail for life, the guy
25 that tried to kill her. So I understand completely that she's

1 got this PTSD. But it's now transitioned over to destroying my
2 career and the careers of others in this police department.

3 STEVE RIFFEL: I -- but did you tell her she was
4 wacko, and that you were making 110 --

5 JOHN NELSON: No.

6 STEVE RIFFEL: You didn't say it?

7 JOHN NELSON: No.

8 STEVE RIFFEL: Even though he's got in on tape?

9 JOHN NELSON: He can have whatever he wants on tape.
10 I don't have it. And I didn't say a 110 -- because we're not
11 making -- I'm not making a 110,000.

12 STEVE RIFFEL: Okay.

13 JOHN NELSON: So I don't know where he's getting that
14 from.

15 STEVE RIFFEL: What do you -- what do you make? Can I
16 ask? What's your salary plus --

17 JOHN NELSON: Well, this salary is like 95.

18 STEVE RIFFEL: So plus benefits. So you get insurance
19 and stuff. So you -- you -- your comp- -- your compensation
20 package is probably over 110, correct?

21 JOHN NELSON: Compensation package. But I didn't tell
22 him I'm 110,000.

23 STEVE RIFFEL: So did you call her wacko and suffering
24 from posttraumatic stress disorder?

25 JOHN NELSON: I said she's suffering from PTSD, and I

1 thought she was very vindictive and very unreasonable and
2 irrational and reckless with my career and reputation.

3 STEVE RIFFEL: You think that was a good thing --

4 JOHN NELSON: So he --

5 STEVE RIFFEL: You think that was a good thing to do?
6 I mean, seriously?

7 JOHN NELSON: Did I think which was a good thing to
8 do?

9 STEVE RIFFEL: Talking to a Franklin citizen about
10 your chairperson in this situation when you're under
11 investigation?

12 JOHN NELSON: Well --

13 STEVE RIFFEL: Do you think that's a professional
14 thing to do?

15 JOHN NELSON: Is it professional? Is it professional
16 to be on a hit list since May 6th?

17 STEVE RIFFEL: We --

18 JOHN NELSON: Well, I understand what you're saying.

19 STEVE RIFFEL: We got your position on that, John.

20 JOHN NELSON: Well, then let me explain why -- and
21 here. You're asking me a question.

22 The frustration level gets to a point where -- you
23 know what? -- you've -- you've reached a certain point, and
24 you're just getting destroyed no matter what you do. And did I
25 say she's wacko? No. Do I think she suffers from PTSD?

1 Absolutely. Do I think she doesn't think straight? Yes.

2 Did I know that Bob Swendrowski, was audio taping me?

3 No. Do I care? No, because he's the same angry Bob for
4 whatever. But, you know, discussions were discussions. But now
5 that I know that, okay, great. I mean, I don't know what else
6 to say.

7 STEVE RIFFEL: Do you have any questions?

8 DENISE SPUDE: No.

9 STEVE RIFFEL: Would you like to say anything, John?
10 I mean, I kind of gathered what you're saying here, and I'm not
11 dismissing it. I'm -- you're saying that you believe this is a
12 vindictive thing and that this is all -- why do you think --
13 okay. In your -- and I'll let you speak and make a statement if
14 you want.

15 Why do you think all these people are saying this
16 stuff?

17 JOHN NELSON: Well, I don't know who you all
18 interviewed and who you all -- we'll find that out. I don't
19 know who you all interviewed, and I don't know who all you
20 didn't interview.

21 You want me to wait?

22 STEVE RIFFEL: No. Go ahead. It's working.

23 JOHN NELSON: But apparently there was some
24 cherry-picking here on who you talked to who had a problem with
25 me. And again, I'm going to go on one very important point

1 that, you know, you -- you talked about certain issues that
2 didn't violate policy, procedure, work rule, and it's a
3 popularity thing. And I'm sure if you would, you know, talk to
4 all the officers, which we're down to -- we're -- we're down a
5 lot of officers -- and seeing what their thoughts are on
6 everything or how we manage, I mean, you're going -- you're
7 going to get some people that are happy with how things are
8 going and content. And I would bet you, since you took some of
9 these first complaints, including [REDACTED] -- and, like,
10 okay, would you rather go back to May 6th, or are you happy with
11 how things are going now? Because --

12 STEVE RIFFEL: It's funny you should mention that,
13 because, like, at least three officers told us -- if not four --
14 that they were happy with the way things are going now.

15 JOHN NELSON: Well --

16 STEVE RIFFEL: Their only concern is that they don't
17 want Racine to take over the police department. They want their
18 own police department.

19 But -- and Sarah Polka was the only officer who said
20 that she has no problem with you. Every single officer we
21 talked to -- it was more than five -- more than six -- had those
22 comments that we had told you about. So I didn't cherry-pick
23 anything. The -- the complaint was made and then the
24 investigation is started. You know how this goes.

25 JOHN NELSON: And you're looking at a broad spectrum.

1 When you got a small department like this, you know -- okay.
2 I'll flip it back.

3 Did you talk to all of the full-time officers?

4 STEVE RIFFEL: Well, I don't know how many I've talked
5 to because I have --

6 JOHN NELSON: Full time.

7 STEVE RIFFEL: I can tell you the list, but I'm not
8 going to because it's part of the investigation.

9 But Steve Renzo (phonetic) started this investigation,
10 and unfortunately, when -- he found out -- I had nothing to do
11 with this investigation at the beginning -- but he found out he
12 had bladder cancer, and he had to pull out in July, and then I
13 took over. So there is a number of other things I've talked
14 about.

15 JOHN NELSON: My condolences to him because it's
16 terrible. My condolences. But the thing is, is if you
17 didn't -- and we'll find out --

18 STEVE RIFFEL: Right.

19 JOHN NELSON: -- who you didn't do. Because that's
20 going to be part of this thing and about where we go with this.
21 But there's no question that there's some very one-sided things
22 going on. And, you know, I would like to see -- I'll yield for
23 now.

24 BRENDAN MATHEWS: All right. I just -- I know you
25 said I got that -- was able to add my piece. And I'm going to

1 be short and sweet. But I -- there was a line of questioning
2 about, like, discussions with Polka and the names. "Didn't you
3 talk about [REDACTED] Things like that. And, you know, just
4 reviewing the, obviously, August 29th letter, which is the same
5 as August 23rd, and nowhere in there does it mention any names.
6 Also nowhere in any document that's ever been given to us or to
7 John mentions any names.

8 So there's -- he was never forbidden from saying the
9 name [REDACTED] and, you know, any -- quite frankly, any other
10 name. All -- you know, if he happened to match up what he
11 thought was going on here, you know, to some of Steve's
12 questions, you know, he doesn't know necessarily. But to say
13 that he violated some directive, some overbroad directive,
14 because he brought up [REDACTED] is ridiculous in my eyes.

15 So I just wanted to put that out there. There are no
16 names on any of the documents. And he certainly wasn't
17 forbidden from saying any names. So that's it.

18 STEVE RIFFEL: So noted.

19 Well, thank you for your time, John. I know you don't
20 want to be here. And I know it's -- believe it or not, I know,
21 I understand that it's not a good thing for anybody. But I
22 appreciate your time. I appreciate your attorney's time.

23 BRENDAN MATHEWS: Thank you.

24 STEVE RIFFEL: And we will be moving forward.

25 JOHN NELSON: Okay.

1 STEVE RIFFEL: Okay?

2 JOHN NELSON: What type of timeframe are you looking
3 at for getting a conclusion then? There was -- I guess there
4 was one or two points, if I could still make them since we're
5 here?

6 STEVE RIFFEL: Uh-huh.

7 JOHN NELSON: And I guess those points are why I
8 believe I cannot, with Town supervisors, get a fair shake?

9 (Indiscernible crosstalk.)

10 STEVE RIFFEL: Yeah, I don't doubt -- I'm not making
11 fun, but I don't doubt that you have some things in your head
12 that I --

13 JOHN NELSON: It's going to be great.

14 BRENDAN MATHEWS: Just -- yeah.

15 STEVE RIFFEL: I would probably defer to your lawyer
16 on that if I were you.

17 JOHN NELSON: All right. With that, I guess my point
18 was, you know, a good investigation, a thorough investigation,
19 as I've done many, would have probably considered a reinterview
20 of people.

21 STEVE RIFFEL: We did reinterview some people.

22 JOHN NELSON: Well, after my interview.

23 STEVE RIFFEL: Yeah. We'll see. We'll see how -- I'm
24 going to look and review everything. Okay?

25 End of interview. We can stop it. It is 1606.

1 (End of audio recording.)

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CERTIFICATE OF TRANSCRIBER

I, LAURA C. MONTEITH, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding; and that the transcript is a true and accurate transcription, to the best of my ability, taken while listening to the provided recording.

I FURTHER CERTIFY that I am not of counsel or attorney for either or any of the parties to said proceedings, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated this 14TH day of OCTOBER, 2024



LAURA C. MONTEITH

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