

From: Ciciora, Lucas  
Sent: Friday, November 8, 2024 7:09 AM  
To: Paine, Jim <painej@superiorwi.gov>  
Cc: Winterscheidt, Paul <winterscheidtp@superiorwi.gov>  
Subject: Intimidation and retaliation of Local 27 by John Kiel

Exhibit 564

Mayor Paine,

I have forwarded you an email exchange from 11/06/2024-11/072024 between WPPA Business Agent Robert Powell and Assistant Chief John Kiel. I am forwarding you this exchange as a whistleblower disclosing the improper activity of John Kiel. I would ask for carefully review the statement made by John Kiel in his response to BA Powell. Specifically, "The City was making an effort to avoid compiling information that will be (and has already been) requested by the media and will be released upon completion of the investigation." It is my understanding, based on recent examination of past practice, the Superior Police Department does not release information publicly regarding discipline. Why has then has John Kiel made this statement?

During the course of an ongoing internal investigation and oral discussion related to a grievance the Union became aware that information regarding the INV LeRette was leaked to the media. Logic would dictate that this action was done to damage the reputation of INV LeRette, inflict undue stress upon her family, and to provide a point of leverage to use against her in the proceedings with the City. This is unacceptable and dangerous behavior. It is clear to the Union at this time that the media leak is being used to intimidate INV LeRette and to retaliate against the Union as a whole for taking protected efforts to assert the rights of one of its members. The use of intimidation by John Kiel against an employee of the City Of Superior, or any other community member, must not be allowed to pass without correction.

I would like to illuminate for you the Union's position in the matter of the internal investigation and the grievance process. The Assistant Chief does not have the lawful authority to suspend an Investigator without pay. An attempt to bring charges against an Investigator in this matter was done without seeking the lawful authority to bring the charges from the Police and Fire Commission. The City's settlement offer, crafted in part by John Kiel, seeks the suspension of INV LeRette. The effort intentionally operates outside of WI SS 62.13(5) Disciplinary Actions Against Subordinates. There has been no reasonable explanation provided by the City as to why there would any exemption for any members of the command staff in regard to their responsibility to follow statute, City policy, or SPD policy.

It is clear by the actions of the command staff, witness statements, and statements made by the command staff to me personally that the command staff intentionally selected not to address perceived infractions in this matter, intentionally allowed perceived

infractions to accumulate, and avoided their responsibilities for confronting Investigator LeRette about perceived infractions. The Union's position is supported by departmental policy, City policy, contract language and statute. The command staff intentionally and illegitimately avoided following progressive discipline in this matter. The introduction of an outside investigator occurred after these failings by the command staff, likely to provide cover to their failure to follow proper disciplinary procedure. This action set a trap for INV LeRette in which she was not provided an opportunity to adjust her behavior, regardless of whether the investigating command staff had the authority to shape policy. The Chief reserves the right to shape policy for the Police Department and he has not delegated this authority to any member of the command staff.

During the course of the Union's oral discussions with the City I have expressed many concerns to the Human Resource Director and the City Attorney. Specifically, that past and current members of the command staff have acted in an exceptionally improper manner in reference to this investigation and other departmental matters. At this juncture, I can only reasonably believe that the City has either been inadequately informed of the methods of investigation, the City has been intentionally misled by specific members of the command staff, or the City is intentionally shielding the command staff from formal scrutiny despite their actions.

It is not reasonable to expect a Union member, President or otherwise, to provide disclosures that have already begun to result in retaliation. The City has failed to control their supervisors within the Police Department. I have explained the complete lack of trust that is building between the Union and specific members of the command staff. Further explanation from the Union should only be given during a public hearing or during an internal investigation into the actions of those command staff members.

However, for the sake of illuminating our concerns and to further justify your intercession in this matter, I will illuminate for you another specific example of retaliation. On 11/01/2024, one day after our second settlement offer discussion, John Kiel made false accusations against me to the Chief of Police. The false accusations alleged I disclosed private information about a Union member without the consent of that member and in an effort to interfere with an internal investigation. I believe an objective investigation into the matter would show the false accusations were presented as fact to the Chief, they are completely false, and can easily be documented as completely false by interviewing the members of the day shift crew working on 11/01/2024. I was made aware these false accusations because I was confronted by the Chief out of his concern for protecting the privacy of the Union member, whose personnel matter John Kiel attempted to use in his retaliation attempt. I believe a reasonable person or board would find John Kiel's false statements represent his intent to defame me personally and suppress Union activity provided for in the labor contract (Article 27 Section A "Fifty percent (50%) of the working crew shall be authorized to

attend the monthly Union meeting and any special meetings. The Association agrees that calls which are urgent and of priority nature will be handled from the station by those officers attending any meeting while on duty.”)

I hope these two easily documented examples illustrates for you the concerns of the Union and my request for the involvement of your Office in the matter. Simply put, our candid discussions with your subordinates have only emboldened the impropriety of the some members of the command staff without intercession from the City. To protect the interests of all the stakeholders in the City of Superior I believe that intercession in necessary.

Your subordinates have misunderstood the solidarity of Local 27 for obstinance in this manner. We cannot productively work for the interests of the citizens of Superior under a cloud of intimidation, harassment, and retaliation. The Union will not abandon one of its members because of who their spouse is, because they have been pregnant, because of their light duty status, because the City has given undue authority to any supervisor without proper consideration paid to the legitimacy of that authority, or because any supervisor has illegitimately usurped authority.

Much of this is likely being brought to your attention for the first time with this communication. It is likely this communication has provoked many questions for which you will have unanswered questions. I believe a meeting between the Union and the Mayor's Office is in the best interest of the City of Superior. I would expect this meeting would naturally include City Attorney Prell. I do not believe that any other directors should be present for reasons to be explained in person. If a representative of the administration of the Superior Police Department is to be present, the Chief of Police is the only legitimate authority we will discuss our concerns with.

I seek an expedient resolution to this matter. I am a firm believer that persistently low morale is exceptionally dangerous to the citizen of Superior and the Police Officers who serve them. I sincerely hope I have professionally expressed our concerns and our need for you intercession. Thank you for your time and consideration.

OFC Lucas Ciciora  
Patrol Officer Superior Police Department  
President WPPA Local 27