

OPINIONS

www.lakelandtimes.com

THE LAKELAND TIMES ... OUR VIEW

Our views represent the institutional voice of The Lakeland Times. They are researched and written independent of the newsroom.

GREGG WALKER, Publisher | RICHARD MOORE, Columnist

Where is justice? Where is the justice system?

All eyes are on our criminal justice system this week as details continue to emerge surrounding a 2020 alleged sexual assault, and a Minocqua police officer's refusal to follow up or direct follow-up to the residence where the crime was potentially being committed, despite 911 and personal pleas for him to do so.

Yes, all eyes are on the system, and, as our stories show, they should be. Not only that, but citizens should be angry about the details that have emerged, angry with police conduct, angry with prosecutorial judgement, and angry with Minocqua town officials and police department management, who failed to hold the officer accountable or to perform any proper investigation — at least until this week, after *The Lakeland Times* ran a story about the incident.

We start with officer Kaleb Punzel, who was suspended with pay pending an investigation this week after the story appeared. His failure to heed the urgency of pleas to help a woman who could be in immediate danger is appalling. His reasons for not responding are even more appalling. It wasn't even his calculated indifference to a human life — that was part of it and is bad enough — it was the fact that he knew the alleged assailant in the case and chose to preserve that personal relationship over properly responding to a 911 call for help.

The details can be found in our stories, but throughout the night in question, Punzel kept changing his story about why he could not respond to the scene of a potential crime. He couldn't go without backup, that was one line; he couldn't leave the woman's acquaintance, whom he had detained for drunken driving, or take him with him to the property; most of all, because he knew the alleged assailant, he had a conflict of interest and could not investigate — Punzel said he might be biased toward the man he knew — though after receiving a call from the man, Punzel did in fact notify dispatch that he was headed to the area to investigate.

All of these excuses collapse like a house of cards when the facts are reviewed. If Punzel felt he couldn't go to the scene because of a conflict of interest, he could have diverted police who were headed to his OWI location to that property instead, and informed those police and dispatch of the urgency.

But Punzel never did. He did not relay the threat he was being told about, only that he had a drunk driver. He said he needed assistance, not that a woman in danger needed assistance. His nonchalance undoubtedly influenced dispatch, too, because dispatch never relayed any urgency, either, even after talking with the man calling for help for his friend.

Punzel said he did not investigate because he did not want to be biased toward the alleged assailant, whom was a contractor doing work on a home bathroom, but it is clear that he took what the man told him on the phone as the truth, betraying that his bias was already formed.

We have one more story next week in this trilogy, but here's one spoiler: At the OWI trial of the man who had called 911, Punzel explained how he viewed the conflict of interest with the alleged assailant:

"I guess my bias ... would be that if I had to take enforcement action and it would be on [the alleged assailant], he

could come back and raise the price of what this bathroom costs in turn bringing into another court proceeding. ... It's directly affecting [the alleged assailant], if I arrest [the alleged assailant]. So if [the alleged assailant] gets bailed out, he comes back to work on my house the very next day and says, oh, it was \$2,000, now it's \$6,000 because you arrested me last night, I believe that's a direct reflection of what occurred, a direct indication of what occurred."

That's shocking, but Punzel put it even more shockingly at the scene talking with other officers, when he said of the situation: "Hey, as long as my bathroom gets done in my basement, I really don't care."

So it was all about his bathroom, it was all about his personal interest, it was all about the money — all that explains why Punzel did not investigate, but it does not explain why he did not urge others to respond immediately, unless, of course, it was for the same reason.

Meanwhile, it turns out there was actually a serious situation going on at the property — enough that, after investigation, Minocqua officer Jazmin Solberg referred sexual assault charges against the alleged assailant to the district attorney.

Meanwhile, back at the ranch, how did police brass handle the situation? Well, despite Punzel's egregious behavior, despite the seriousness of the situation that police did not respond to, the officer was given a verbal warning and nothing more.

In other words, he went unpunished. He was not held accountable for his actions. That is, until this week when the newspaper's publication of what occurred forced the town's hand. Now he's suspended with pay and under investigation, but it should not take a newspaper's investigation to get the town to act.

We should point out to those who have moved to the area in the past decade, this is not the first time Minocqua police have been involved in outrageous and perhaps illegal conduct. We refer to an infamous drug-planting case that led to wholesale housecleaning at the department.

Then, like now, it took this newspaper's investigations to expose wrongdoing. When that happens, as it is now, it means a cover up has been perpetrated, and that's what this situation has been for nearly two years — a cover-up from top to bottom.

Even more disturbing is that the Minocqua town board apparently tolerated such behavior as well. Indeed, the woman who says she was sexually assaulted has filed a notice of claim against not just Punzel but the police department and the town, not to mention the alleged assailant.

So the town board has been well aware of this incident for a while now, and yet it has conducted no investigation into the matter. They have stuck their proverbial heads into the sand. That's inexplicable and inexcusable. The town board acts as the de facto police commission, and it is well within its statutory powers to have investigated and rendered justice in the matter, but yet it has remained silent.

Indeed, we would argue that it is the town board's responsibility to investigate such serious matters. Not doing so is an abdication of its duty to oversee the police department, and, more than that, in

See **Our view**. . . page 16

Don't look now, but Republicans and Democrats agree on Ukraine

Republicans and Democrats have deep and unbridgeable differences on a variety of issues, from vaccination mandates to immigration policy to the Iran nuclear deal. But when it comes to Russia's aggression against Ukraine, the differences are not detectable without a microscope. The fight going on now is a theatrical performance staged to conceal their fundamental agreement.

Republicans accuse Joe Biden of unforgivable weakness and appeasement, invoking the specter of the 1938 Munich deal. Democrats contrast Biden's blunt criticism of Vladimir Putin with Donald Trump's meek deference. What is most striking about this rhetorical battle, though, is how closely the two parties are aligned on the issue.

Trump is the exception, rushing to praise Putin for a "genius" move in recognizing two Ukrainian republics as independent. But his party's officeholders overwhelmingly part ways with him on this issue, as they did during his presidency. Nor do the likes of Tucker Carlson have much influence on either side of the aisle in Congress.

Pretty much no one thinks Putin has the right to seize Ukrainian territory, or approves of his efforts to intimidate Ukraine and NATO, or opposes the use of economic and financial sanctions to punish Russia.

Both parties, however, are willing to go only so far in supporting Ukraine. Neither favors sending American troops to fight the Russians. Trump approved "lethal aid" to Ukraine in the form of anti-tank missiles and other weaponry, and Biden has continued to do so.

Republicans demanded the cancellation of the Nord Stream 2 gas pipeline from Russia to Germany — and, after meeting with German Chancellor Olaf Scholz in early February, Biden promised if Russia invaded, "we will bring an end to it." Sure enough, when Putin ordered troops into separatist regions of eastern Ukraine, Scholz called off the pipeline deal.

Yet Republicans claim that Biden brought this on by pulling out of Afghanistan. House Minority Whip Steve Scalise declared, "Weakness has consequences." Sen. Ted Cruz, R-Texas, claimed that "as a result of President Biden's weakness and appeasement, the Biden administration is in the process of abandoning Ukraine to Vladimir Putin."

Their verbal volleys bring to mind the psychological phenomenon Sigmund Freud referred to as "the narcissism of minor differences." Most of the partisan disagreements are petty quibbles over the ex-

tent and timing of sanctions. Pretending that Biden is to blame for the invasion is a crude political ploy.

Biden isn't to blame for the invasion. Even conservative commentator Walter Russell Mead of *The Wall Street Journal* grudgingly admitted last month, "There is only one option that would stop a Russian invasion

— and that is the one that all the serious players in Washington say is off the table: dispatching an American and coalition force to defend Ukraine."

Maybe that deployment would stop Putin, or maybe not. NATO would be at a severe disadvantage fighting on Russia's doorstep, where the enemy has big advantages and a far greater stake. We would have the additional handicap of having to calibrate our military strategy to avoid precipitating a nuclear exchange. But there was never any chance that any president, Republican or Democrat, would go to war over Ukraine.

Republicans boast that Russia didn't invade Ukraine when Trump was president. But Trump was the guy who withheld military aid to Ukraine in an attempt to force President Volodymyr Zelensky to come up with dirt on the Bidens. An invasion would have been a poor way for Putin to repay his compliant friend in the White House.

What has always been clear is that the U.S. has a weak hand when it comes to Ukraine and no good way to play it. Putin has always known he could use force without facing military retaliation from NATO.

He may have hoped he could get away without paying a high economic penalty. If so, he has been unpleasantly surprised.

Instead of driving a fat wedge between the U.S. and its European allies, Putin has spurred a new spirit of unity. He has virtually guaranteed that NATO will increase its spending and bolster its forces in the countries geographically closest to Russia.

He's also managed, against all odds, to foster an effective consensus between Republicans and Democrats, who are united in seeing him as a brutal outlaw and a threat to the international order. It's a miracle that could only have been made in Moscow.

Follow Steve Chapman on Twitter @SteveChapman13 or at <https://www.facebook.com/tevechapman13>. To find out more about Steve Chapman and read features by other *Creators Syndicate* writers and cartoonists, visit the *Creators Syndicate* website at www.creators.com.

COPYRIGHT 2021 CREATORS.COM



Steve Chapman
COLUMNIST

NORTHWOODS POLITICAL DIGEST

www.lakelandtimes.com

Wisconsin Family Action supports coach fired for praying

Wisconsin Family Action (WFA), along with 28 other state family policy councils across the country and the national organization Family Policy Alliance, has filed an amicus brief with the U.S. Supreme Court in support of high-school football coach Joseph Kennedy, who was fired from a public school in Washington state after he prayed briefly at the 50-yard line.

Kennedy began saying a brief prayer following games years ago, WFA says. Initially he did so alone, but some students asked him what he was doing. When they asked if they could join, he responded, "This is a free country," and "You can do what you want."

When the school learned what he was doing, WFA states, he lost his job after refusing to stop.

Following his termination, Kennedy appealed to the U.S. Court of Appeals for the Ninth Circuit where he was subsequently denied. The U.S. Court of Appeals suggested that Kennedy was a bad example to the students when he prayed, WFA asserts.

At issue before the Supreme Court is whether the First Amendment speech and religious rights protect Kennedy's brief prayer following games, and whether the Establishment Clause justifies his dismissal.

"We all suffer when our First Amendment freedoms are violated," said Julaine Appling, WFA president. "A free society should not single out a person's religious speech for unfavorable treatment."

Gallagher: Congress should end proxy voting

U.S. Rep. Mike Gallagher (R-Wisconsin) has called on House speaker Nancy Pelosi to re-open the U.S. Capitol and end proxy voting after she formally lifted the mask mandate in the U.S. House of Representatives.

"By ending the mask mandate, speaker Pelosi has all but admitted it's time for Congress to get back to normal," Gallagher said. "But Congress cannot complete this return to normalcy if proxy voting persists and the House remains closed to the American people."

Ending the mask mandate should bring with it the end of other pandemic-era restrictions that keep visitors out of the Capitol and allow members to forgo their duty to the American people, Gallagher said.

"If members can attend the State of the Union, they can vote in person," he said. "It's time for speaker Pelosi to stop the inconsistency, open the Capitol, and end proxy voting."

Gallagher has long called for Congress to end proxy voting. He's argued that proxy voting makes Congress non-essential and allows members to skip out on the legislative process.

He's also urged Pelosi to re-open the House to public tours.

Bill to close Lincoln Hills passes Assembly

A bill by state Rep. Calvin Callahan (R-Tomahawk), which authorizes more than \$41 million in general fund supported borrowing to build a new Type 1 juvenile correctional facility in Milwaukee

County — the first step in closing Lincoln Hills — has passed the Assembly.

"When I was elected, I came down to Madison with the top priority of keeping my constituents and those who work in the 35th District safe," Callahan said. "Over the course of the legislative session, I've met with those who work in the Lincoln Hills facility and heard horror stories about the working environment there. I've spoken with Department of Corrections staff and leadership about the situation there and introduced legislation to help protect our state's corrections workers."

Callahan said the closure of Lincoln Hills needs to happen and needs to happen now.

"With the funding now authorized by the legislature, we have taken a huge step towards finally beginning this process," he said. "I hope to see the governor's signature on the bill soon, and look forward to helping the 35th District move closer to closure however I can."

DOC resumes in-person visits

The state Department of Corrections (DOC) announced this past week that it is reopening its facilities for in-person visitation starting Tuesday, March 1, due to a continued decrease in Covid-19 activity.

"We appreciate the patience and understanding of those in our care and their loved ones as we have navigated the Covid-19 pandemic," said DOC secretary Kevin Carr. "Family connection during incarceration has shown to have a posi-

tive impact on success upon return to the community, and in-person visitation is one way of maintaining that connection."

As of Feb. 24, there were 77 active Covid-19 infections among people in DOC care and 22 DOC employees with active cases across the entire agency. In addition, 83 percent of people currently in DOC care have completed their initial vaccine series, and more than 69 percent of those eligible for a booster dose have received one.

In addition to in-person visits from approved visitors, attorney and professional visits will resume March 1; all volunteers/contractors will again be allowed access to DOC facilities March 1; resumption of programming facilitated by volunteers/contractors can also resume beginning March 1; and medical offsite visits will no longer be subject to case-by-case evaluation and potential limitation starting March 1.

Anyone visiting a DOC correctional institution or center will be subject to any current guidance related to masking and testing.

This marks the second time DOC has reopened for in-person visits since the beginning of the pandemic. After initially closing its facilities to all but necessary personnel in March of 2020, the agency reopened its doors for in-person visits in July of 2021.

However, access to DOC facilities was limited again in December 2021 when infections from the Omicron variant swept across the state.

Our view

From page 15

this specific case, because the town board has explicit knowledge of the charges filed against the town, and because public safety is at stake, the board's lack of action could well constitute misconduct in public office.

We observe that some town supervisors — Brian Fricke and John Thompson — love giving our reporters who cover their meetings lip service. Our reporters are professionals, but we believe supervisors' time would be better spent overseeing the behavior of town employees: They should worry about what town workers do on the job, not about what our reporters do on their jobs.

We observe, too, that this town board loves to tell people what they can and cannot do, using ordinances and moratoria and zoning permit conditions. They are johnny on the spot when citizens engage in some perceived violation, and threaten them with court actions and other sanctions. But when it comes to public employee misconduct right under their noses, they look the other way.

For example, as we have reported, Fricke last year complained to the state Department of Natural Resources (DNR) about the potential noncompliance of a property owner's pier, writing in his official capacity as a town board supervi-

sor on behalf of people he had referred to in a meeting as his friends.

So, we wonder why Fricke hasn't used his official position to complain about Punzel's actions. We wonder why Fricke hasn't complained about the failure of the police department to hold him accountable before now, like he would be demanding that an average citizen be held accountable. Are Punzel and his supervisors some of those backslapping good-old-boy friends of his, or is this just straight-up hypocrisy?

The town board should have long ago launched an investigation into the matter, and it should not have taken a newspaper article for an investigation to happen.

Finally, we disagree with the district attorney's decision not to prosecute this sexual assault case. As journalists, it is often frustrating to have questions about prosecutorial decisions and fail to grasp or agree with the reasoning behind them. That, however, does not necessarily invalidate those prosecutorial decisions. We'll be the first to admit that we do not stand in Schiek's shoes, that we do not have intimate knowledge of the process that is used to make those decisions, and we lack the knowledge of the criteria, not to mention the experience, to know what cases are winnable and what cases are not. So we get it.

That said, we must ask those questions, and point

out those things we do not understand and that make no sense to us in this case, for this is far more than a he-said, she-said situation, and the facts as we have reported them do not seem to align with what the district attorney stated in a memo to sheriff Grady Hartman justifying his decision not to file charges.

For one thing, the district attorney, in the memo, makes several blatantly false statements. For instance, he writes that "[by] all accounts, this was consensual."

It most certainly was not by all accounts consensual. Certainly not by officer Solberg's account after her investigation. She concluded that the woman was too drunk to give consent, which led to her recommendation that Schiek charge the man with sexual assault of an intoxicated person.

Schiek ignored that and homed in on the victim's statements made in a squad car as she was taken from the house — still drunk, mind you — where she said such things as she was not raped, or to "just call it consensual or whatever," when asked if she had consensual intercourse.

But given the context of those statements, no serious prosecutor can take such remarks as a valid confession of consensual sex. The statements were made in a police car, by a woman who was still drunk, not two hours after the assault allegedly took place. The deputy she was talking to repeatedly

called her "very confused," "disoriented," "dazed," and "incoherent," and said the woman also said that "she did not know what happened."

Add to that Solberg's correct observation that the first 24 or 48 hours after an assault is a traumatic experience that can leave victims confused and in a state of shock that requires time to sort out what did or did not happen.

Those statements simply can't justify a conclusion that "by all accounts, it was consensual." Of three accounts, one was made by a woman who was drunk, dazed, confused, and incoherent; one was made by a police officer saying the woman could not have given consent, given the evidence; and one was by the alleged assailant, who actually said it was consensual but who had changed his story with police, not only about which bedroom he put the unconscious woman in (a spare bedroom at first, he said, before admitting it was his bedroom), whether he was clothed or not (first he said he was, then he admitted he climbed into bed with the woman with no pants on), and whether anything happened (no, nothing at all, at first, then an admission of kissing).

By all accounts? Really?

Schiek also ignores the woman's acquaintance's eyewitness account that the alleged assailant carried the woman unconscious upstairs and kicked him out of the house. And he dismisses the alleged assailant's prob-

able DNA on the waistband and front panel of her underwear as "no evidence," even though, as Solberg wrote in her charging referral, the alleged assailant's "DNA is the only male DNA to have moderate support for being" on the underwear.

To be clear, we seek not to act as judge and jury. We make no claim that the person accused of sexual assault is guilty. What we believe is that an actual jury, impaneled as part of the judicial process, make that judgment.

The evidence that a person is guilty might or might not be compelling, but the evidence that this should go to a jury is all-compelling. That's because it is not true that everyone said it was consensual, and one police officer believes consent could not be given. And it's not true that there is no evidence, given the DNA findings.

A jury should decide whether that evidence, along with eyewitness accounts and subject statements, is enough.

So far, justice has not been served. It has been obstructed from top to bottom. The officer did not serve justice. The police department did not serve justice. The town board has not served justice. The district attorney has not served justice.

This is in fact, so far, a malignant miscarriage of justice, for, without justice, a justice system is just a system.