This story was produced by Wisconsin Watch, a nonprofit, nonpartisan investigative reporting organization that focuses on government integrity and quality of life issues in Wisconsin.

**Nearly 200 Wisconsin officers back on the job after being fired or forced out**

*By Peter Cameron, The Badger Project / Wisconsin Watch*

All of them were fired or forced out. And all of them are back working in law enforcement in Wisconsin.

Nearly 200 law enforcement officers currently employed in the state were fired from previous jobs in law enforcement, resigned in lieu of termination or quit before completion of an internal investigation, according to data from the Wisconsin Department of Justice obtained through an open records request.

And more than 1,000 Wisconsin officers have been fired or resigned before termination since 2017, [when the state DOJ started tracking that statistic](https://www.wpr.org/wisconsin-tracking-police-officers-who-leave-jobs-over-misconduct-claims).

Some of the most serious offenses include Jefferson County Deputy Sheriff Janelle Gericke, [who in January was sentenced to two years in prison after pleading guilty to burglary](https://www.dailyunion.com/news/jefferson/former-deputy-sent-to-prison-for-burglary/article_e462f6e1-ba39-57fb-b092-70dea0ea248a.html). Milwaukee County Sheriff’s Deputy Joel Streicher ran a red light in his police SUV and hit a vehicle, killing a man and injuring a woman. [He was sentenced in April to six months in jail.](https://www.jsonline.com/story/news/crime/2021/04/05/former-milwaukee-deputy-gets-jail-probation-fatal-duty-crash/7090044002/)

But the state revoked the law enforcement certification of both officers, meaning they can no longer work as police. As of July, Gericke and Streicher were the only Wisconsin officers decertified since January 2020, said Steven Wagner, director of the DOJ’s Training and Standards Bureau.

As long as officers keep up to date with their recertification training, [only severe misconduct, such as criminal activity](https://docs.legis.wisconsin.gov/statutes/statutes/165/85/3/cm), usually results in a decertification, according to the state Law Enforcement Standards Board, which regulates [police officers, sheriff’s deputies and prison guards](https://docs.legis.wisconsin.gov/statutes/statutes/165/85). Officers named in this article who were fired or forced out were asked for comment but did not offer any; their chiefs answered questions on their behalf.

Some fired officers were simply novices who didn’t perform at an acceptable level during their initial probationary period, when the bar to fire them is very low, experts say. Or they couldn’t handle the high pressure of working in a busy urban area. But for others, misconduct including lying, public intoxication and sexual harassment triggered their termination.

Rehiring fired law enforcement officers can be a problem for good policing, said Meghan Stroshine, a social and cultural sciences associate professor at Marquette University who has studied policing, because “a lot of the folks who have been fired and rehired end up getting in trouble again.”

“That of course is not good for community relations and can really do a lot of damage to the relationship between the police and the public,” she added.

**Repeated run-ins with the law**

Jacob Ungerer was no stranger to the Waukesha Police Department when the neighboring New Berlin Police Department hired him in 2018. In 2016, Waukesha officers responded to a drunken fight that prompted a local bar to permanently ban Ungerer and a friend, according to a police report.

In 2018, Waukesha Police got called to a fight at another tavern. Ungerer, by then beginning his stint with New Berlin Police and out for a night of drinking, appeared to be “heavily intoxicated,” according to a police report. Video from the bar showed Ungerer swinging at a man, pursuing a man and getting punched in the head, knocking him to the ground.

Middleton Police Officer Jacob Ungerer, left, is seen in a Facebook post made by the Middleton Police Department as he receives a letter from Chief Troy Hellenbrand, celebrating the end of Ungerer’s probation on June 3. That agency said it conducted a thorough background check before hiring Ungerer, and said it was aware of “the circumstances surrounding the ending of his (previous) employment.” ([Middleton Police Department Facebook page](https://www.facebook.com/middletonpd/photos/4391972597480614))

Six weeks later, Ungerer was riding in the passenger seat with another off-duty New Berlin police officer when Waukesha Police pulled them over under suspicion of drunk driving.

A “visibly intoxicated” Ungerer held his police ID in his lap so it was visible to the on-duty officers, according to a police report. Still in his probationary period, he was fired a few days later for excessive use of alcohol and “unbecoming conduct,” according to documents from the New Berlin Police Department. About 18 months later, the Middleton Police Department hired him.

That agency conducted a thorough background check before hiring Ungerer, and it was aware of “the circumstances surrounding the ending of his employment,” Middleton Police Chief Troy Hellenbrand said in an email.

Hellenbrand said Ungerer “made some changes in his personal life all in hopes of preventing making further mistakes like he had in 2018.” He added that the officer recently completed his 18-month probationary period without incident.

**Study: Fired officers often fired again**

A huge study in The Yale Law Journal titled [The Wandering Officer](https://www.yalelawjournal.org/article/the-wandering-officer#:~:text=abstract.,of%20the%20wandering%2Dofficer%20phenomenon.) found that Florida cops who had been fired from a previous law enforcement job were more likely to be fired from their next job or to receive a complaint for a “moral character violation,” compared to rookies and officers who have never been fired.

The study analyzed nearly 100,000 full-time law-enforcement officers from almost 500 agencies in Florida over a 30-year period.

“Although we cannot determine the precise reasons for the firings, these results suggest that wandering officers may pose serious risks, particularly given how difficult it is to fire a police officer,” the study concluded.

[Union contracts can give police officers strong job security, sometimes even when misconduct is committed.](https://www.reuters.com/investigates/special-report/usa-police-unions/) The controversial Act 10 legislation passed by Republicans in 2011 crippled organized public-sector labor in Wisconsin, but largely left police and fire unions, groups that lean to the political right, untouched.

So, departments must choose carefully.

David Bauer, chief of the Dodgeville Police Department, said job candidates he determined had lied is a “bright line rule for me” — one he will not cross. Because police officers are often required to testify in criminal trials, those officers’ reputations are incredibly important, Bauer said.

“I can’t put someone on the stand that had issues with honesty,” he said.

Patrick Solar, a criminal justice associate professor at the University of Wisconsin-Platteville and a former police chief, takes an even harder stance: a termination for a cop should be a death sentence on his or her law enforcement career.

“Police officers hold positions of public trust, they are oath takers,” he said. “Once they have been proven to have violated that oath, I believe the possibility of re-employment in the craft should be forfeited,” Solar said in an email. “Others will disagree, stating that fired cops should be given a second chance just like criminals released after serving their time. I reject that argument. Cops are special and should be held to a higher standard.”

Solar makes a distinction, however, between officers fired because of misconduct and probationary officers who commit minor infractions during their probation, when the bar to fire them is much lower. “Any agency considering hiring an officer who did not make probation at another agency needs to be VERY thorough in investigating the reasons why,” he wrote.

**Transparency bill mulled**

A tactic of some wandering officers is to agree to leave a police department without a fight if the agency seals their file, said Solar, who acknowledged he used to do that as small-town police chief in Illinois to avoid confrontation with powerful police unions.

A bill that would require law enforcement agencies to maintain a personnel file for each employee and [disclose that file to any agency that may want to hire them](https://docs.legis.wisconsin.gov/2021/proposals/reg/asm/bill/ab190) has bipartisan support, but has been tabled as the state Legislature takes its summer break. If enacted, the measure would bar future nondisclosure agreements that shield police personnel files from prospective employers.

“The purpose of this bill is to provide law enforcement agencies across the state with better resources to recruit, hire and retain the best and the brightest,” said bill author state Sen. Patrick Testin, R-Stevens Point, testifying in [an Assembly hearing on the bill](https://docs.legis.wisconsin.gov/misc/lc/hearing_testimony_and_materials/2021/sb165/sb0165_2021_03_11.pdf) in March.

The head of the [Wisconsin Professional Police Association](https://wppa.com/), hopes the bill passes when lawmakers return in September.

“No one wants a bad cop out of the profession more than a good one,” WPPA Executive Director James Palmer said, adding that the “current system has served to substantially diminish the potential for wandering bad officers.”

**Fired officer becomes ‘asset’**

The sergeant at the Iowa County Sheriff’s Office noticed Deputy Riley Schmidt hadn’t moved his squad car for more than two hours, so he went to investigate, according to his report, obtained through an open records request.

The sergeant pulled up next to the vehicle, where he said he found Schmidt sound asleep, his cell phone resting on the wheel and playing a video. The sergeant knocked on the window a few times and said the officer’s name before he finally woke up, according to his report.

After a series of infractions during his probationary period, the county eventually terminated Schmidt for cause. He now works as a law enforcement officer for Darlington Police Department and the Lafayette County Sheriff’s Office.

Darlington Police Chief Jason King said in an email that his department conducted a rigorous background check and psychological assessment and Schmidt “has performed exemplary and has never had a complaint filed against him,” in his two years working there. King said Schmidt, who also works as an emergency medical technician, denies sleeping on the job.

“He is passionate about public service and has proven to be an asset to our department and community,” the chief said.

**Supply of officers tight**

For police chiefs trying to fill out their staff, times are tough.

The total number of law enforcement officers in Wisconsin as well as the total number of state police academy graduates hit at least [a 10-year low in 2020.](https://thebadgerproject.org/2021/05/25/police-officers-academy-graduates-in-wisconsin-at-10-year-low/)

That could put pressure on chiefs to hire less desirable candidates in order to fill positions, or at least incentivize them to conduct less thorough background checks, Stroshine said.

Time, and therefore cost, can be a big factor in who gets hired, Solar said. Law enforcement officers in Wisconsin must complete a 720-hour law enforcement academy program. The state DOJ covers the $5,000 tuition fee for individuals who complete the program, DOJ spokesperson Gillian Drummond said. But the employer or the individual are on the hook if they fail or drop out, agency spokesperson Rebecca Ballweg said in a follow-up email.

Fired officers already have that certification, so police departments can put them to work immediately, rather than having to pay a cadet for months while waiting for them to complete the training. This can be an incentive, particularly for smaller departments — to hire fired officers, Solar said.

The Lauderdale Lakes Law Enforcement Patrol near Elkhorn has five wandering officers on staff, the highest number of any police department in the state.

Lauderdale Lakes Chief Christopher St. Clair said via email his department runs a “detailed background check” before hiring officers and was aware of the job histories of all five officers. Those officers have performed “more than satisfactorily” and have not committed any misconduct, he added.

The Town of Madison Police Department, [which will cease to exist next year when the city of Madison and Fitchburg annex the town](https://madison.com/wsj/news/local/govt-and-politics/novel-financing-approach-may-help-city-absorb-town-of-madison/article_d86b1e76-0586-525b-ab6a-38b88e8ab93b.html), has three wandering officers on staff, as do the police departments at UW-Oshkosh and the Wisconsin State Fair Park Police Department.

Town of Madison Police Chief Scott Gregory said via email that psychological assessments and extensive background checks were completed on all the officers, and that the officers disclosed their terminations during the hiring process.

“All three officers have been doing an excellent job,” Gregory wrote, noting none had received complaints. “Needless to say, mistakes were made by the officers at their previous employment and additional training occurred here to ensure those mistakes would not occur again.”

UW-Oshkosh Police Chief Kurt Leibold said two of the three officers had previously and successfully worked for his department, and all three were terminated during their probationary period, “when an agency can let an officer go for any number of reasons, including that the officer simply was not a good fit for that department.” Leibold added that they were not fired for misconduct.

Wisconsin State Fair Park Police Chief James Bruno did not respond to questions about the wandering officers on his staff.

**Alleged harasser rehired**

Two female Dane County Sheriff’s Office employees described inappropriate messages and photos sent by Deputy Ben Dolnick.

One female deputy described the interactions to an investigator as “weird” and “not appropriate.”  Another reported receiving messages from Dolnick when he was “drunk.” Dolnick told investigators that one of the deputies had requested the photos — a statement she denied making.

An internal investigation found he had violated work rules and the office’s code of conduct. Part of the evidence against Dolnick was a certificate of achievement for completing a workplace anti-harassment training. He resigned prior to the investigation’s completion in December of 2018, served in the Town of Madison Police Department and is now working for the Elm Grove Police Department.

The chief there, James Gage, said his department “conducted a thorough investigation which substantiated that there was no wrongdoing committed by Officer Dolnick. He has been an excellent officer and an asset to our department.”

**Wisconsin’s wandering officer registry**

Just the fact that the DOJ keeps a publicly available database of wandering officers puts Wisconsin ahead of some states, [some of which don’t disclose police misconduct at all](https://project.wnyc.org/disciplinary-records/). Police disciplinary records in Wisconsin are public unless they are related to an active investigation, [under state law](https://docs.legis.wisconsin.gov/statutes/statutes/19/II/36/10).

Law enforcement agencies in Wisconsin must report the firings or resignations under pressure of officers to the DOJ, [according to state rules](https://docs.legis.wisconsin.gov/code/admin_code/les/6), but agencies are not required to check the registry before hiring an officer, said the DOJ’s Wagner. They are required to report the hiring of an officer, he said.

The list of fired law enforcement officers in Wisconsin is accessible to the public, Wagner said, but only through an open records request.

The DOJ will alert a law enforcement agency that hires an officer flagged for being fired or resigning before a termination, according to the Wisconsin Law Enforcement Standards Board Policy and Procedures Manual.

**National registry pushed**

At the national level, activists have pushed for a national “bad cop” registry. House Democrats [passed the sprawling George Floyd Justice in Policing Act of 2021 that would enact one](https://www.congress.gov/bill/117th-congress/house-bill/1280). It has stalled in the U.S. Senate. Such a registry would allow Wisconsin law enforcement agencies to check if a job candidate was flagged for misconduct in another state.

[A National Decertification Database of police officers already exists](https://www.nbcnews.com/tech/tech-news/politicians-have-expressed-interest-national-police-database-one-already-exists-n1242696), used by Wisconsin and 43 other states, yet it does not include officers who committed misconduct but kept their certification, said Michael Becar, executive director of the International Association of Directors

of Law Enforcement Standards and Training, which manages the database. Becar said officer misconduct short of decertification may be added to the database in the future.

Stroshine said the National Decertification Database is a good start, but reporting is voluntary,  and it only collects a small amount of data. Also, many agencies are unaware of its existence, she said.

Some states are pushing for stricter enforcement on law enforcement. A state senator in New York introduced [a bill that would prevent police who have been fired from working in law enforcement](https://www.cbsnews.com/news/police-reform-new-york-fired-officers-rehire/). [Connecticut is considering strengthening its police accountability law,](https://www.ctpost.com/news/article/Lawmakers-call-for-reform-after-Hearst-CT-16282402.php) and last year [Pennsylvania created a confidential database documenting police misconduct](https://www.inquirer.com/news/pennsylvania-police-misconduct-statewide-database-fop-20200714.html) and also mandated law enforcement agencies consult with the database before hiring a new officer.

In the meantime, experts have advice for police departments who need to fill positions.

“Be extremely careful about who you hire and what their backgrounds are,” Stroshine said. “Officers with conduct problems are likely to repeat those problems … We know from a lot of research that there tend to be a small group of officers who cause departments the bulk of their problems.”

Solar has an even simpler piece of advice for law enforcement agencies.

“You can avoid personnel problems in your department if you don’t hire them,” he said.

*Peter Cameron is managing editor of*[*The Badger Project,*](https://thebadgerproject.org/)*a nonpartisan journalism nonprofit based in Madison. The nonprofit Wisconsin Watch (*[*wisconsinwatch.org*](https://wisconsinwatch.org/)*) collaborates with Wisconsin Public Radio, PBS Wisconsin, other news media and the University of Wisconsin-Madison School of Journalism and Mass Communication. All works created, published, posted or disseminated by Wisconsin Watch do not necessarily reflect the views or opinions of UW-Madison or any of its affiliates.*