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STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
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MILWAUKEE COUNTY

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|--------------------|---|--------------|
| MARILYN FIGUEROA,  | ) |              |
|                    | ) |              |
| Complainant,       | ) |              |
|                    | ) | ERD Case No. |
| -vs-               | ) | CR200003454  |
|                    | ) |              |
| CITY OF MILWAUKEE, | ) |              |
|                    | ) |              |
|                    | ) |              |
| Respondent.        | ) |              |

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Videotape Deposition of:

CHIEF ARTHUR L. JONES

Milwaukee, Wisconsin  
February 25, 2002

Reporter: Taunia Northouse, RDR, CRR

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STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION  
MILWAUKEE COUNTY

MARILYN FIGUEROA,

Complainant,

-vs-

CITY OF MILWAUKEE,

Respondent.

)  
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) ERD Case No.  
) CR200003454  
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Videotape Deposition of:

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VIDEOTAPE DEPOSITION of CHIEF ARTHUR L. JONES,

called as a witness, taken at the instance of the  
Complainant, under the provisions of Chapter 885 of  
the Wisconsin Statutes, pursuant to notice and  
subpoena duces tecum, before Taunia Northouse, a  
Registered Diplomate Reporter and Notary Public in  
and for the State of Wisconsin, at the offices of  
Murphy, Gillick, Wicht & Prachthauser, Attorneys at  
Law, 330 East Kilbourn Avenue, City of Milwaukee,  
County of Milwaukee, and State of Wisconsin, on the  
25th day of February 2002, commencing at 9:24 in the  
forenoon.

A P P E A R A N C E S

VICTOR M. ARELLANO, Attorney,  
for LAWTON & CATES, S.C., Attorneys at Law,  
10 East Doty Street, Madison, Wisconsin,  
appearing on behalf of the Complainant.

BRUCE D. SCHRIMPF and LEONARD A. TOKUS, Assistant  
City Attorneys, for CITY OF MILWAUKEE, OFFICE OF  
THE CITY ATTORNEY, 200 East Wells Street,  
Milwaukee, Wisconsin, appearing on behalf  
of the Respondent.

Also present: Marilyn Figueroa and Cheri Garcia  
Emily Aurit (videographer)

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I N D E X

WITNESS

Page(s)

CHIEF ARTHUR L. JONES

Examination by Mr. Arellano

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E X H I B I T S

No. Description

Identified

1 Personnel orders

12

2 Amended Notice of Taking Deposition  
Duces Tecum and Subpoena duces Tecum

9

(Attached to the original transcript and  
copies provided to counsel)

REQUESTS

PAGE

1 Police records regarding Marilyn Figueroa

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2 Chief Jones' affidavit

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(Original transcript filed with  
Attorney Arellano)

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CHIEF ARTHUR L. JONES,

called as a witness, being first duly sworn,  
testified on oath as follows:

(Exhibit No. 1 marked for  
identification)

By Mr. Arellano:

Q Good morning, Chief. My name is Victor Arellano as  
you probably heard.

A Yes.

Q I represent Ms. Figueroa in these proceedings. I  
will be asking you questions. We have called you as  
a potential witness, not as a party to this lawsuit.  
We obviously will be requesting that you answer  
every question unless your attorney directs you not  
to. There will be times when objections would be  
raised by either side. We would request that you  
take a second or two. And once the objection is  
registered for the record, I still would want you to  
answer the question to the best of your ability. Is  
that okay?

A Yes.

Q All right. Would you state your full name and  
current address for the record, Chief. Why don't  
you give me your business address.

A Okay. My name is Arthur L. Jones. My address is

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1 749 West State Street, city and county of Milwaukee.  
 2 Q And that is your business address?  
 3 A That is correct.  
 4 Q Is that correct?  
 5 A Yes.  
 6 Q And, Chief, have you ever given testimony under oath  
 7 before?  
 8 A Yes.  
 9 Q Approximately how many times?  
 10 A A thousand.  
 11 Q Okay. And I suspect you have given testimony before  
 12 pursuant to your job as an officer for the City of  
 13 Milwaukee?  
 14 A That's correct.  
 15 Q Is that correct? And as I understand today, you are  
 16 the chief of police for the entire city of  
 17 Milwaukee?  
 18 A That is correct.  
 19 Q Is that correct?  
 20 A Yes.  
 21 Q And since you've been the chief of police for the  
 22 city of Milwaukee have you ever given testimony  
 23 under oath?  
 24 A Yes.  
 25 Q Approximately how many times?

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1 A Since I was -- since I've been chief?  
 2 Q Right.  
 3 A 50, 50 times easily.  
 4 Q All right. When did you actually become the chief  
 5 of police for the city of Milwaukee?  
 6 A November 15th, 1996.  
 7 Q And for how long have you been employed for the city  
 8 of Milwaukee?  
 9 A Since October 16th, 1967. I believe I'm in my 34th  
 10 year.  
 11 Q Congratulations, all right. How old are you, Chief?  
 12 A I'm 55 years old.  
 13 Q During the last 50 times that you have provided  
 14 testimony as chief of police, were any of those  
 15 incidents related to you personally, meaning were  
 16 you a party to any of those 50 times?  
 17 A Yes.  
 18 Q Were you a party to the lawsuits pursuant to your  
 19 current position as a chief of the police  
 20 department?  
 21 A Yes, yes.  
 22 Q Were you ever named in a lawsuit not related to your  
 23 employment?  
 24 A No.  
 25 Q And when was the very last time that you provided

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1 sworn testimony?  
 2 A Probably three weeks ago, three weeks to a month.  
 3 Q And what was the nature of those proceedings?  
 4 A It was the deposition -- I was in a deposition  
 5 regarding numerous complainants filing lawsuit  
 6 against the City of Milwaukee regarding scalping  
 7 arrests at the Bradley Center.  
 8 Q Is that related to some type of civil rights lawsuit  
 9 filed against the City of Milwaukee?  
 10 A I don't know -- I would say yes. Not being a  
 11 lawyer, I would say yes.  
 12 Q Somebody's claiming that his or hers constitutional  
 13 rights were violated by the City of Milwaukee?  
 14 A Their -- yes. I would say yes.  
 15 Q And have you been named as the main party to the  
 16 lawsuit?  
 17 A I'm always named as the main party when the police  
 18 department is being sued. Well, almost always. I  
 19 don't want to say always. That covers everything.  
 20 Q To your knowledge, these legal proceedings that you  
 21 just described related to the scalping, was  
 22 Mayor Norquist also named --  
 23 A No.  
 24 Q -- as a party?  
 25 A No.

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1 Q And who are the plaintiffs in that particular case?  
 2 A This is based on my recollection.  
 3 Q Okay.  
 4 A It would be the City of Milwaukee, the Milwaukee  
 5 Police Department.  
 6 Q But the City of Milwaukee is the defendant --  
 7 A Yes.  
 8 Q -- in this lawsuit. Who are the plaintiffs who are  
 9 suing the City of Milwaukee?  
 10 A There were three attorneys representing multiple  
 11 plaintiffs, and I don't know their names.  
 12 Q Was that lawsuit filed in the state or federal  
 13 court?  
 14 A I believe state court. There are other defendants.  
 15 The Bradley Center was a defendant. Yeah, I believe  
 16 the two defendants were the City of Milwaukee and  
 17 the Bradley Center.  
 18 Q As I continue questioning you, Chief, I want to make  
 19 sure that you understand my question. And if for  
 20 some reason you don't, please let me know.  
 21 A I will do that.  
 22 Q I'll be happy to rephrase it, modify it, change it  
 23 in a way that you can understand it, so that when we  
 24 try this case, you don't have some type of argument  
 25 that you didn't quite understand my question in

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1 fairness to you. Is that okay?  
 2 A I understand that, yes.  
 3 Q Wonderful, all right. If for some reason you need a  
 4 break or you need to take a short walk, not for  
 5 purposes of discussing how you should answer  
 6 questions but just because you need a break, please  
 7 let me know; is that okay?  
 8 A All right.  
 9 Q Before coming to this deposition, Chief, did you  
 10 review any records, documents of any kind?  
 11 A No, I don't believe so.  
 12 (Exhibit No. 2 marked for  
 13 identification)  
 14 Q Let me show you, Chief, what has been marked as  
 15 Exhibit No. 2 of your deposition. And just by  
 16 looking at the first page, front page, are you able  
 17 to tell me whether or not you have been served or  
 18 provided a copy of this document before coming here  
 19 today?  
 20 A Yes, I was.  
 21 Q Did you review the entire document?  
 22 A Yes.  
 23 Q Did you understand what the document was --  
 24 A Yes.  
 25 Q -- that you produce?

9

1 A Yes.  
 2 Q And did you produce or search for records that have  
 3 been required pursuant to that subpoena?  
 4 A Yes.  
 5 Q And did you bring a set of records with you?  
 6 A I believe my attorney brought the records.  
 7 MR. ARELLANO: Counsel, I suspect,  
 8 the only records that I have received from  
 9 your office were sent to me by your paralegal,  
 10 Ms. Barbara Teipner, on February 20th, 2002,  
 11 and she specifically states that a total of  
 12 50 records have been provided pursuant to the  
 13 deposition of Chief Jones. If I have read  
 14 that properly and accurately --  
 15 MR. SCHRIMPF: No. She says  
 16 included with this letter are document Bates  
 17 numbered 01 through 050. I think that's all  
 18 the pages, it's not necessarily all the  
 19 records, but it's all the pages of the  
 20 records.  
 21 Q Chief, pursuant to that subpoena did you find  
 22 records that you believe are connected to the  
 23 request made in that subpoena that were not  
 24 produced?  
 25 A Do I believe that there are records that were not

10

1 produced?  
 2 Q Right, correct.  
 3 A No, I do not believe that there's records that were  
 4 not produced.  
 5 Q Do you recall whether or not any of your attorneys  
 6 felt that certain records did not respond to the  
 7 subpoena that is before you which has been marked as  
 8 Exhibit No. 2?  
 9 A No.  
 10 Q All right. So to your knowledge, as you sit here  
 11 testifying under oath, no records were withheld  
 12 pursuant to any excuse, reason, technicality of any  
 13 kind?  
 14 A No records were intentionally withheld.  
 15 Q Okay. Were any withheld regardless of the  
 16 intention?  
 17 A Not to my knowledge, not to my knowledge. I'm --  
 18 Q I have received records that pertain to the City of  
 19 Milwaukee, specifically to the police department,  
 20 most of which relate to assignments, promotions,  
 21 transfers and the like. Why don't you take a quick  
 22 look at them and tell me if my representation in  
 23 such general fashion is accurate.  
 24 A Yes, these would be personnel orders.  
 25 Q All right.

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1 A With a cover letter from Barbara Wargolet, our  
 2 paralegal with the City of Milwaukee City Attorney's  
 3 Office.  
 4 Q Fine. And you believe that Exhibit No. 1 contains  
 5 all of the records that you believe are pertinent to  
 6 the subpoena that you received from our office which  
 7 has now been marked as Exhibit No. 2?  
 8 A Yes.  
 9 Q The subpoena also requires that you produce  
 10 telephone logs, receipts, documents of that nature.  
 11 A Yes.  
 12 Q Did you provide any of those records?  
 13 A I did not have any telephone records.  
 14 Q Is there a reason why the City doesn't keep any  
 15 telephone records to your knowledge?  
 16 A I cannot speak for the City.  
 17 Q What about the police department?  
 18 A I do not keep telephone logs.  
 19 Q As I understand, at some point you served as a  
 20 special security to Mayor Norquist?  
 21 A That is correct.  
 22 Q For what period of time?  
 23 A I believe I went to the Mayor's office in April of  
 24 1988 and I left the Mayor's office in May of 1991.  
 25 Q And during that period of time did you get to use a

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1 cellular phone, a car phone? What type of phone did  
 2 you use, if any?  
 3 A In the beginning -- yes, there was a cellular phone  
 4 in the car, and later we got a, one of the very big  
 5 hand held cellular phones, yes.  
 6 Q And was that phone for the use of, for the Mayor's  
 7 use whenever necessary, and for your use as well?  
 8 A Yes. The phone was in both of the vehicles that we  
 9 used for the Mayor. There was a phone in each  
 10 vehicle, and that phone was accessible to both  
 11 myself and the Mayor and other security officers,  
 12 and other staff personnel who were, who may have  
 13 been in the vehicles when it necessitated the use of  
 14 a telephone.  
 15 Q And as far as telephone records for those vehicles,  
 16 do you know if the police department keeps any of  
 17 those records?  
 18 A No.  
 19 Q Why not, if you know?  
 20 A Well, as a matter of record, we do not keep those  
 21 telephone records. We may have kept those records  
 22 at that time, but I was not the chief of police at  
 23 that time. But I know, for instance, now we do not  
 24 keep records of our cell phones.  
 25 Q We'll get back to that. Let's cover a little bit

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1 about your background if you don't mind.  
 2 A I don't mind.  
 3 Q What's your education, Chief?  
 4 A Well, grade school, high school, college.  
 5 Q Where did you go to school, college?  
 6 A Marquette University and UW-M.  
 7 Q What type of field did you study?  
 8 A I graduated with an associates degree in law  
 9 enforcement from Marquette, and I graduated with a  
 10 degree in social welfare from the University of  
 11 Wisconsin-Milwaukee, a bachelor's degree.  
 12 Q When did you graduate?  
 13 A 1993 with a bachelor's degree; the associates degree  
 14 from Marquette in 1978.  
 15 Q So is it fair and accurate to say that you were  
 16 already employed by the City of Milwaukee?  
 17 A Yes.  
 18 Q And are you married?  
 19 A Yes.  
 20 Q Children?  
 21 A Yes.  
 22 Q How many?  
 23 A Two.  
 24 Q And as far as training, Chief, other than police  
 25 work, what other training have you received?

14

1 A Well, I don't know what you mean other than police  
 2 work. Most of the training that I've had is related  
 3 to being a police officer.  
 4 Q Did you enroll in the army?  
 5 A Oh, no, no.  
 6 Q No? Okay. And since you've been an employee for  
 7 the City of Milwaukee, have you ever been demoted,  
 8 suspended?  
 9 A I was suspended.  
 10 Q What period of time?  
 11 A Two days.  
 12 Q When was that?  
 13 A Probably -- that's something you don't try to  
 14 remember. Probably 1979, 1980.  
 15 Q What was the nature of the suspension?  
 16 A I got into an altercation with another detective in  
 17 the detective assembly.  
 18 Q During the years that you have worked for the City  
 19 of Milwaukee, have you ever been named in a lawsuit  
 20 where the City of Milwaukee had to pay any type of  
 21 compensation?  
 22 A Yes.  
 23 Q Tell me how many times.  
 24 A I don't know.  
 25 Q Approximately can you give me a number of --

15

1 A I have no idea. I really have no idea.  
 2 Q When was the last time that you know of that the  
 3 City of Milwaukee had to pay any type of  
 4 compensation because of a lawsuit where you were  
 5 named as a party?  
 6 A I believe it was a federal court trial, maybe nine  
 7 months ago, regarding a juvenile that had been  
 8 arrested and the City, the officers -- it was a  
 9 federal trial, and there were money damages as a  
 10 result of that trial. And I was named as the chief  
 11 of police.  
 12 Q You were not named as the actor?  
 13 A No.  
 14 Q But in your official capacity --  
 15 A That's correct.  
 16 Q -- as the Chief, okay. Before coming to this  
 17 deposition, at any time before today have you  
 18 reviewed any testimony of any of the witnesses in  
 19 this case, Chief?  
 20 A No.  
 21 Q Have you met with anyone to discuss your testimony  
 22 today?  
 23 A I met with my attorneys this morning.  
 24 Q When you met with your attorneys, did you review any  
 25 documents?

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1 A No.  
 2 Q Have you ever seen the complaint filed by  
 3 Marilyn Figueroa in this case, Chief?  
 4 MR. SCHRIMPF: Objection only as to  
 5 clarity because at this point, counsel, we  
 6 have -- I believe we're on our third amended  
 7 complaint.  
 8 Q Any of the complaints that Marilyn Figueroa has  
 9 filed against the City of Milwaukee.  
 10 A Yes.  
 11 Q Have you seen the most recent third amended  
 12 complaint --  
 13 A No.  
 14 Q -- Chief? When was the first time that you read or  
 15 reviewed the complaint that Ms. Figueroa filed  
 16 against the City of Milwaukee?  
 17 A When it was on the Internet.  
 18 Q You read the entire matter?  
 19 A I can't say that I read the entire matter, but I did  
 20 read it. The lawsuit that was on the Internet, I  
 21 did read it, yes.  
 22 Q Other than that, you have not reviewed any sworn  
 23 testimony given by other witnesses in this case?  
 24 A No.  
 25 Q Is that correct? Now, this is going to be a rather

17

1 silly question, but it shouldn't be difficult to  
 2 answer. Can you just give me a general definition  
 3 of your job responsibilities as the chief of police?  
 4 A Well, I'm responsible for the good order, discipline  
 5 and efficiency of the police department. I have  
 6 responsibility in budgetary matters, disciplinary  
 7 matters. I'm responsible for enforcing all of the  
 8 laws and ordinances in the city of Milwaukee and of  
 9 the state of Wisconsin and of the United States of  
 10 America, that -- any violations that would take  
 11 place within the corporate city limits of the City  
 12 of Milwaukee, which could possibly extend to the  
 13 county of Milwaukee, because Milwaukee police  
 14 officers have authority to make arrests throughout  
 15 Milwaukee County.  
 16 Q Fine. I suspect you have the authority to fire  
 17 and/or hire?  
 18 A That is correct.  
 19 Q To promote and/or demote --  
 20 A That is correct.  
 21 Q -- within the police department?  
 22 A That is correct.  
 23 Q Who do you report to, Chief?  
 24 A I report to -- when you say report to, it makes  
 25 it --

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1 Q Who's your boss?  
 2 A The fire and police commission has oversight  
 3 authority over the fire and police department.  
 4 Q And I suspect only the commission can make a  
 5 determination as to your future within the police  
 6 department?  
 7 A That is correct.  
 8 Q Is that correct?  
 9 A That is correct.  
 10 Q You do not serve at the pleasure of the Mayor?  
 11 A That is correct.  
 12 Q And is this an elected position or is this just a  
 13 civil service position, to your knowledge?  
 14 A My position?  
 15 Q Yes.  
 16 A I'm appointed by the fire and police commission.  
 17 Q When you started your job as a police chief, who, if  
 18 anyone, appointed you to that position?  
 19 A The fire and police commission.  
 20 Q To your knowledge, did Mayor Norquist make any  
 21 recommendations one way or another?  
 22 A I believe he did.  
 23 Q Is that right? And what's your understanding as far  
 24 as what the Mayor did to endorse you or support you?  
 25 A It's my understanding that the Mayor has, and it was

19

1 my understanding because I was in the Mayor's office  
 2 with the previous chief, that he has conversations  
 3 with the commissioners and makes a recommendation.  
 4 Q And I suspect by virtue of the way things work in  
 5 Milwaukee the Mayor's -- the Mayor's influence is  
 6 taken quite seriously?  
 7 A I don't understand your question.  
 8 Q All right. You believe that a support from the  
 9 Mayor is a strong factor for anyone to obtain a  
 10 position with the City of Milwaukee such as  
 11 yourself?  
 12 A I would think so, yes.  
 13 Q All right. How long have you known Mayor Norquist?  
 14 A Since 1987.  
 15 Q Do you think you know him well?  
 16 A Yes. Not in '87 but --  
 17 Q But today you do?  
 18 A Subsequently. Well, not so well now as I did in the  
 19 past.  
 20 Q Let the record speak for itself. Mayor -- Mayor,  
 21 excuse me. Chief, let me ask you a couple  
 22 questions. Do you understand that under the Fair  
 23 Employment Act, as well as under the civil rights  
 24 laws, anyone that provides testimony in a  
 25 proceedings such as this is protected from any type

20

1 of retaliation; are you aware of that?  
 2 A Yes. I mean I understand retaliation, yes.  
 3 Q And so you understand that if you were to say  
 4 anything that would not be consistent with what the  
 5 City of Milwaukee would wish you to say, you  
 6 understand that you would be protected under the  
 7 civil rights act?  
 8 A I don't understand your question when you reference  
 9 to what the City of Milwaukee would want me to say.  
 10 I've sworn --  
 11 Q Would not want you to say?  
 12 A I've sworn under oath to tell the truth.  
 13 Q Right.  
 14 A And that is what I will do.  
 15 Q And all I'm just simply saying, you understand that  
 16 anyone that testifies under oath is protected from  
 17 retaliation?  
 18 A I understand that, yes.  
 19 Q You mentioned that you have known Mayor Norquist  
 20 since 1987; correct?  
 21 A That is correct.  
 22 Q And I suspect when you worked under him as a  
 23 security -- is that the proper title, the proper  
 24 term, Chief, security?  
 25 A Yes. I was the head of the security detail, special  
 21

1 assignment division of the Milwaukee Police  
 2 Department.  
 3 Q Were you the person assigning various drivers and  
 4 securities for the Mayor during the period in which  
 5 you served as the head of that particular security  
 6 function?  
 7 A Well, the ultimate assignment would have been that  
 8 of the chief of police, but in my capacity I would  
 9 make -- actually the Mayor would -- between the  
 10 Mayor and I, we would make recommendations to the  
 11 Chief for assignments to special assignment  
 12 division.  
 13 Q Is it fair and accurate to say, based on what you  
 14 just told me, that during the period in which you  
 15 were making recommendations, any officer that would  
 16 be assigned to work as a security for the Mayor,  
 17 those officers would report to you first and then  
 18 the chief of police, whomever was the chief of  
 19 police at that time?  
 20 A They would report to me. They rarely would report  
 21 directly to the Chief, if ever.  
 22 Q And then after you stopped in 1991, did you continue  
 23 to supervise those security officers that serve for  
 24 the Mayor, in other words, that work as security for  
 25 the Mayor?  
 22

1 A Well, the answer to your question is yes and no, if  
 2 I may explain.  
 3 Q Yes. Go ahead.  
 4 A When I left in 1991, I temporarily was the field  
 5 deputy, an acting field deputy inspector until  
 6 August of 1991. In August of 1991 I became the  
 7 captain of the district No. 7. In August of 1992 I  
 8 was promoted to the rank of deputy inspector and  
 9 served -- and that was supervising the entire police  
 10 department on the second and third shifts. In  
 11 the -- I want to get the years correct here. In the  
 12 fall of 1995 I at the direction of the chief, and at  
 13 the assignment of the chief, I became the deputy  
 14 inspector in charge of the special operations  
 15 bureau, which would have, which actually -- my dates  
 16 may be -- but in 1996, early 1996 I became the  
 17 commanding officer of the special operations bureau.  
 18 And the special assignment division is part of the  
 19 special operations bureau. So then I would have had  
 20 command authority over the special assignment  
 21 division until I was promoted chief in November of  
 22 1996.  
 23 Q Once you became the Chief, I suspect the security  
 24 officers assigned to Mayor Norquist directly and/or  
 25 indirectly continued to report to you?  
 23

1 A Well, indirectly as the chief, yes, yes. But not  
 2 directly report to me.  
 3 Q Right. But their superiors, whomever their  
 4 supervisors were, would have reported to you?  
 5 A No. When I was chief?  
 6 Q Correct.  
 7 A When I was chief -- let me just say that there's a  
 8 commanding officer of the special assignment  
 9 division. And that person reported to the  
 10 commanding officer of the special operations bureau.  
 11 And that person reported to me or to the assistant  
 12 chief or to me. So to report directly to me, no.  
 13 But I say that, and the caveat would be if  
 14 there were something unusual regarding the Mayor, it  
 15 wouldn't be unusual for the commanding officer to  
 16 special assignment division to call my office  
 17 because I think it would be protocol. But to report  
 18 directly to me, and I don't want to confuse it, but  
 19 I wouldn't want to say that that person reported  
 20 directly to me.  
 21 Q And I think I'm following your chronology --  
 22 A Okay.  
 23 Q -- and the chain of command here.  
 24 A Okay.  
 25 Q But I can say in rather general terms that from 1996  
 24

1 at least with respect to unusual or serious things  
 2 that would happen in providing security to the  
 3 Mayor, those things would be reported to you?  
 4 A Those unusual things would be reported to me, yes.  
 5 Q Okay.  
 6 A With the exception of the unusual things, those  
 7 unusual things would be reported to me.  
 8 Q And I suspect that before 1996 when you worked as a  
 9 security for the Mayor, those who were also  
 10 appointed to serve as security for the Mayor, those  
 11 individuals would also report to you?  
 12 A Now before 1996, we have to say before 1991.  
 13 Q '91?  
 14 A Yes.  
 15 Q Now, is it -- and I'm going the hard way here,  
 16 Chief.  
 17 A That's okay.  
 18 Q So from 1991 to 1996 you're leading me to believe  
 19 that you were not directly involved with security  
 20 officers that served the Mayor?  
 21 A Yes. I want you to understand, not just to lead you  
 22 to believe, that from 1991 until late 1995 or early  
 23 1996 the commanding officers of the special  
 24 assignment division did not report to me. In late  
 25 1995 or early 1996 I did become the commanding

25

1 officer of the special operations bureau, of which  
 2 the special assignment division was a division of  
 3 that bureau, and the commanding officer would have  
 4 reported to me.  
 5 Q And from 1991 to 1995-96 when you were not directly  
 6 involved, who was the commanding officer in charge?  
 7 A Of?  
 8 Q Of the security elements that were protecting the  
 9 Mayor?  
 10 A Donald Werra, Captain Donald Werra.  
 11 Q How do you spell the last name?  
 12 A W-E-R-R-A.  
 13 Q So during that gap, '91-95, '96, Donald Werra would  
 14 have been the person in charge of security for the  
 15 Mayor?  
 16 A That is correct.  
 17 Q And then you returned in some indirect way?  
 18 A Yes. I didn't return to the Mayor's security. I  
 19 became the commanding officer of special operations.  
 20 Actually the special operations bureau was created  
 21 at that time, and the special assignment division  
 22 was part of that bureau.  
 23 Q Who was the person in charge of security for the  
 24 Mayor from 1996 on?  
 25 A Donald Werra was in charge for a period of time, and

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1 then Linda Velasco, lieutenant Linda Velasco became  
 2 the commanding officer.  
 3 Q Did you have anything to do with the appointment of  
 4 Donald Werra to the position that supervised  
 5 security for the Mayor?  
 6 A Yes.  
 7 Q What about Linda Velasco?  
 8 A Not directly, no.  
 9 Q Did Linda Velasco ever report to you directly and/or  
 10 indirectly while she was assigned to be the security  
 11 for Mayor Norquist?  
 12 A Yes.  
 13 Q And that would have been from what year to what  
 14 year, Chief?  
 15 A Well, when I was chief 1996. Donald Werra still  
 16 worked for the police department when I was chief.  
 17 He left I believe in 1997 and Linda,  
 18 Lieutenant Velasco was then a sergeant I believe.  
 19 She may have been a lieutenant. I can't recall what  
 20 rank she was, but she was assigned to the special  
 21 operations. When Donald Werra left, she became the  
 22 commanding officer.  
 23 Q So that would have been in '97?  
 24 A I believe it was '97. It could have been as late as  
 25 '98.

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1 Q And when did she leave her position, if she did, as  
 2 security to the Mayor?  
 3 A In 2000, April or May of 2000. That's my  
 4 recollection.  
 5 Q Why did she leave that position, if you know?  
 6 A Well, the Mayor had told me that he wanted a change.  
 7 Q Did he give you any reasons?  
 8 A No.  
 9 Q And so after April 2000 who, if anyone, become the  
 10 security for Mayor Norquist?  
 11 A I knew you were going to ask me and I was trying to  
 12 remember the name. I can't recall his name right  
 13 now.  
 14 Q Is this person still security today?  
 15 A Yes, yes, yes. He's on military leave as we speak,  
 16 but when he comes back he will resume his duties.  
 17 Q Go ahead, sir.  
 18 A The name is -- it's right on the tip of my tongue.  
 19 Q We'll probably find it in one of these records.  
 20 A Okay.  
 21 Q Linda Velasco left around April 2000. Is she still  
 22 with the police department, if you know?  
 23 A No, no. She retired.  
 24 Q And what about Donald Werra? Is he still with the  
 25 police department today?

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1 A No. He retired.  
 2 Q The Mayor, as I understand based on your sworn  
 3 testimony here, the Mayor requested a change and  
 4 asked you to replace Linda Velasco; did I understand  
 5 you correctly?  
 6 A That's correct.  
 7 Q When, approximately when did the Mayor request that  
 8 Ms. Velasco be replaced?  
 9 A It was shortly after the last election, so it would  
 10 either be April or May of 2000.  
 11 Q Before the Mayor approached you with a request that  
 12 Linda Velasco be replaced, did the Mayor ever have  
 13 any complaints of any nature about Ms. Velasco?  
 14 A Well, if you say of any nature and ever, then I  
 15 would be hard pressed to say no. But I don't recall  
 16 any.  
 17 Q So you're just assuming that he may or may have not,  
 18 but you don't know of any?  
 19 A Well, I don't recall of any. You know, I think the  
 20 way you phrased the question, any and ever kind of  
 21 makes it hard for me to say that he's never walked  
 22 up to me and has made a complaint about something  
 23 that she may or may not have done. But I don't  
 24 recall any. And I think if anything serious, I  
 25 would recall it.

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1 Q So prior to April 2000 when he requested that  
 2 Ms. Velasco be removed, you don't recall any  
 3 specific problems he may have had with Ms. Velasco's  
 4 conduct, performance --  
 5 A I don't recall any.  
 6 Q -- while she was the security for him?  
 7 A No.  
 8 Q And I suspect the police department has some type of  
 9 disciplinary procedure in place for situations when  
 10 someone merited some type of disciplinary action of  
 11 any kind, verbal, written?  
 12 A Well, yes, yes.  
 13 Q And to your knowledge, are there any records that  
 14 would help you to refresh your recollection as to  
 15 whether or not Linda Velasco was ever criticized by  
 16 the Mayor or anyone serving the Mayor?  
 17 A That's what I'm saying. That's what I was trying to  
 18 say to you. If it had risen to that level, I would  
 19 recall that.  
 20 Q And to the best of your recollection, Chief, and I  
 21 may have asked you this question already but I want  
 22 to make sure that the record's clear --  
 23 A Conrad Zvara.  
 24 Q To the best of your recollection --  
 25 A That's the lieutenant, just to clarify why I

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1 mentioned that name. His name is Conrad Zvara  
 2 spelled Z-V-A-R-A, I believe. That's the lieutenant  
 3 that replaced Lieutenant Velasco.  
 4 Q Did you appoint Mr. Zvara?  
 5 A I appointed -- I assigned him to the Mayor's office,  
 6 yes.  
 7 Q To the position?  
 8 A As Chief, yes.  
 9 Q Ms. Velasco was the security officer for  
 10 approximately four years?  
 11 A That I don't know.  
 12 Q If Werra left in 1996 or '97, Ms. Velasco took over  
 13 and left on April 2000 at the request of the Mayor;  
 14 correct?  
 15 A Yes. But she was there as a security officer prior  
 16 to Werra leaving.  
 17 Q So she just continued?  
 18 A Yes.  
 19 Q Was she given a promotion?  
 20 A That I can't recall. I can't recall whether she was  
 21 a lieutenant prior to Captain Werra leaving or if  
 22 she became a lieutenant after he left. I can't  
 23 recall that.  
 24 Q When the Mayor requested that Ms. Velasco be  
 25 removed, did he give you any specific reason, any

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1 message that you took as to why he was asking for a  
 2 change?  
 3 A No.  
 4 Q Is Ms. Velasco a Hispanic background officer?  
 5 A Yes.  
 6 Q To your knowledge, is Ms. Velasco bilingual, both in  
 7 English and Spanish?  
 8 A I believe she is not bilingual.  
 9 Q She is not bilingual?  
 10 A She is not bilingual.  
 11 Q To your knowledge, was Ms. Velasco -- strike that.  
 12 Back in 1999, '98, 2000, were you familiar with  
 13 Marilyn Figueroa?  
 14 A Yes.  
 15 Q Did you know her well?  
 16 A No. I mean I don't -- well, well is a -- it's kind  
 17 of ambiguous.  
 18 Q Did you know what she did for the City?  
 19 A Oh, yes, yes.  
 20 Q Did you participate in any type of work related  
 21 activities ever?  
 22 A Yes.  
 23 Q Did you -- by the way, did you ever participate in  
 24 any of the political campaigns to reelect  
 25 John Norquist?

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1 A No.  
 2 Q Ever even when you were security?  
 3 A Well, I mean I participated. I mean I was his  
 4 security. I went with him.  
 5 Actually I left. I did not -- well, I met him  
 6 at a fund raiser before I worked for him, and I  
 7 left -- I left the Mayor's office prior to the next  
 8 election. So -- but the answer is, I mean he did  
 9 political things and I was with him.  
 10 Q Okay.  
 11 A And I mean he met political people and I was with  
 12 him. He had fund raisers and I was with him.  
 13 Q Did you ever make any financial contribution for  
 14 Mayor Norquist?  
 15 A Yes.  
 16 Q Did you ever belong to the Mayor's Club?  
 17 A No.  
 18 Q No? Okay.  
 19 A Just for clarification, I made one contribution and  
 20 that was prior to me working for the Mayor, and that  
 21 was for \$20.  
 22 Q Oh.  
 23 A And I never made any --  
 24 Q Do you want it back yet?  
 25 A I think I gave up that 20 bucks.

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1 Q To your knowledge, was Ms. Velasco a friend of  
 2 Marilyn Figueroa before she left?  
 3 A I believe they were friends.  
 4 Q Did Ms. Velasco ever discuss with you  
 5 Marilyn Figueroa in any manner?  
 6 A Yes.  
 7 Q Tell me some of the discussions that Ms. Velasco had  
 8 with you regarding Marilyn Figueroa.  
 9 A After the rumors were out about Marilyn and the  
 10 Mayor, I believe that Linda Velasco and I had  
 11 discussions about the rumors. I mean nothing in  
 12 detail but about the rumors.  
 13 Q What did she say with respect to Marilyn?  
 14 A I don't recall any detailed conversations regarding  
 15 Marilyn.  
 16 Q What was the gist of her position with respect to  
 17 the rumors?  
 18 A What was Linda Velasco's position?  
 19 Q Correct. If she shared that with you.  
 20 A Just generally without -- she was displeased with  
 21 the relationship -- if the relationship did exist at  
 22 that time, it was rumored. I mean it was in the  
 23 papers. People were talking about it.  
 24 Q Did Linda Velasco ever share any opinions with  
 25 respect to that alleged relationship?

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1 A Well, generally from my conversations with Linda  
 2 regarding the rumors, she was not happy with that  
 3 relationship. She was -- I would say that she felt  
 4 that that wasn't proper, that that was -- yes, I  
 5 guess I could say.  
 6 Q To your knowledge, when Ms. Velasco shared her views  
 7 with you regarding this alleged relationship, did  
 8 she share any criticism of either party?  
 9 A If I had to say that she was critical, she would  
 10 have been critical of the Mayor.  
 11 Q Did you ever share these discussions that you had  
 12 with Ms. Velasco with Mayor Norquist before she was  
 13 removed?  
 14 A No.  
 15 Q Do you recall before she was removed did you talk  
 16 with Ms. Velasco about the rumors before she was  
 17 removed?  
 18 A Yes, yes. That was before.  
 19 Q Did you continue talking, at any point after she was  
 20 removed as security to the Mayor, did you ever  
 21 discuss the Figueroa/Norquist debate?  
 22 A Well, you know, after the public acknowledgment of  
 23 the relationship, I believe I had discussions with  
 24 Linda Velasco.  
 25 Q Tell me some of the discussions that you had with

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1 Ms. Velasco.  
 2 A I can't recall. I think I've had discussions with  
 3 everybody regarding the relationship. I can't  
 4 specifically recall a discussion with her, but the  
 5 discussions that I had with people would have been,  
 6 depending on who I was talking to, would have been  
 7 similar. Because I think for the most part anybody  
 8 that didn't live in a cave in Milwaukee had  
 9 discussions about what was going on. It was very  
 10 public. So I can't specifically recall what  
 11 conversation I may have had with Linda Velasco.  
 12 Q Do you recall --  
 13 A But I would say we did have discussions.  
 14 Q Before she was removed in April of the year 2000,  
 15 did Ms. Velasco ever share with you any information  
 16 regarding Ms. Figueroa and Mr. Norquist regarding  
 17 the alleged rumors?  
 18 A Oh, no, no.  
 19 Q Once the rumors began to abound but before she was  
 20 removed on April of the year 2000, did Ms. Velasco  
 21 ever share any opinions with you about  
 22 Marilyn Figueroa and the allegations that were being  
 23 circulated in town?  
 24 A About Marilyn?  
 25 Q Right.

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1 A Specifically about Marilyn?  
 2 Q Yes. Did she say anything negative about Marilyn?  
 3 A Oh, no, no.  
 4 Q Did she think Marilyn was a liar?  
 5 A No, she never told me that.  
 6 Q Did she ever criticize Marilyn for this alleged  
 7 relationship?  
 8 A No.  
 9 Q Did she ever disclose to you any conversations she  
 10 may have had with Marilyn Figueroa, Chief?  
 11 A No.  
 12 Q Did you ever inquire about that?  
 13 A No.  
 14 Q What about Mr. Werra? Did he ever before April of  
 15 the year 2000, did he ever disclose any information  
 16 regarding anything unusual between Marilyn Figueroa  
 17 and Mayor Norquist?  
 18 A No.  
 19 Q Did he ever make any comments about -- strike that.  
 20 Did he ever share any information with you about  
 21 observations he made regarding the Mayor and  
 22 Marilyn Figueroa, any observations?  
 23 A No, no. I was just thinking of something. I may  
 24 not have answered your question accurately. When I  
 25 was chief, I received a phone call and officers had

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1 been called, and I don't remember the exact date,  
 2 officers had been called to Ms. Figueroa's house,  
 3 and they informed me, and I don't remember exactly  
 4 who called me, but they informed me that  
 5 Marilyn Figueroa had told the officers that she had  
 6 had a relationship with the Mayor. And so I did  
 7 receive that information.  
 8 Q You received a phone call?  
 9 A Yes. That officers had been called to  
 10 Marilyn Figueroa's residence, and she had told the  
 11 officers that she had had a relationship with the  
 12 Mayor. Or they told me that she was saying that she  
 13 had had a relationship with the Mayor.  
 14 Q Do you recall when this would have happened?  
 15 A It would have happened --  
 16 Q Was that before she left the City or after she left  
 17 the City?  
 18 A It was before, I believe that -- I don't know. I  
 19 can't say.  
 20 Q Who called you, which officers called you?  
 21 A I don't recall. I'm trying to remember now. It may  
 22 have been deputy chief -- he was a deputy chief at  
 23 the time. He's the assistant chief now, Stenzel.  
 24 Q What's his name?  
 25 A Stenzel, S-T-E-N-Z-E-L. And I believe there were

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1 detectives on the scene, and he was the commanding  
 2 officer of the criminal investigation bureau, and he  
 3 called me.  
 4 Q Let me see if I can understand what you're telling  
 5 me. Are you telling me that there was a time when  
 6 the police was called to Marilyn Figueroa's house?  
 7 A That's correct.  
 8 Q And there were several detectives that went to the  
 9 house?  
 10 A At least one.  
 11 Q Do you recall approximately the time when this  
 12 occurred?  
 13 A No.  
 14 Q And do you recall who called the police?  
 15 A I would assume from the conversation, as I recall  
 16 it, that Ms. Figueroa called the police.  
 17 Q And do you know why she called the police?  
 18 A No. I did at the time, but I don't recall now.  
 19 Q Was this one of the police calls, was this listed as  
 20 a police call from a citizen?  
 21 A In my recollection is it was Ms. Figueroa that  
 22 called.  
 23 Q I understand that.  
 24 A And she is a citizen.  
 25 Q Right. But was she making a call to the police

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1 because she needed the police to come over to her  
 2 house?  
 3 A Yes.  
 4 Q And do you know how she was described once the  
 5 police arrived at her home?  
 6 A I don't recall. I just recall that and I just --  
 7 Q I guess what I'm trying to understand is she didn't  
 8 call them just to tell them -- I mean was she in  
 9 need of help?  
 10 A Obviously she wanted the police to come to her  
 11 residence and we responded. I don't recall the  
 12 nature of the reason for her call. I don't recall  
 13 the reason for her call.  
 14 Q When Mr. Stenzel or whomever shared this information  
 15 with you, did they describe -- did they give you a  
 16 full context as to how the whole encounter between  
 17 the police and Ms. Figueroa occurred?  
 18 A Yes. He would have told me why the original squads  
 19 were sent and why ultimately the criminal  
 20 investigation bureau responded, but I do not recall  
 21 the context of that conversation.  
 22 Q Do you know if that was during the month of  
 23 January of 2000?  
 24 A It could have been.  
 25 Q Are you aware that at some point Marilyn Figueroa

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1 was hospitalized?  
 2 A Yes, I'm aware of that.  
 3 Q Do you know if the police were called before or  
 4 after the hospitalization, assuming that the  
 5 hospitalization occurred in January of 19 -- of the  
 6 year 2000?  
 7 A It could have been before.  
 8 Q To your knowledge, was it early January?  
 9 A I can't --  
 10 Q Of the year 2000?  
 11 A I'm giving you my best recollection.  
 12 Q But was it around the time when the whole thing kind  
 13 of exploded?  
 14 A I believe it was before that.  
 15 Q So when Marilyn Figueroa -- according to Mr. Stenzel  
 16 or the detective that would have been at her home  
 17 pursuant to her request, at the time  
 18 Marilyn Figueroa may have told him that was in the  
 19 context of having a problem, meaning calling the  
 20 police, I need some help?  
 21 A I can only -- I have to assume that, and my  
 22 recollection is is that Ms. Figueroa called the  
 23 police. And I can only assume that she would only  
 24 call the police if she wanted the police there at  
 25 her house for a police purpose. And for the  
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1 detectives to get called, the initiating responding  
 2 officers, there would have had to have been of some  
 3 substance that they felt they needed to contact the  
 4 criminal investigation bureau. And I know that  
 5 detectives, a detective or detectives were on the  
 6 scene, and that's my best recollection.  
 7 Q Was there a report filed pursuant to that incident?  
 8 A There should have been, yes.  
 9 Q Do you know if a full report of what led  
 10 Ms. Figueroa to make those statements was taken by  
 11 the police officers?  
 12 A I would assume that it would be, yes.  
 13 Q Is there a reason, Chief, why you didn't produce  
 14 that report today pursuant to my subpoena?  
 15 A Then it would be because there is not a report or  
 16 that that document was not thought of. I don't --  
 17 there's no reason -- I know of no reason.  
 18 Q I'm not blaming you.  
 19 A No, I'm just saying I know of no reason.  
 20 Q We had Mr. Soika telling you that counsel had told  
 21 him that certain things were not pertinent to my  
 22 subpoena, but I just want to make sure that --  
 23 A I've answered that question. Counsel never told  
 24 me -- no one ever told me not to produce any  
 25 documents.  
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1 Q Okay, good.  
 2 MR. ARELLANO: Counsel, I would  
 3 request that the chief or his staff make a  
 4 search for the report, if there is one,  
 5 pursuant to that telephone call that he's  
 6 referencing here today.  
 7 MR. SCHRIMPF: Let me just ask, how  
 8 would it be filed, Chief?  
 9 THE WITNESS: It may be filed under  
 10 whatever reason the initial -- I can look into  
 11 that. I can ask. Whatever reasons the  
 12 original squad was sent, somewhere we would  
 13 have a record of the squad that was being sent  
 14 and --  
 15 Q Okay, I appreciate that.  
 16 A Okay.  
 17 Q And any other record that may be --  
 18 A I will.  
 19 Q -- in your office related to Ms. Figueroa in any  
 20 direct and/or remote fashion or manner. All right.  
 21 Now, do you recall, Chief, during all the years that  
 22 you have been associated with security for the Mayor  
 23 but prior to April 2000, do you recall any of the  
 24 security officers ever reporting to you anything  
 25 unusual regarding Mayor Norquist and  
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1 Ms. Marilyn Figueroa? And by that I mean anything  
 2 that would lead anybody to assume that there was  
 3 some type of relationship going?  
 4 A No.  
 5 Q When you served as a security officer for the Mayor,  
 6 do you recall ever transporting the Mayor to  
 7 Ms. Figueroa's residence?  
 8 A Never.  
 9 Q Do you know of any officer that may have reported  
 10 that fact to you?  
 11 A No officer reported that fact to me.  
 12 Q Do you recall whether or not you or anyone that has  
 13 been associated with security that you know of ever  
 14 reported giving Ms. Figueroa a ride to  
 15 Mayor Norquist's residence?  
 16 A No.  
 17 Q All right.  
 18 A And I answer that based on both of your questions,  
 19 never did I, nor do I have knowledge of anyone else.  
 20 Q Okay, thank you. Do you recall, Chief, during the  
 21 period of time that you have been associated with  
 22 the security of Mayor Norquist, and I am talking  
 23 about directly and/or indirectly, do you recall ever  
 24 being in a car or in a location where Mayor Norquist  
 25 would engage in making telephone calls to  
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1 Marilyn Figueroa's residence?  
 2 A No. The only time that I recall having would have  
 3 been, in a car with the Mayor, would have been while  
 4 I was assigned to security, and that would have been  
 5 up to 1991. I do not recall -- I don't even believe  
 6 I knew of Marilyn Figueroa at that time. I have  
 7 been in the car with the Mayor when he's made phone  
 8 calls, but I don't believe that any of those phone  
 9 calls I would have been with him anytime after that  
 10 would have been to Marilyn Figueroa. I have no  
 11 reason to believe that that would have happened.  
 12 Q When you were security for Mayor Norquist, do you  
 13 recall ever attending any type of political or work  
 14 related conference where Marilyn Figueroa was also  
 15 present?  
 16 A Well, when you say conference --  
 17 Q Or activity.  
 18 A Oh, okay, yes.  
 19 Q Tell me how many times if you can recall.  
 20 A I can't recall. I would say at least 20. No, maybe  
 21 maximum of 20, around 20 I would say. I don't want  
 22 to fudge one way or the other, but a lot of public  
 23 appearances that the Mayor was at Marilyn was there  
 24 and I was there.  
 25 Q During any of those 20 times do you recall any one

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1 time when the Mayor ever brought Marilyn Figueroa's  
 2 name to your attention in any manner?  
 3 A Well, he may have said ask Marilyn about that.  
 4 Marilyn may have been -- he may have made reference  
 5 to Marilyn, yes.  
 6 Q And in what context?  
 7 A That's what I'm -- I don't, you know, all three of  
 8 us were there. On those occasions other people and  
 9 Marilyn, he may have made reference to Marilyn. I  
 10 just recall one time at Summerfest we had a deluge  
 11 and Marilyn went to get the umbrellas. So I mean,  
 12 yeah, he's made reference to Marilyn, but I don't --  
 13 the answer to your question is yes, but I can't  
 14 recall any details.  
 15 Q Do you recall any one time when the Mayor asked you  
 16 to check on Marilyn or ascertain whether or not  
 17 Marilyn was going to be attending any type of event  
 18 where he was going to be present?  
 19 A Yes.  
 20 Q Tell me when did that happen.  
 21 A It was during the democratic national convention in  
 22 Chicago. And the dates are nationally known. I  
 23 received a phone call from the Mayor and he asked me  
 24 if I would check to see if Marilyn had been involved  
 25 in an accident on I-94 because he expected her to

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1 meet him in Chicago. And I checked with the  
 2 Illinois state police. I recall he specifically  
 3 mentioned at the tollway. But at any rate, I  
 4 checked with the Illinois state police and they told  
 5 me that there was no accident involving  
 6 Marilyn Figueroa.  
 7 I believe I even called her residence to see  
 8 if in fact she had left to go to Chicago, and I  
 9 don't recall if I spoke with anybody at her  
 10 residence or not. But I ultimately ended up  
 11 informing the Mayor that Marilyn had not been  
 12 involved in an accident. Oh, excuse me, I also  
 13 checked the Wisconsin State Patrol.  
 14 Q To your knowledge, did Marilyn ever show up for that  
 15 conference?  
 16 A I don't -- I have -- if you asked me what I  
 17 believed, I would say no. I would believe that she  
 18 did not. And why I believe that, I don't know,  
 19 but --  
 20 Q Did the Mayor share with you who had informed him,  
 21 if anyone, who had informed him that Marilyn had  
 22 been involved in a car accident?  
 23 A No. He wasn't asking me like he had been told that  
 24 Marilyn was in an accident. He was asking me to  
 25 check to see whether or not she had been involved in

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1 an accident. From the conversation I would assume  
 2 that he was expecting her and she did not arrive,  
 3 and therefore it's possible that she may have had an  
 4 accident. That's the tone of the conversation, the  
 5 gist of the conversation I had with the Mayor as I  
 6 recall it.  
 7 Q When he asked you to do that, based on your  
 8 observation, did he seem to be worried about  
 9 Marilyn?  
 10 A Yes.  
 11 Q Did you ever get to talk to Marilyn regarding that  
 12 particular trip to Chicago?  
 13 A No.  
 14 Q Did you ever find out whatever happened to her?  
 15 A No.  
 16 Q Do you recall the year when this democratic  
 17 convention took place?  
 18 A It was for the -- what election was it? Let me  
 19 think. Would it be the '96 election?  
 20 Q When the Mayor traveled outside the city, did you go  
 21 with him at all times?  
 22 A It would have been the '96 election. I believe it  
 23 was the '96 election.  
 24 Q Did you travel with the Mayor --  
 25 A Yes.

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1 Q -- for the most part?  
 2 A Yes.  
 3 Q And during that 1996 election, do you know where he  
 4 stayed?  
 5 A No, no. Wait, wait. I traveled --  
 6 MR. SCHRIMPF: Just for the record,  
 7 I'm going to object based on foundation,  
 8 counsel.  
 9 Q Go ahead.  
 10 A I traveled with the Mayor when he went out of town  
 11 when I was the head of the Mayor's security. And I  
 12 stopped doing that in 1991.  
 13 Q But to your knowledge, do his security officers  
 14 travel with him when he's out of the city?  
 15 A Well, it's interesting. Yes and yes. Yes, they do.  
 16 Not always. And nor did I always travel with him.  
 17 Q So in 1996 you were not his security officer?  
 18 A No, sir, I was not.  
 19 Q Correct? And is there a reason why he asked you to  
 20 check on what was happening with Marilyn at that  
 21 time?  
 22 A Well, it was -- if I recall -- I was at home when I  
 23 received the phone call, and it was either early  
 24 evening when he called. When I say -- well, maybe  
 25 around, if I recall correctly, six or 7 o'clock, so

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1 I don't know why he called me. All I know is that  
 2 he did call me.  
 3 Q During that era, 1996, did you feel pretty close to  
 4 the Mayor?  
 5 A Yeah.  
 6 Q Did he consider you a good, close friend at that  
 7 time?  
 8 A I don't know what he considered.  
 9 Q Do you know?  
 10 A I don't know what he considered.  
 11 Q You have no opinion?  
 12 A Well, we were friends, you know. Real close, very  
 13 close, you know, all of that, the Mayor could tell  
 14 you that from his perspective. We were friends.  
 15 Q All right. I'll check that out. Do you recall any  
 16 other time when the Mayor asked you to call  
 17 Marilyn Figueroa?  
 18 A Yes.  
 19 Q Tell me what other occasions.  
 20 A I received a phone call from the Mayor and he asked  
 21 me whether -- and he said it in a manner that it's  
 22 my belief that you and Marilyn are friends. And I  
 23 said yes. He said, well, she's not been showing up  
 24 for work and I would appreciate it if you would call  
 25 her and talk with her about not showing up for work.

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1 And I said okay, I'll do that. And he gave me her  
 2 home telephone number and I called her. And I spoke  
 3 with her. And we had a -- I would think our  
 4 telephone conversation was a half hour or so.  
 5 And during that conversation -- and during  
 6 that conversation she was telling me that she was  
 7 dissatisfied with her employment at the Mayor's  
 8 office; that she believed that she was being  
 9 discriminated against both because of race and  
 10 gender. And then she asked me if we could have  
 11 lunch together, and I told her yes. And she asked  
 12 me if I would pick her up at the Mayor's office  
 13 while we went to lunch, and I said yes. She even  
 14 asked me if I'd be wearing my uniform, and I said  
 15 yes.  
 16 And I subsequently -- and I know this date  
 17 because I checked again this morning. On  
 18 December 7th I picked Marilyn up at the Mayor's  
 19 office. I went into the Mayor's office and we left  
 20 and went to lunch at a restaurant on, near 6th and  
 21 National next to La Perla's parking lot. I don't  
 22 recall the name of the restaurant. And so that was  
 23 the telephone conversation.  
 24 Q All right. When you spoke to her, I suspect it was  
 25 December of 1999?

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1 A The telephone call?  
 2 Q Correct.  
 3 A Yes. I think that we set up the lunch date no more  
 4 than two weeks, so I would say probably a week  
 5 earlier, maybe even a shorter period of time.  
 6 Q Any other times when you were asked by the Mayor to  
 7 call Marilyn Figueroa?  
 8 A I was asked -- Mike Soika called me and said that  
 9 the Mayor wanted me to call Marilyn after our lunch  
 10 date. And Soika told me that Marilyn was going to  
 11 file a lawsuit and that the Mayor wanted me to talk  
 12 to Marilyn. And I told Soika that I had told  
 13 Marilyn that I was not going to contact her. That  
 14 if she wanted to talk with me, she was free to call  
 15 me anytime she wanted to. And for that reason I  
 16 wasn't going to call her.  
 17 And I further told her that if she's going to  
 18 file a lawsuit, that I'm certainly not going to call  
 19 her because I said I think that for the chief of  
 20 police to talk to an employee regarding them filing  
 21 a lawsuit, I said that's not something I'm going to  
 22 do and I know that that's not a real good idea.  
 23 Q This is something you told?  
 24 A I told Soika.  
 25 Q Soika; okay?

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1 A And he said, you mean you're not going to do what  
2 the Mayor's asking you to do? And I said, that's  
3 correct, I'm not going to do what the Mayor's asking  
4 me to do.  
5 Q Do you recall when this particular conference with  
6 Mr. Soika took place?  
7 A It would have either been late December or early  
8 January. It wasn't long after I had met with, had  
9 lunch with Ms. Figueroa. So it would have been I  
10 would say within two, three weeks.  
11 Q Any other time when you were asked to contact  
12 Marilyn Figueroa, Chief?  
13 A No.  
14 Q Prior to December 1999, other than the Chicago  
15 convention incident where the Mayor asked you to  
16 call Ms. Figueroa, any other time before  
17 December 1999 when you were asked to contact  
18 Ms. Figueroa by the Mayor or anyone representing  
19 him?  
20 A No.  
21 Q When the Mayor asked you to call Marilyn Figueroa,  
22 did you sense that he was asking you for a rather  
23 personal favor?  
24 A Well, personal inasmuch as it wasn't business. I  
25 mean he wasn't asking me to call as the chief of

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1 police. He was asking me to call as Marilyn's  
2 friend and as his friend because I mean my  
3 assumption was because what she was engaged in,  
4 i.e., not going to work, was going to be detrimental  
5 to her as an employee.  
6 Q But again, my question remains. Did you sense that  
7 he was asking you more of a personal favor?  
8 A My answer remains the same. It wasn't official. It  
9 wasn't -- so therefore it was based on what he  
10 perceived my relationship to be with Marilyn and  
11 what my relationship was with him.  
12 Q Did you perceive that he was asking you to mediate  
13 somehow between him and Marilyn?  
14 A I don't think, the original telephone call, I didn't  
15 perceive that as being a mediation between he and  
16 Marilyn. It was more -- you know, it appeared as I  
17 recall now that it was more his concern about  
18 Marilyn not coming to work and that was going to  
19 have some negative consequences.  
20 Q You're talking about the phone call in late '99,  
21 early January?  
22 A Wait. I'm talking about the phone call that  
23 preceded my lunch with Marilyn.  
24 Q Right.  
25 A Okay.

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1 MR. SCHRIMPF: Then I will object  
2 to the question, counsel, based on foundation.  
3 Q When he asked you to call Marilyn regarding the  
4 democratic convention in 1996, you did quite a bit  
5 of investigation to determine whether or not Marilyn  
6 had in fact been involved in an accident; correct?  
7 A Well, quite a bit? I made phone calls. I made  
8 phone calls to the Wisconsin State Patrol and the  
9 Illinois state police, and Marilyn's residence.  
10 Q And did you ever find out whether or not Marilyn had  
11 in fact been involved in a car accident?  
12 A Well, she was not. Ultimately she was not involved  
13 in a -- well, she was not involved in an accident on  
14 I-94 on that particular day. Whether or not she was  
15 involved in an accident other than that, I don't  
16 know.  
17 Q Did you inquire with the Mayor why he would perceive  
18 that an accident had occurred? Did he explain in  
19 any way, form?  
20 A No.  
21 Q Did you inquire with Marilyn as to why --  
22 A No.  
23 Q -- she didn't go to the convention?  
24 A No.  
25 Q Did you find it somewhat -- did that strike you as

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1 strange that the Mayor was suggesting or suspecting  
2 that Marilyn was not appearing at the convention  
3 because of some alleged car accident?  
4 A Not at that time. At that time I assumed that she  
5 was going down to staff the Mayor, which is not  
6 unusual, and certainly the location between here and  
7 Chicago. And at the time I thought that he was  
8 expecting her to bring, and I still don't know any  
9 different just so -- but at the time I suspected  
10 that he was expecting her to like bring him  
11 something to staff something that he needed at the  
12 convention, and she hadn't showed up, and I assumed  
13 that she was really late. I mean late more than a  
14 half hour or 45 minutes.  
15 Q Well, did the Mayor ever explain to you what is it  
16 that he was expecting her to bring to the  
17 convention?  
18 A No. That was all an assumption on my part.  
19 Q On your part.  
20 A You asked me what I thought. And I'm just thinking  
21 that Marilyn is a staff person. People staff the  
22 Mayor. And maybe, just --  
23 Q You assumed that?  
24 A Thoughts, right. It's an assumption on my part that  
25 maybe he called up and they said, okay, we'll have

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1 Marilyn bring that down to you or something like  
2 that, and she didn't show up.  
3 Q Did your views change with time as to what was  
4 happening?  
5 A I still don't know what was happening referencing  
6 1996. But obviously from his, from what I know, and  
7 not from him still, that there was a relationship.  
8 And it could have been a relationship at that time.  
9 Q And when you say it could have been, what leads you  
10 to say that?  
11 A Well, he had mentioned that he had a relationship  
12 with Marilyn.  
13 Q You're just basing your --  
14 A And that was a recent admission. And that  
15 relationship could have gone back to the convention,  
16 the day of the convention, the time of the  
17 convention. That's all I'm saying.  
18 Q So you're just basing your assumption here based on  
19 what he has told the press?  
20 A Right. What he has publicly admitted, yes.  
21 Q On the other hand, Ms. Figueroa has claimed that he  
22 would constantly be calling her and she refused to  
23 go, and that time he could have also mean that was  
24 one of the times that she refused to go?  
25 A That's possible, yes.

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1 Q In fact, it's more possible?  
2 MR. SCHRIMPF: Object, no  
3 foundation.  
4 A My answer is what my answer is. Everything I told  
5 you is based on --  
6 Q Right, I'm not questioning you.  
7 A No, but I'm saying my assumption at that time was  
8 that she was going to staff the Mayor because she  
9 worked on the Mayor's staff. It's possible,  
10 anything is possible. It certainly is possible that  
11 he had requested that she come down for other  
12 reasons in 1996. That's possible.  
13 Q But you stated that it could have been possible that  
14 a relationship occurred. But on the other hand, you  
15 have no evidence that would help us to determine  
16 that?  
17 A No. I have no evidence even on my original  
18 hypothesis that she was going down to staff him. I  
19 have no evidence that that was the case. And I have  
20 no evidence of any other reason why she may have --  
21 he may have expected her.  
22 Q In fact, if Marilyn alleges that he imposed himself  
23 on her, you have no basis to disclaim that?  
24 A I have no basis to disclaim that, no.  
25 Q Let's talk about I took the deposition of

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1 Ms. Barbara Candy. Do you know who Barbara Candy  
2 is?  
3 A Yes.  
4 Q And she testified that in her view she's of the  
5 opinion that if you cross the Mayor, he can have or  
6 take a strong reaction to people that cross him or  
7 take the wrong side. And she testified that that's  
8 her belief. Do you have any difference in that  
9 opinion?

10 MR. SCHRIMPF: I will object to the  
11 question unless the witness is shown the  
12 testimony to which you are referring and that  
13 the witness has an opportunity to --

14 MR. ARELLANO: Did you get his  
15 answer? His answer was no before the  
16 objection.

17 Q Is that correct, Chief?

18 A I didn't give an answer. You asked me when there's  
19 an objection that I wait for a second. I was going  
20 to answer, but I did not answer.

21 Q Well, the video will state. Well, let me tell you  
22 what the record indicates, Chief.

23 MR. SCHRIMPF: I want the witness  
24 to read the testimony. I want to see the  
25 testimony myself. No, I want to see it before

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1 you show it to the witness, counsel.

2 MR. ARELLANO: Well, you've got  
3 your own transcript, counsel.

4 MR. SCHRIMPF: No, I don't -- I  
5 have the transcript. I don't have the  
6 transcript of Ms. Candy along.

7 MR. ARELLANO: Well, counsel, I've  
8 got my own materials and now you're asking me  
9 to produce materials to you?

10 MR. SCHRIMPF: I did not think that  
11 the transcript of Ms. Candy was going to be  
12 particularly relevant at this time so --

13 MR. ARELLANO: Well, why do you  
14 think I travel here with boxes and boxes? By  
15 now you should have a hint.

16 MR. SCHRIMPF: Well, counsel, I  
17 want to see the testimony.

18 MR. ARELLANO: There you go, there  
19 you go. Take it back.

20 MR. SCHRIMPF: Counsel, what page  
21 are you on?

22 MR. ARELLANO: 109.

23 MS. GARCIA: I don't think that's  
24 the same. There are two different dates.

25 MR. ARELLANO: Counsel, you can

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1 stand up here. Get yourself up, come over  
2 here. We can read it for you. Just put it  
3 right here.  
4 MR. SCHRIMPF: Let me read this  
5 please.  
6 Q I'm directing your attention, Chief, to page 109,  
7 the deposition of Barbara R. Candy. Are you  
8 familiar with Ms. Candy?  
9 A Yes.  
10 Q You believe Ms. Candy to be a respectable, honorable  
11 person in the community, based on your observations  
12 and knowledge?  
13 A I have no reason to believe that she's not.  
14 Q I asked Ms. Candy the following question: Question  
15 on line 3:  
16 "Q Do you know if Ruth or any other staff  
17 member are afraid of the Mayor?  
18 A Not Ruth.  
19 Q What about you?  
20 A Me? No, no.  
21 Q I like that reaction. Hell me? No, okay.  
22 You mentioned earlier that the Mayor has a  
23 reputation of taking a strong reaction to  
24 people that cross him or take the wrong  
25 side.

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1 A Yes.  
2 Based on the number of years that you have  
3 worked and known the Mayor, do you disagree with  
4 that view, Chief?  
5 A No, I do not disagree.  
6 Q In fact, I can represent to you as an officer of the  
7 court that Ms. Barbara Candy even mentioned  
8 individuals that have in her view been affected by  
9 the Mayor's anger. Do you know of any specific  
10 incident where you believe the Mayor retaliated  
11 against someone because of espousing different  
12 views, including you?  
13 A That's the person I was going to mention. Yes, I  
14 believe -- I believe that he's been retaliatory  
15 against me as a result of --  
16 Q Certain positions you have taken?  
17 A Yes.  
18 Q How long have you known Marilyn Figueroa, Chief?  
19 A I can't recall specifically meeting Marilyn, but I  
20 do know that I met her as a result of her employment  
21 in the Mayor's office. And the years -- I would say  
22 when she began her employment, and I can't remember  
23 exactly when that was. That's when I met her. And  
24 then over time I've seen her.  
25 Q And is it fair and accurate to say that you have

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1 known her at least professionally for a number of  
2 years?  
3 A Yes, yes.  
4 Q You have socialized at least professionally with  
5 Ms. Figueroa?  
6 A I've socialized only professionally.  
7 Q Professionally, good. Do you recall any one time  
8 when you felt during discussions or exchanges you  
9 may have had with Ms. Figueroa, do you recall any  
10 one time when Ms. Figueroa was not truthful?  
11 A No.  
12 Q Any one time when you felt that Marilyn Figueroa  
13 acted in a promiscuous fashion in front of you or in  
14 public?  
15 A No.  
16 Q Ms. Barb Candy describes Marilyn Figueroa, at least  
17 based on her contacts with her, as an extremely hard  
18 working, effective individual if her role as a  
19 community person. Do you have any different  
20 opinion?  
21 A No. No, none whatsoever.  
22 Q How would you describe Ms. Figueroa, Chief?  
23 A Intelligent, dedicated, loyal, hard working,  
24 sincere.  
25 Q One of the claims that Ms. Figueroa has made in her

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1 various complaints against the City and the Mayor is  
2 that in the past she has opposed what she viewed as  
3 discriminatory policies by the police department  
4 towards people of color. And to be more specific in  
5 her claim she feels that there were times when the  
6 Mayor attempted to implement policies that --  
7 A Earlier you said the police department.  
8 Q Well, the Mayor attempted to implement through the  
9 police department --  
10 A Oh, okay.  
11 Q -- policies that would target minority areas in the  
12 city of Milwaukee such as implementing policies that  
13 would require stopping minority individuals when  
14 they gather in numbers of two to three or four at  
15 once. Do you recall any one time when that issue  
16 was mentioned or in fact was implemented by the City  
17 of Milwaukee since you've been a police officer in  
18 one capacity or another?  
19 MR. SCHRIMPF: Object because there  
20 is no foundation for that question.  
21 Q Go ahead, sir.  
22 A Well, I have personally filed lawsuits against the  
23 City for what I believe to be discriminatory  
24 practices by the Milwaukee Police Department, so the  
25 answer to part of your question is yes. The Mayor

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1 had indicated to me that he wanted me to engage as  
 2 the chief of police in practices that I thought  
 3 would be discriminatory and illegal, and I told him  
 4 that I would not.  
 5 Q As a result of --  
 6 A As it relates to the African-American community and  
 7 the Hispanic community.  
 8 Q As a result of your disagreement with the Mayor, did  
 9 you notice any type of negative reaction towards you  
 10 for opposing such suggestion to, in a sense  
 11 suggestion to implement policies that you viewed in  
 12 your good faith actions you viewed that as  
 13 discriminatory?  
 14 A Well, I believe that he retaliated and is  
 15 retaliating against me as a result of me telling him  
 16 no, yes, I believe that.  
 17 Q Ms. Marilyn Figueroa also complains that during her  
 18 employment with the City of Milwaukee she opposed  
 19 targeting African-Americans simply because a person  
 20 had committed a crime, and the Mayor had demanded  
 21 according to Marilyn that all African-Americans in  
 22 the area where the crime had committed be stopped.  
 23 Do you recall any one time when the Mayor attempted  
 24 to implement such policies while you've been a  
 25 police officer for the City of Milwaukee, other than

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1 the one that you just mentioned?  
 2 A Let me answer it this way. I don't know what  
 3 Marilyn, a conversation Marilyn may have had with  
 4 the Mayor regarding, in the context of the question  
 5 that you just asked. I have no knowledge of whether  
 6 or not Marilyn opposed that. I can only answer the  
 7 question as I answered it before, that the Mayor has  
 8 come to me with several proposals referencing  
 9 policing in the African-American and Latino  
 10 community, minority communities of Milwaukee which I  
 11 was opposed to. And it had to do with traffic  
 12 stops. It had to do with searches and seizures. It  
 13 had to do with policing of that nature in those  
 14 particular locations, which I opposed.  
 15 Q And these suggestions that he made to you were not  
 16 made with respect to the Anglo or white communities  
 17 in Milwaukee?  
 18 A That is correct.  
 19 MR. ARELLANO: Let's take a couple  
 20 minutes break, Chief. As I understand it, you  
 21 have to leave around the noon hour and then we  
 22 can look at our calendar and see when will be  
 23 another date when you'll be available to cover  
 24 different aspects that I have for you.

THE WITNESS: Let me just say this.

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1 Whatever date you choose -- when you choose a  
 2 date, that doesn't mean a date that we  
 3 determine whether or not I'm available.  
 4 Because I schedule --  
 5 MR. ARELLANO: Okay. We'll work  
 6 with your attorneys.  
 7 THE WITNESS: Yes, that will be  
 8 fine.  
 9 (Recess)  
 10 By Mr. Arellano: (Continuing)  
 11 Q Chief, did you get to work under the supervision of  
 12 Chief, former Chief Arreola?  
 13 A Yes.  
 14 Q And to your knowledge, you cited here some incidents  
 15 where you felt the Mayor was attempting to impose  
 16 policies that you viewed as discriminatory. To your  
 17 knowledge, do you recall whether or not former  
 18 Chief Arreola faced similar circumstances with the  
 19 Mayor?  
 20 A Well, just in response to your question, I did not  
 21 characterize him as being discriminatory. I more  
 22 characterized it as being illegal. If they had been  
 23 implemented may have had some discriminatory impact,  
 24 but I didn't raise it as being discriminatory.  
 25 Q And when you say illegal, are you referring --

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1 A Search and seizures.  
 2 Q -- the constitutionality of it?  
 3 A Yes. The legality of it.  
 4 Q Okay.  
 5 A Yes.  
 6 Q Well, let me understand this. I think you  
 7 previously testified that these same policies were  
 8 not being suggested to be applied or implemented  
 9 within the white or Anglo community?  
 10 A That would have been correct. But not  
 11 necessarily -- but it was more geographic.  
 12 Therefore, it would make it applicable to Hispanics  
 13 and African-Americans because of geography. So that  
 14 is probably where I would, where you want to use  
 15 that word coming from me, I just want to make it  
 16 clear that I think if the policies had been  
 17 implemented, they would have been -- they would have  
 18 been discriminatory.  
 19 Q And let me just clarify this, Chief. I'm not  
 20 leading you to say anything.  
 21 A I know. I just want --  
 22 Q I just want to understand what your views are.  
 23 A I just want to make it clear because when somebody  
 24 reads the record, they don't have the benefit of me  
 25 being here. So I believe that the ramifications of

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1 the policies would have resulted in disparate  
 2 treatment. However, I would phrase it more as being  
 3 what he wanted me to do as being illegal, and  
 4 probably illegal in the area of racial  
 5 discrimination, yes.  
 6 Q Do you recall whether or not, based on your  
 7 knowledge, whether or not former Chief Arreola faced  
 8 similar debates or disagreements with the Mayor?  
 9 A I have no knowledge of that.  
 10 Q Do you have any knowledge as to why Chief Arreola  
 11 left the City?  
 12 A Why he left the City? He left the City because he  
 13 was no longer a police chief and he got another job.  
 14 That's what I believe. And his term was up. He had  
 15 a seven-year term.  
 16 Q Do you recall any one time when Chief Arreola may  
 17 have taken similar positions as you are now, meaning  
 18 claiming that the City of Milwaukee had  
 19 discriminatory practices or wanted to implement  
 20 discriminatory practices that would affect  
 21 negatively to the minority communities in Milwaukee?  
 22 A I have no specific knowledge of that. As it relates  
 23 to a conversation with the Mayor?  
 24 Q Right.  
 25 A I have no specific knowledge of that, no.

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1 Q Has your opposition to some of these what you view  
 2 potential disparate treatment with respect to  
 3 implementing police work within the City of  
 4 Milwaukee, has some of this been used in your view  
 5 by the City and/or Common Council to criticize your  
 6 performance as a police chief?  
 7 MR. SCHRIMPF: I'm going to object  
 8 to the question insofar as I think it assumes  
 9 facts that are not in evidence.  
 10 Q Go ahead. And let me put some facts in evidence.  
 11 A Well, okay.  
 12 Q I read recently that the Common Council or at least  
 13 members of the Police & Fire Commission, at least  
 14 one of them was quite critical of your performance.  
 15 Is that a fair and accurate description of what the  
 16 press has indicated?  
 17 MR. SCHRIMPF: Object in the sense  
 18 that counsel is testifying as opposed to  
 19 asking a question.  
 20 Q You'll never find two lawyers that will agree on  
 21 anything, but go ahead, Chief.  
 22 A I believe that the reaction of the Mayor, the  
 23 chairman of the Fire & Police Commission, the  
 24 members of the Common Council, their reaction to me  
 25 as chief is based on race.

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1 Q And is it --  
 2 A My race being African-American, yes.  
 3 Q And is it also on the basis of your opposition to  
 4 what you view discriminatory practices, policies  
 5 that the City wants to implement, that you find  
 6 disadvantageous to, or at least that would impact  
 7 negatively on the treatment of minorities in the  
 8 City of Milwaukee?  
 9 A Generally, yes. Without, you know, specifically  
 10 delineating the Mayor, the chairman of the  
 11 Fire & Police Commission or certain alderman, I'd  
 12 say, overall, it's in opposition -- it's as a result  
 13 of them opposing the policies that I've implemented  
 14 in the police department, and some of them with  
 15 respect to race and gender for that matter.  
 16 Q Objectively speaking, Chief, how would you reconcile  
 17 the fact that you were appointed and recommended by  
 18 the Mayor and now you take the position that somehow  
 19 he and the council and members of the fire  
 20 commission view you negatively because of your race?  
 21 A Well, let me just start by I was not appointed by  
 22 the Mayor. I was recommended by the Mayor. I was  
 23 appointed by the Fire & Police Commission. The fact  
 24 of the matter is is that right now not one of the  
 25 commissioners that sits on the board now was

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1 commissioner when I was appointed. I think it's  
 2 based on the fact that, of my opposition to some of  
 3 the recommendations of the Mayor and his attempt to  
 4 remove me as chief of police because of that  
 5 opposition.  
 6 Q Let me go back to a couple things that you  
 7 mentioned. You mentioned that sometime in late 1999  
 8 you had a telephone call discussion with  
 9 Marilyn Figueroa for about a half hour as I  
 10 understand it.  
 11 MR. SCHRIMPF: Object as to not  
 12 accurately reflecting the facts in the record.  
 13 Q Go ahead. I believe that's what you testified.  
 14 A I called Marilyn Figueroa at the behest of the  
 15 Mayor, and that telephone conversation could have  
 16 lasted a half an hour to 45 minutes.  
 17 Q And do you recall if that was after Marilyn had -- I  
 18 suspect it was after Marilyn had left the job by  
 19 virtue of the fact that the Mayor was concerned  
 20 because she was not coming back?  
 21 A It could not have been before Marilyn left the job,  
 22 because I picked Marilyn up in the Mayor's office  
 23 after the telephone conversation. Well, the  
 24 conversation I had with the Mayor was regarding  
 25 Marilyn not showing up for work, but certainly she

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1 showed up for work on the day that I picked her up  
2 to go to lunch.  
3 Q So what time frame are we talking about if you  
4 recall? Was it in 1999 or January?  
5 A It was in 1999. I went to lunch with her on  
6 December 7th of 1999.  
7 Q Okay. And tell me as best as you can what exactly  
8 is it that the Mayor said to you before you decided  
9 to call Marilyn Figueroa on his behalf?  
10 A He said to me, you know, after the obligatory  
11 hellos, I understand that, or I believe or I  
12 understand or I've witnessed that you and Marilyn,  
13 meaning me and Marilyn, are friends. And I said  
14 yes. And he said, well -- and this is paraphrasing,  
15 I'm not quoting -- he said, well, she hasn't been  
16 showing up for work, and I was wondering if you  
17 would call her and talk to her about that.  
18 Now, the conversation was longer than that,  
19 but that's the gist of the conversation. And I told  
20 him that I would call her, and he immediately gave  
21 me her home telephone number.  
22 Q And how soon after you had that discussion with the  
23 Mayor did you receive a phone call from Mr. Soika?  
24 Was that several weeks later?  
25 A Yes. It would have been -- it was after the lunch

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1 and either late December or early January.  
2 Q And obviously you did make contact with Ms. Figueroa  
3 in December when the Mayor requested that you  
4 intervene?  
5 A As soon as I disconnected with the phone call from  
6 the Mayor I called Marilyn.  
7 Q And describe for me the nature of your discussion  
8 with Ms. Figueroa.  
9 A I informed her that I had information that she  
10 hadn't been showing up for work. First I said, you  
11 know, if you want to talk to me about this, fine.  
12 If you don't want to talk to me about it, I  
13 understand. And she said she didn't mind talking to  
14 me about it.  
15 And she went on to tell me how she believed  
16 she was being subjected to gender and race  
17 discrimination, that she was denied employment  
18 opportunities within the Mayor's office,  
19 specifically she mentioned Brenda Wood,  
20 Christofferson. And generally we talked about the  
21 Mayor's staff and what happens in the Mayor's office  
22 because obviously we're both familiar. The  
23 specifics I don't recall.  
24 And during the conversation she suggested that  
25 we have lunch. And I said that's fine.

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1 Q When she related these concerns to you, what, if  
2 any, response did you have, if any?  
3 A Well, those things that I agreed with her on I told  
4 her I agreed with her. Those other things I told  
5 her I didn't know. I mean it wasn't a  
6 question/answer, but a lot of the things that she  
7 was telling me I understood.  
8 Now, I may have some problems here  
9 differentiating between the telephone conversation  
10 and the luncheon conversation.  
11 Q Okay.  
12 A Just so I don't -- but, for instance, the system of  
13 senior staff and not senior staff in the Mayor's  
14 office, I mean I was there. I witnessed how the  
15 closer you sit to the Mayor's office, the more  
16 influential it's perceived that you be -- I know she  
17 was interested in the job that Brenda Wood had that  
18 I believe that Michal Dawson had prior to  
19 Brenda Wood having the job. And I understood what  
20 that position was and that she was desirous of  
21 having that position, or she may have been promised  
22 that position. This is our conversation prior to  
23 Brenda Wood getting it, but Brenda Wood got it.  
24 I believe that she had mentioned that she was  
25 offered a job in the administration, I forgot -- I'm

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1 thinking bureau because that's police jargon, but  
2 it's the Department of Administration at City Hall,  
3 and for some reason she didn't get that.  
4 We discussed her then working part-time for  
5 Christofferson, and this was in a more political  
6 mode. I believe she told me she was working  
7 part-time at the Mayor's office and part-time for  
8 Christofferson and that Christofferson was a racist.  
9 And she told me the reasons why she believed he was  
10 a racist.  
11 And I know we had conversation wherein she  
12 asked me if I thought the Mayor knew, you know,  
13 specifically what was happening to her with respect  
14 to job promises and jobs not being given to her.  
15 I had told her that during the lunch -- I  
16 believe it was during the lunch that --  
17 Q Before we get to the lunch, let's go back to the  
18 phone conference.  
19 A Well, I don't -- I'm telling you now, I don't --  
20 Q But in essence the same issues were raised?  
21 A That's correct, that's correct.  
22 Q When you talked to her over the telephone the first  
23 time, were you able to sense her emotional state?  
24 Was she crying? Was she upset? Was she -- were you  
25 able to describe -- are you able to describe how she

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1 was, how she sounded to you based on your own  
2 perception?  
3 A I would say frustration.  
4 Q Did she at any time cry during that time?  
5 A No.  
6 Q Did she tell you she had many problems other than  
7 what she explained to you over that phone  
8 conference?  
9 A Well, I wouldn't describe it as problems. But I  
10 think that, you know, she said, and I acknowledged I  
11 believe she has two children, and I was saying to  
12 her, you know, I know -- I know I said to her that  
13 not going to work is probably not the best thing to  
14 do because if you don't show up for work, you're  
15 going to be fired. I mean you're probably going to  
16 be fired or you're going to be fired. So I recall  
17 saying to her that probably it's in her best  
18 interest and that of her children, and I think  
19 during the conversation she agreed that, at least  
20 she agreed that not going to work would have an  
21 adverse effect on her family. So I don't look --  
22 that would be a problem, but I wouldn't categorize  
23 it as a problem at the time that we had the  
24 conversation.  
25 My overall advice to her was to go to work and  
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1 then work on whatever other problems may exist in  
2 the office.  
3 Q Did she ever mention during that phone conference  
4 that she was having problems with the overall  
5 environment of the Mayor's office?  
6 A Yes. And I thought I'd mentioned that. And that  
7 was with respect to the status of senior staff and  
8 not being a senior staff person, with promises being  
9 made and not kept didn't make her feel very -- she  
10 didn't feel very well about being at work and going  
11 to work; that she was dedicated to John Norquist;  
12 that she worked very hard for him, especially in the  
13 Latin community and also the African-American  
14 community.  
15 I recall her saying that, you know, she set up  
16 various meetings with African-American ministers for  
17 the Mayor and that she worked very hard at that, and  
18 for the most part she didn't get any credit for what  
19 it is that she was doing for the Mayor in the  
20 Mayor's office.  
21 Q Did you sense at all during this telephone  
22 conference that she had --  
23 A Well, now, again, I can't differentiate between the  
24 telephone conversation and the luncheon  
25 conversation.  
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1 Q And I understand that. And you have clarified that  
2 for the record.  
3 A Okay, okay, okay.  
4 Q But did you get the sense based on your discussion  
5 during the telephone conference and/or during the  
6 lunch hour, that she had more problems than just she  
7 was leading you to believe at work?  
8 A No.  
9 Q And why do you say that?  
10 A Well, because I can't think of anything  
11 distinguishing that would make me think that she's  
12 having more problems. I think in my perception at  
13 the time was that that was enough. You know, what  
14 she was telling me was enough to have her at the  
15 level of being upset or frustrated as she was.  
16 That's why.  
17 Q Once you finished your phone conference with  
18 Ms. Figueroa, did you report that to the Mayor?  
19 A I'm trying to remember that. I did call the Mayor  
20 and I did call Christofferson. And I told Marilyn  
21 that I would call both of them and tell them what it  
22 is that she had told me that she was concerned about  
23 during our conversation. I told her that I would  
24 call the Mayor and I would tell the Mayor what she  
25 told me about her dissatisfaction with not being  
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1 promoted, with Brenda Wood. And I called  
2 Christofferson and told him that -- because I told  
3 her that I would -- that he was a racist and why she  
4 felt that that was the case.  
5 Now, I know -- I believe I made those  
6 conversations, I made those telephone calls after  
7 the lunch. But I may have very well talked with the  
8 Mayor after the telephone conversation too. But I  
9 know for sure I talked with him after the lunch and  
10 I talked with Christofferson after the lunch.  
11 Q Before we go into your discussion with both the  
12 Mayor and Christofferson, tell me did Marilyn  
13 describe for you why she felt Christofferson was a  
14 racist?  
15 A Yes, she did.  
16 Q What did she say?  
17 A I don't recall. I mean I specifically don't recall.  
18 But she told me, she cited for me instances, both  
19 interaction between he and her and his general  
20 persona and her interaction, and observing him with  
21 interaction with other people and in policy  
22 decisions. So it was more of a general sense that  
23 she had and a specific sense that she had.  
24 Q Now, let's go to the time when you reported to the  
25 Mayor your discussion with Marilyn Figueroa. What  
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1 was his response, if any?  
 2 A Okay. I mean generally okay. I mean I don't think  
 3 he asked me -- I don't recall him denying or  
 4 agreeing to anything. I just -- I told him what  
 5 Marilyn had told me. And I didn't tell him the  
 6 whole conversation, but I told him those things that  
 7 I told Marilyn I would tell him.  
 8 Q And again, do you recall if your conversation with  
 9 the Mayor regarding informing him what  
 10 Marilyn Figueroa had shared with you, did that occur  
 11 after Marilyn Figueroa left in January 4th or before  
 12 that? Was she still working?  
 13 A It would be -- it would be -- it was after  
 14 January 7th -- oh, no, I had the lunch with her  
 15 December 7th. It was after December 7th lunch.  
 16 Q So it would have been before 2000?  
 17 A Yes. It would have been -- I know I talked to him  
 18 after the lunch. So -- and that would have been  
 19 like on the 8th. It would not have -- it may have  
 20 even been on the 7th.  
 21 Q When you spoke to the Mayor about Marilyn's  
 22 concerns, was anyone else present?  
 23 A No, not on my part. This was by telephone.  
 24 Q Did you ever discuss the same problems with -- at  
 25 least did you give Mr. Christofferson the same

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1 information that you gave to the Mayor regarding  
 2 Marilyn Figueroa's concerns?  
 3 A I gave Christofferson more Christofferson specific  
 4 information. I gave the Mayor Mayor specific  
 5 information and I gave Christofferson Christofferson  
 6 specific information. I may have told the Mayor, I  
 7 know I may have intimated -- told the Mayor, not  
 8 intimated -- told the Mayor what she also said about  
 9 Christofferson.  
 10 Q What was the Mayor's reaction with respect to  
 11 Marilyn's views of Christofferson?  
 12 A I don't think he, he said much either way. That's  
 13 what I was going to tell you before you stopped me.  
 14 But I don't recall him -- I recall him listening  
 15 more than commenting. I don't recall him saying  
 16 anything.  
 17 Q Reacting?  
 18 A Right.  
 19 Q What did Mr. Christofferson say, if anything, in  
 20 response to your disclosure of what Marilyn Figueroa  
 21 had told you?  
 22 A Same thing. I think it was basically the same  
 23 thing. Like okay. That's what she said? Okay.  
 24 Q Did you suggest that anything be done with respect  
 25 to Marilyn Figueroa?

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1 A No.  
 2 Q Did you suggest anything to the Mayor or to  
 3 Mr. Christopherson?  
 4 A No.  
 5 Q Marilyn Figueroa alleges that on at least one or two  
 6 occasions Mayor Norquist agreed with her that some  
 7 of his staff within the Mayor's office were somewhat  
 8 racist. And I'm just paraphrasing here. I don't  
 9 know any of these folks. Did the Mayor ever share  
 10 similar views with you about his staff? Did he ever  
 11 say to you, I've got some people here in my staff  
 12 that have different views about culture or people,  
 13 different background?  
 14 A I would not want to say absolutely not because for  
 15 three years I spent a considerable amount of time  
 16 with the Mayor. We traveled almost every day. So  
 17 to say that he never mentioned that, I would say --  
 18 I wouldn't say that. But because we talked about a  
 19 lot of things. So I can't say that he never said  
 20 that, but I don't recall specifically him saying  
 21 that.  
 22 Q Let's talk now --  
 23 A There's a lot of staff that pass through that  
 24 office. Temporary staff, long-term staff, even in  
 25 the three years that I was there, so --

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1 Q Let's talk now about your lunch meeting with  
 2 Marilyn Figueroa.  
 3 A Okay.  
 4 Q Tell me how the whole thing developed. Did you pick  
 5 her up --  
 6 A Yes.  
 7 Q -- at her home?  
 8 A No. At the Mayor's office.  
 9 Q At the Mayor's office?  
 10 A Yes.  
 11 Q Do you have any idea as to when that occurred?  
 12 A Around lunch time.  
 13 Q December?  
 14 A Oh, it was December 7th.  
 15 Q And was anyone else with you folks?  
 16 A No.  
 17 Q Just you and Marilyn?  
 18 A That's correct.  
 19 Q Where did you go?  
 20 A To a restaurant which was on 6th Street just north  
 21 of National, next to La Perla's's parking lot.  
 22 Q Was that Arteaga's restaurant?  
 23 A I don't recall that.  
 24 Q Was it a Mexican restaurant?  
 25 A It was a Mexican restaurant, yes.

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1 Q And you mentioned that you came in full gear,  
2 uniform?  
3 A I was in uniform and I had all my gear with me. It  
4 was a different uniform than I have on right now.  
5 Q And do you recall, can you describe what was  
6 Marilyn's demeanor at that time when she was talking  
7 to you?  
8 A Well, yeah. It was -- well, when we originally,  
9 when I originally went to pick her up, she was in a  
10 very jovial mood, very happy mood. She was smiling.  
11 We were talking.  
12 Q Did that ever change during the discussion?  
13 A Yes. When we were actually having the discussion.  
14 Again, she was very serious. I could sense, and I  
15 can only use the word again frustration. She felt,  
16 I would say she felt rejection, broken promises.  
17 Q Did she ever tell you that there were other problems  
18 at work with the Mayor?  
19 A No.  
20 Q Did she ever allude to having some serious health  
21 related problems?  
22 A No.  
23 Q Abdominal things?  
24 A No.  
25 Q Did she cry at all during that lunch meeting?

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1 A No.  
2 Q Did you get to complete the entire meeting or  
3 discussion, at least based on the time that you had  
4 with Marilyn?  
5 A Yeah, I don't think we were under any real time  
6 constraints.  
7 Q Do you know how much time you spent with her?  
8 A An hour. Perhaps an hour and a half if we're  
9 talking from pickup to drop-off. I don't mean that  
10 in a negative sense.  
11 Q Now, did you disclose to Marilyn Figueroa before the  
12 lunch meeting whether or not you had spoken to the  
13 Mayor about the previous phone conference?  
14 A I never told Marilyn that I had a conversation with  
15 the Mayor at all because I debated -- if she asked  
16 me when I told her that I had heard that she was  
17 having problems at work, she never asked me who had  
18 mentioned that. So I never said it was the Mayor  
19 that called me.  
20 Q Did you ever disclose to Marilyn Figueroa that you  
21 would be reporting to the Mayor --  
22 A Yes.  
23 Q -- your discussion to the Mayor?  
24 A Yes, I did.  
25 Q What, if any, was her reaction to that?

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1 A Good, good. That's -- I told her -- I mean I think  
2 the whole -- she was confiding in me what she did  
3 confide in me because she knew that I, the Mayor and  
4 I had a relationship and that I could converse with  
5 him and tell him what was going on. And I told her  
6 that I would. I told her that I would tell him what  
7 was going on.  
8 Q Is it fair and accurate to say, Chief, that after  
9 that lunch meeting, that was the last time you had  
10 any contact with Marilyn Figueroa?  
11 A No, that's not true.  
12 Q Tell me when would have been the next contact.  
13 A The next contact I had with Marilyn, I was on the  
14 governor's committee for racial profiling. And  
15 William Clay, who he's either the chairman or the  
16 president of OIC and he was also on the governor's  
17 commission for racial profiling, and that he was  
18 tasked with a subcommittee which I was a part of,  
19 and there was a meeting at the OIC headquarters for  
20 this subcommittee. And I attended that meeting and  
21 Marilyn was present.  
22 Q Did you have any type of discussion as a follow-up  
23 of the previous conversation that you had of her  
24 problems at work?  
25 A No. When the meeting was over?

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1 Q Right.  
2 A Marilyn and I hugged and I said to her hang in  
3 there.  
4 MR. ARELLANO: She asked me to  
5 remind you that we need to change the tape.  
6 THE WITNESS: Oh, okay.  
7 MR. ARELLANO: Okay. Why don't we  
8 do that.  
9 (Discussion off the record)  
10 Q Chief, you mentioned that you had another encounter  
11 in relation with the OIC meeting?  
12 A Yes.  
13 Q Was that the last time you had any contact with  
14 Marilyn Figueroa?  
15 A That is correct.  
16 Q Going back to the lunch that you had with Marilyn on  
17 December 7th of the year 1999, do you recall why was  
18 there a need for a second meeting after you talked  
19 to her for the first time via telephone on behalf of  
20 the Mayor? Was there a special reason why you felt  
21 that a follow-up meeting would be helpful, required,  
22 needed?  
23 A Yes.  
24 Q What was that?  
25 A She asked me.

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1 Q What did she tell you she needed to talk to you  
2 about?  
3 A No. She said why don't we go to lunch. And I said  
4 okay.  
5 Q Do you recall any other time when you went to lunch  
6 with Marilyn Figueroa?  
7 A Never.  
8 Q Before that time?  
9 A Never.  
10 Q And is it fair and accurate to say that your  
11 involvement up to this point was initiated by the  
12 Mayor when he asked you to get involved in some  
13 fashion?  
14 A That is correct.  
15 Q Is that correct?  
16 A Yes.  
17 Q When you were at the lunch meeting, did there come a  
18 time when other police officers entered, detectives  
19 entered the restaurant?  
20 A There may have been, yes. There were -- yes, I  
21 believe there was.  
22 Q Do you recall whether or not the discussion between  
23 you and Marilyn Figueroa was stopped because of the  
24 appearance of these police officers?  
25 A I can't remember whether or not I spoke to them or

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1 they came over and spoke to me, but there was also  
2 other people that came in and stopped and spoken. I  
3 believe she introduced me to the owner of the  
4 restaurant.  
5 Q Of the restaurant?  
6 A Yes. So there were times when our conversation was  
7 interrupted.  
8 Q I've known Ms. Figueroa for some years when she was  
9 a young lady and then I didn't see her until  
10 recently. And I happen to describe her as a rather,  
11 in spite of all this political involvement, as a  
12 rather shy person when it comes down to personal  
13 things. How would you describe Marilyn when it  
14 comes down to personal things, disclosing things  
15 that are private in nature?  
16 MR. SCHRIMPF: I will object to  
17 counsel's testimony.  
18 Q Go ahead. Just based on what you've seen.  
19 A I've never had a personal private conversation with  
20 Marilyn other than what I've testified here to  
21 today. So I don't know whether she's a private  
22 person with relation -- with what she would classify  
23 as being personal things, other than the  
24 conversation that we had.  
25 Q But would you describe her as an aggressive type, a

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1 shy type, type A personality like you and I?  
2 MR. SCHRIMPF: Objection,  
3 foundation.  
4 A Well, you and I?  
5 Q You don't survive in this world --  
6 A No, I don't -- I would not categorize Marilyn as  
7 being aggressive. I believe that I've used most of  
8 the adjectives that I think are applicable to  
9 Marilyn's personality. She's been -- she's  
10 soft-spoken. She's always been nice to me. And  
11 I've never seen her aggressive or angry; other than  
12 as I've testified, I believe she was upset about her  
13 working conditions.  
14 Q Marilyn has made some serious allegations against  
15 the Mayor based on what she went through while she  
16 was performing for the City of Milwaukee. Do you  
17 have any basis or reason to believe that she would  
18 lie or create a big lie such as the one that you  
19 have seen in the newspapers or in her complaints?  
20 A Well --  
21 Q Do you have any basis?  
22 MR. SCHRIMPF: Object, foundation.  
23 Q I mean you testified you read the allegations that  
24 she has made.  
25 A I've read the allegations. I've read the admission.

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1 So I certainly don't believe that for those things,  
2 other than are disputed by John Norquist because I  
3 have no basis for those things that she says  
4 happened, that he says happened, and I certainly  
5 don't believe, you know, any part of that is untrue.  
6 Those things that are in dispute, I have no reason  
7 to believe that she's lying.  
8 Q Chief, you had then a conversation with Mr. Soika.  
9 A Yes.  
10 Q Was that before Marilyn left on January 4th or after  
11 she had already left her position with the City?  
12 A Well, let me preface this by saying I didn't know  
13 she left on January 4th. But I do know that the  
14 conversation did not -- that the telephone call I  
15 received from Mike Soika was not long, and long is a  
16 relative term, after the lunch and my subsequent  
17 conversations with the Mayor and Christofferson.  
18 And again, I can only tell you that I believe that  
19 my telephone conversation with Soika was in late  
20 December or early January; '99 being December, 2000  
21 being January. That's my best recollection.  
22 Q Mr. Soika, according to your previous testimony,  
23 Mr. Soika informed you that it was his belief that  
24 Marilyn Figueroa was going to be filing a lawsuit?  
25 A That's correct.

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1 Q Is that correct?  
2 A That is correct.  
3 Q And what did you understand Mr. Soika was asking you  
4 to do?  
5 A I interpreted -- I interpreted actually both  
6 conversations, you know, to find out what's going  
7 on. In the first conversation, the call I got from  
8 the Mayor was more, you know, you're friends and,  
9 you know, what she's doing is not really a good  
10 idea. And if you could intercede as a friend and  
11 then talk with her, you know, perhaps she can come  
12 back to work and everything will be okay.  
13 When Soika called me and told me that she's  
14 going to file a lawsuit, and then I took it as, you  
15 know, call her up and find out if, you know, like  
16 where is her head at, is she really going to file a  
17 lawsuit, you know, what is -- would you find out for  
18 the Mayor what it is that Marilyn is going to do and  
19 perhaps why? And so that's the way I took those.  
20 Q Did you --  
21 A Because he kept -- when I told him no, he became  
22 somewhat upset. You know, like are you really  
23 telling me you're not going to do this?  
24 Q Did you sense that Mr. Soika was almost directing  
25 you on behalf of the Mayor to try to talk to

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1 Marilyn Figueroa?  
2 A Yes.  
3 Q More than just a favor?  
4 A Yeah. Because when I told him no, he said, you  
5 know, and words to the effect let me get this  
6 straight. Are you telling the Mayor no? Are you  
7 telling me no, you're not going to call her up? It  
8 was almost like I want you to think about what  
9 you're saying before you answer again because this  
10 is what the Mayor wants you to do.  
11 Q At that point, Chief, you learned that according to  
12 Soika they knew, the City had notice that she was  
13 intending to file a lawsuit --  
14 MR. SCHRIMPF: I'm going to object  
15 on foundation laid.  
16 MR. ARELLANO: Yes, but you've got  
17 to let me finish my question, counsel.  
18 MR. SCHRIMPF: Oh, I'm sorry. I  
19 thought you were done.  
20 MR. ARELLANO: And foundation is  
21 what I'm trying to lay here. But  
22 unfortunately, probably you and I have  
23 probably total different view of what  
24 foundation is. But that's fine. We can live  
25 with that.

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1 Q At that point Mr. Soika notifies you that at least  
2 in his mind he's aware that Marilyn Figueroa is  
3 going to file a lawsuit by virtue of what he was  
4 telling you?  
5 A Yes. That's not -- yes in answer to your first  
6 question. And yes in answer to your last question.  
7 Q Which is that he knew --  
8 A Because in your first question you were saying the  
9 City had notice and you were saying other things. I  
10 don't know what the City had. I can only answer  
11 your second question with respect to what he had  
12 said to me.  
13 Q All right. That's a fair, a fair --  
14 MR. SCHRIMPF: Now, Mr. Arellano,  
15 I'm happy.  
16 MR. ARELLANO: We'll get there.  
17 Q When Mr. Soika contacted you, was he working for the  
18 City of Milwaukee?  
19 A Yes, he was chief of staff of the Mayor.  
20 Q And when he called you, did he tell you he was  
21 calling not as an agent for the City?  
22 A He was calling on behalf of the Mayor.  
23 Q So he represented the office of the Mayor when he  
24 called you?  
25 A He told me the Mayor told him to call me. Well, he

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1 told me that the Mayor wanted him to -- he was  
2 calling me on behalf of the Mayor.  
3 Q And obviously at all times he was talking to you as  
4 the chief of staff? At least that's what you told  
5 me.  
6 A Well, he was the chief of staff. He didn't say I'm  
7 calling you as the chief of staff to the Mayor. But  
8 he was in fact the chief of staff.  
9 Q So assuming that Mr. Norquist was the Mayor at the  
10 time and Mr. Soika was the chief of staff, they  
11 obviously represented the City of Milwaukee; is that  
12 true?  
13 MR. SCHRIMPF: Object based on  
14 foundation.  
15 A I can't, I can't draw that nexus. It may be very  
16 well true, but I can't say that he was calling on  
17 behalf of the City of Milwaukee. I know that he was  
18 calling on behalf of the Mayor. And that's all I  
19 can tell you.  
20 Q Well, Mr. Soika never qualified and said, I'm not  
21 calling you as an agent or as a chief of staff? He  
22 never said that? He told you, I'm calling on behalf  
23 of the Mayor?  
24 A That's correct.  
25 Q What is it that prompted you to decline his

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1 directive, if that is what he was giving you, once  
 2 he mentioned that Marilyn was going to be filing a  
 3 lawsuit?  
 4 MR. SCHRIMPF: I'm going to object  
 5 as asked and answered now I think four times.  
 6 Q Well, go ahead.  
 7 MR. SCHRIMPF: But subject to the  
 8 objection, he can answer it a fifth time for  
 9 all I care.  
 10 A Well, I personally filed a retaliation lawsuit  
 11 against the City of Milwaukee. I have had  
 12 retaliation lawsuits filed against me as Chief. I  
 13 know what can be perceived as retaliation. And I  
 14 also know my position as chief of police. And I  
 15 know that for me to call someone who is threatening  
 16 or alleging or has filed a lawsuit against the City  
 17 of Milwaukee, and to have a discussion with them  
 18 regarding the substance of that lawsuit, could be  
 19 perceived as retaliation. And I did not want to  
 20 become part of a lawsuit, and the only part would be  
 21 my, the perception or the allegation that I called  
 22 to somehow have an impact on someone's decision to  
 23 file a lawsuit.  
 24 Q Did you explain those feelings, those views to  
 25 Mr. Soika?

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1 A No.  
 2 Q What exactly did you give him as a reason for not?  
 3 A I didn't have to give him a reason. I told him I  
 4 wasn't going to do it. I gave him one reason, and  
 5 that was that I said to Marilyn that I would not  
 6 call her again. That if she wanted to talk to me,  
 7 she could call me and I would be more than happy to  
 8 talk with her. But I wasn't going to call her  
 9 again.  
 10 I came to the realization that personally when  
 11 I told Marilyn that that she -- there was nothing  
 12 more I could do in this situation other than to do  
 13 what I said I would do, and that is to call the  
 14 Mayor and to call Christofferson and relay to them  
 15 what Marilyn had told me. Outside of that, I didn't  
 16 work in the Mayor's office. I had no power to do  
 17 anything in the Mayor's office.  
 18 And I thought that, and I figured that once I  
 19 completed my telephone conversations and told the  
 20 Mayor what she had said and told Christofferson,  
 21 that that would be it.  
 22 And I -- but as a friend, and if Marilyn  
 23 wanted to call me and talk with me again, I would  
 24 have talked with her. What I would have done as a  
 25 result of those conversations I don't know. That

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1 would depend on the conversations. But I had told  
 2 her that I would not call her anymore, and I meant  
 3 that. I mean I personally knew that I would not do  
 4 that. And then if you put on top of that the fact  
 5 that she was, he told me she was going to file a  
 6 lawsuit, then there's just no way that I was going  
 7 to do it. And I did not offer by way of explanation  
 8 anything other than I was not going to call her.  
 9 Q Is it fair and accurate to say, Chief, that since  
 10 you've known Marilyn Figueroa in a professional  
 11 basis you have been the chief of police?  
 12 A No.  
 13 Q If she started working in 1991, '92 for the office  
 14 of the Mayor -- oh, that's right. You didn't  
 15 start --  
 16 A I didn't become chief until 1996.  
 17 MR. SCHRIMPF: Just so it's clear  
 18 for the record, I'm going to object to the  
 19 question based on foundation laid and the  
 20 facts of the record.  
 21 MR. ARELLANO: We've already  
 22 resolved the dispute over here, but that's all  
 23 right.  
 24 MR. SCHRIMPF: I figured you would.  
 25 MR. ARELLANO: You come with your

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1 objections in there.  
 2 Q But nevertheless, when you had lunch with her and  
 3 you talked over the phone, she knew you were the  
 4 chief of police?  
 5 A Yes.  
 6 Q And needless to say --  
 7 A Well, I have to assume that she knew. I can't speak  
 8 for Marilyn.  
 9 Q Right. I answered myself on that one, Chief. But  
 10 based on the nature of your work and how she knew  
 11 you, obviously it was obvious to most people that  
 12 you were the chief of police?  
 13 A Well, if she didn't know on the day of the  
 14 conversation to the phone, and I believe she did,  
 15 she certainly knew when I showed up in uniform at  
 16 the date of the lunch.  
 17 Q Right. And as I understand, during these two  
 18 meetings obviously she told you some things that  
 19 were bothering her; correct?  
 20 A Yes.  
 21 Q But now that we are here, you now realize that she  
 22 didn't tell you the whole story? At least that what  
 23 you are claiming?  
 24 MR. SCHRIMPF: Object based on  
 25 foundation and facts in the record.

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1 A Well, she told me the whole story she wanted to tell  
2 me.  
3 Q Right.  
4 A So, you know, I don't know in any conversation where  
5 somebody tells somebody the whole story, but she  
6 told me what she wanted me to know.  
7 Q All right. Go ahead.  
8 A No, I was going to say so therefore that was the  
9 whole story. That's what she wanted to tell me.  
10 Q Did you ever ask Marilyn Figueroa -- strike that.  
11 Did she ever tell you during any of these  
12 discussions, did she ever mention anything about  
13 filing a lawsuit against the City of Milwaukee?  
14 A No.  
15 Q All right. Did she ever tell you that she wanted  
16 money from the City of Milwaukee?  
17 A Only in a sense that she wanted a better job which  
18 would have paid her more money. But she never said  
19 she wanted money from the City of Milwaukee.  
20 MR. ARELLANO: We're going to take  
21 a two-minute break and I think we'll  
22 probably --  
23 MR. SCHRIMPF: You have until one I  
24 think, right, Chief?  
25 (Recess)

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1 Q Chief, I have reviewed carefully Exhibit No. 1 of  
2 your deposition. And what I see in here is, in a  
3 nutshell, a history of security officers that have  
4 at one point or another been assigned to serve for  
5 the Mayor. Would that be an accurate description of  
6 these records?  
7 A Yes, that is correct.  
8 Q And I believe those records also contain information  
9 regarding the period of time when you were also a  
10 security officer for the Mayor?  
11 A Yes. They should, yes.  
12 Q I believe some of them relate back to 1990, '91, '94  
13 all the way to the year 2000?  
14 A They start pursuant to your subpoena.  
15 Q Correct.  
16 A I believe you asked for April of 1991 to present.  
17 And this would be those records with respect to  
18 personnel transfers in and out of the Mayor's office  
19 from 1991 May would have been the first one that was  
20 promulgated after your subpoena request.  
21 Q All right. Other than having assignments and  
22 transfers and so on and so forth, promotions and so  
23 on and so forth, is there anything significant in  
24 those records that you care to highlight for us  
25 other than the fact that most of them relate to

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1 transfers and appointments and assignments within  
2 the police force?  
3 A No.  
4 Q With respect to the conversations that you had with  
5 Ms. Figueroa both on the phone and then through the  
6 lunch meeting, did you make any notes, Chief, of  
7 those conversations?  
8 A No.  
9 Q Did you provide a written report to Mayor Norquist  
10 at all?  
11 A No.  
12 Q When you spoke to Mr. Soika when he called you  
13 regarding the disclosure that he felt Marilyn was  
14 going to be filing a discrimination lawsuit, did you  
15 make any notes of that telephone conference with  
16 Mr. Soika?  
17 A No.  
18 Q Mr. Soika testified extensively during his  
19 deposition, and he stated under oath that after  
20 Marilyn Figueroa attempted to at least inquire about  
21 filing a complaint of discrimination there were  
22 meetings held in order to address what he perceived  
23 to be a legal problem down the road. Do you recall  
24 ever participating in any meetings, strategy  
25 meetings, any legal meetings related to this

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1 particular case involving Marilyn Figueroa versus  
2 the City of Milwaukee and/or John Norquist?  
3 A Never. Other than conversations I had with the city  
4 attorney.  
5 Q And those conversations, don't tell me the subject  
6 matter but tell me the period, the time, dates.  
7 A I don't know the dates. The only conversations that  
8 I had would be with -- the only persons that I had a  
9 conversation with was with City Attorney  
10 Bruce Schrimpf. No one else was present. Telephone  
11 conversations on my part, no one else was present on  
12 the telephone.  
13 I think that the conversations were initiated  
14 I would say after the Mayor had acknowledged that he  
15 had been engaged in a relationship with  
16 Ms. Figueroa. I cannot -- I couldn't give you exact  
17 dates.  
18 Q Did you ever have any discussions with  
19 Attorney Anne Shindell?  
20 A Never.  
21 Q Do you recall discussing Marilyn Figueroa with  
22 Attorney Pedro Colon?  
23 A Never.  
24 Q With Attorney John Fuchs?  
25 A Never.

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1 Q Do you know Attorney Fuchs?  
 2 A Yes.  
 3 Q Have you dealt with him, personal time? I'm not  
 4 from Milwaukee.  
 5 A Fuchs is a very integral part of my life.  
 6 Q I'm sure he'll be happy to know that.  
 7 A He represents the Milwaukee Police Association and  
 8 the Milwaukee Police Supervisors Association. So  
 9 when I get sued by the Milwaukee Police Association,  
 10 it is John Fuchs or his firm that is very much a  
 11 part of that.  
 12 Q Did Mr. Fuchs ever discuss with you  
 13 Marilyn Figueroa?  
 14 A Never.  
 15 Q No? Okay. Have you asked -- have you been asked to  
 16 provide any type of report or statement regarding  
 17 this particular case, Marilyn Figueroa versus the  
 18 City of Milwaukee and John Norquist?  
 19 A I believe -- now I just believe that this happened,  
 20 I may have given an affidavit. I don't recall, but  
 21 I may have.  
 22 Q Now, who did you give the affidavit to?  
 23 A It would have been the City Attorney's Office. But  
 24 I'm not saying that I did. I'm just saying that I  
 25 do in these cases. And I don't know whether or not

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1 I did in this case.  
 2 MR. ARELLANO: Counsel, I would  
 3 appreciate pursuant to Judge Lawent's  
 4 direction that we try to work things out. I  
 5 would appreciate it if you notify me that an  
 6 affidavit pursuant to this case was prepared  
 7 by Chief Jones and if you believe that the  
 8 affidavit is a privileged document, that you  
 9 state so.

10 MR. SCHRIMPF: I will try to  
 11 find -- if there was such a thing prepared, I  
 12 will try to find it. If it was never  
 13 executed, it's probably attorney-client work  
 14 product.

15 MR. ARELLANO: Right. I just want  
 16 to know whether or not there was one ever  
 17 done. And then we'll let the judge decide the  
 18 rest of the story.

19 Chief, I think that's all we have for  
 20 today. If we in the course of continuing our  
 21 discovery in this case, we discover that we  
 22 need to talk to you again, we will try to work  
 23 with your calendar.

24 THE WITNESS: Okay.

25 MR. ARELLANO: Is that okay?

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1 THE WITNESS: That's fine.  
 2 MR. ARELLANO: Thank you and it's a  
 3 pleasure meeting you.  
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(adjourning at 12:07 P.M.)

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1 STATE OF WISCONSIN )  
 2 COUNTY OF DANE ) ss.  
 3 I, TAUNIA NORTHOUSE, a Registered Diplomate Reporter  
 4 and Notary Public in and for the State of Wisconsin, do  
 5 hereby certify that the foregoing deposition was taken  
 6 before me at the offices of Murphy, Gillick, Wicht &  
 7 Prachthausen, Attorneys at Law, 330 East Kilbourn  
 8 Avenue, City of Milwaukee, County of Milwaukee, and  
 9 State of Wisconsin, on the 25th day of February 2002,  
 10 that it was taken at the request of the Complainant,  
 11 upon verbal interrogatories; that it was taken in  
 12 shorthand by me, a competent court reporter and  
 13 disinterested person, approved by all parties in  
 14 interest and thereafter converted to typewriting using  
 15 computer-aided transcription; that said deposition is a  
 16 true record of the deponent's testimony; that the  
 17 appearances were as shown on Page 3 of the deposition;  
 18 that the deposition was taken pursuant to notice and  
 19 subpoena duces tecum; that said CHIEF ARTHUR L. JONES  
 20 before examination was sworn by me to testify the truth,  
 21 the whole truth, and nothing but the truth relative to  
 22 said cause.

Dated March 4, 2002.

Registered Diplomate Reporter  
 Notary Public, State of Wisconsin  
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