

**TREMPEALEAU COUNTY SHERIFF'S OFFICE**

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36245 MAIN ST WHITEHALL, WI 54773 715-538-4509

11-4003

NARRATIVE

On May 20, 2011 I was requested by [REDACTED] of the Arcadia Police Department to handle a dog running at large case in the City of Arcadia. Officer [REDACTED] advised that the complainant's, [REDACTED], had damage to their yard and siding from their neighbor's dog and children. He said the owner of the dog was John Kimmel, who is the Mayor of the City of Arcadia. He requested that I take the case to avoid any conflict of interest. Through Officer [REDACTED] who had made contact with the [REDACTED] already, I made arrangements to meet with them on May 21, 2011 at around 6:00 PM.

On May 21, 2011 at approximately 6:05 PM I arrived at [REDACTED] in the City of Arcadia, Trempealeau County, WI and met with [REDACTED] who invited me into their home.

NOTE: During my interview with the [REDACTED], I had my audio/video recorder on.

[REDACTED] explained that over the last month or so, Kimmel's dog had come onto their property and been digging up the yard around the foundation. She said that the dog is not being watched and they are tired of having holes in their yard from the dog. [REDACTED] also said that Kimmel's girlfriend, [REDACTED], has children that play in their yard. She said that on several occasions they have heard loud bangs on their house from basketballs and tennis balls that were being played with by the children. She said that they attempted tell them not to hit the house but they persisted.

[REDACTED] went into detail about an incident where two boys were playing in Kimmel's yard. One was pitching a tennis ball to the other, who was hitting it with a bat at their house. She said there appeared to be damage to the siding, which she later showed to me. There also was damage to an aluminum gutter in the same area. I was also shown the holes being dug up by the dog.

While explaining the options and trying to get more details, [REDACTED] kept interrupting me and talking over me and not listening to what I was trying to tell her. [REDACTED] became increasingly upset toward me and at one point said she "wanted to talk to someone more mature" about the incident. I advised her she could talk to a Sgt. if she wished, but he would tell her the same thing. After a short exchange, [REDACTED] calmed down and was civil from that point on. She was simply frustrated by everything that had been going on with the damage.

The [REDACTED] advised that they wished Kimmel would pay for the damage to the siding, but said they would take care of it for now if they had too, but expressed that they could not keep paying to fix damages caused by Kimmel's dog or [REDACTED] children. The [REDACTED] gave me a written statement that was signed by [REDACTED] in front of me. I advised them that I would make contact with Kimmel and issue a warning for the dog running at large. I told them if there were any future problems of the dog on their property, they should let the Sheriff's Dept. or me know and he may be cited for violating the statute (174.042(1)(a)). I also advised them with their approval that I would advise Kimmel and [REDACTED] that no one is to come onto their property without permission and that if a ball or toy ended up on their property, that they should call or come to the front door and ask for permission to retrieve it.

I cleared shortly after and attempted to make contact with Kimmel and [REDACTED] at [REDACTED]. No one was home at the Kimmel residence, so I left a card with a note to call me on Kimmel's truck.

On May 22, 2011 at approximately 6:00 PM I went to Kimmel's residence and made contact with Kimmel and [REDACTED]. *NOTE: During my interview with Kimmel and [REDACTED], my audio and video recorder*

Prepared By:

Date:

05/22/2011

Approved By:

Date:

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11-4003

NARRATIVE

was on and the entirety of the conversation was captured on audio. I asked Kimmel if he knew why I was there and he said he didn't. I explained the complaint to him and he began to grow visibly upset. At first [REDACTED] wasn't there and he offered to have her come out so I could talk to both. He asked that I stayed outside the house while he went to get her.

[REDACTED] came out and I briefly explained why I was there, while Kimmel went back inside. I gathered information about [REDACTED] and her children when Kimmel came back out again. After saying a few words he went back inside, visibly angry, and I explained to [REDACTED] that there had been complaints about the dog and the children going on the neighbor's property and advised her to make sure they do not do so. I told her that if a ball or something went onto the neighbor's property to call them or make contact with them via the front door, to ask permission to retrieve it and that would be acceptable to them.

Kimmel came back out and I explained the same to him, and that the dog needed to stay on his property or under his control. He said that it has been and the children never go onto their property and that its just "her" being that way. [REDACTED] tried to calm Kimmel down saying it was "ok", but Kimmel responded angrily "its not ok" several times. He then said "if their lawn is even six inches I'm gonna cite them." He also said "I have 215 ordinances and if they even breath wrong I'm gonna cite them." I advised him that I am just warning him but if the problems persist with the dog he may be cited.

I cleared the call shortly after that. I have nothing to add at this time.

Deputy [REDACTED]
Trempealeau County Sheriff's Dept.

Prepared By:

Date:

05/22/2011

Approved By:

Date:

TREMPEALEAU COUNTY SHERIFF'S OFFICE

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NARRATIVE

11-4284

On June 1, 2011 I was requested to make contact with [REDACTED] in reference to a dog running at large complaint. I made contact with [REDACTED] at approximately 8:18PM. [REDACTED] advised that on the previous Saturday, May 28, 2011, she had observed a dog running in her back yard.

[REDACTED] said she also had noticed fresh spots where she suspected the dog had been digging. She said she saw girl run after the dog trying to get it back to the Kimmel residence. She said she recognized the dog as Kimmel's [REDACTED]. She also said she recognized the girl as one of [REDACTED] daughters. She said she did not report the incident until after the weekend since it was Broiler Days and she thought the police were busy and didn't want to bother them with a dog complaint. She said she observed the dog and the child during the mid-afternoon hours.

[REDACTED] showed me several areas where she believed the dog had been digging up. She also showed me where she had the property line surveyed and had put up a string to differentiate the line so there would be no confusion as to where the property line was. She expressed that she wanted enforcement action taken since it did not appear a warning had been sufficient.

I took photos of the areas of the lawn that appear to had been dug up and also took a typed statement from [REDACTED]

I then went next door and made contact with John Kimmel and [REDACTED]. Kimmel advised that the children had gone to their father's, out of town earlier that day, and that he and [REDACTED] had gone in to La Crosse, WI for dinner. He produced several receipts starting around 7:00PM. He said he thought they left the house for La Crosse around 4:00 PM - 5:00 PM. He said the dog was tied up in the house the entire time and only goes outside on a leash. He said that he felt she was making the whole incident up and wanted her charged for filing a false police report. Kimmel didn't recall what time the children had gone to their fathers. Miller said that the dog belonged to both of them, but was more hers.

I asked Kimmel for a statement about their activities during Saturday May 28, 2011 and he said he didn't want to make one at that time but would type one out and it would be ready for pickup the following afternoon. I did photograph the receipts that were shown to me as well as the dog and how/where it was normally tied up.

Deputy [REDACTED]
Trempealeau County Sheriff's Dept.

Prepared By:

Date:

06/15/2011

Approved By:

Date:

TREMPEALEAU COUNTY SHERIFF'S OFFICE

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SUPPLEMENT 4

11-4284

As of June 29, 2011 I had not received the statement from Kimmel. I decided to issue a citation for dog running at large to John Kimmel as he is the land owner and half owner of the dog. I mailed the citation to him on June 29, 2011.

Deputy [REDACTED]
Trempealeau County Sheriff's Dept.

Prepared By:

Date:

06/29/2011

Approved By:

Date:

Arcadia Police Department

Incident Report

2011-000913-INC

Date & Time Reported: 07/01/2011 06:00 PM **Offense:** Z-Information**Occurred From:** 07/01/2011 06:00 PM to 07/01/2011 06:00 PM **Victim/Complainant:** [REDACTED]

On the above date at about 4:00 p.m. Mayor John Kimmel came into my office and sat down. Kimmel asked that I make myself available to meet with him along with [REDACTED] at about 4:00 p.m. on [REDACTED]

While Kimmel was in my office he brought up what will happen in regards to his having a complaint about people blowing their grass onto the streets in violation of a municipal ordinance. I explained to Kimmel that we would handle it just as we have in the past, which is by referring the matter to [REDACTED] after which a written warning would be issued to the property owner, explaining what the violation was, and that any future violations would result in citations being issued.

Kimmel wanted to know what would happen if he and the Council were to give us the names of nine homeowners who are violating the ordinance, to which I responded that once we received a written complaint, or a lawful directive from the council, all violators would be referred to [REDACTED] for warning letters, unless I was otherwise directed by the council.

Kimmel became upset and said that he was being unfairly punished for being Mayor, because he had been issued a citation for a dog running at large, and not given a written warning. I explained to Kimmel that the matter he was speaking about was investigated by the Sheriff's Department at our request, because of what I perceived as a conflict of interest.

Kimmel then wanted to know why he was issued a citation instead of just a warning, and I told him that I believed Deputy [REDACTED] had issued the citation almost a month after the incident occurred, because Kimmel failed to get the promised statement in regards to the incident to [REDACTED]. Kimmel then showed me an envelope that had [REDACTED] name on it and said that the envelope had been taped to his, (Kimmel's) filing cabinet, and that [REDACTED] could have taken it anytime he was at the police department.

Kimmel was adamant that citations should be issued to everyone who blew their grass onto the roadway, including his neighbors the [REDACTED]. I informed Kimmel that I would not allow the police department's authority to be abused, by becoming Kimmel's tool in his personal vendetta against his neighbors.

Kimmel left my office and exited city hall.

I went to [REDACTED] as I had been requested earlier to do by Kimmel. Upon my arrival, I once again met with Kimmel. Kimmel wanted to know what would be done if he complained about the [REDACTED] violating other ordinances, and I responded that once I received a written complaint from him, I would contact the Sheriff's Department and request them to conduct an investigation of the complaint. He wanted to know why the Sheriff's Department needed to be brought in, and I explained the issue of conflict of interest to him again. To which Kimmel replied, "Great, so the knuckle dragger, could come along and issue me another ticket".

Kimmel then asked what would be done if [REDACTED] (Kimmel's live in friend) were to complain, and I told him I would treat that complaint the same way, by contacting the Sheriff's Department.

Kimmel then told me that there was no need for me to meet with him and the [REDACTED] as I had already made up my mind as to how the incident would be handled.

I contacted City Attorney Terry Madden and asked him for his opinion on the complaint, and he told me that he believed it had been properly handled, and that he would speak with Kimmel in regards to the incident.

Patrick J. Grzadzielewski
Chief of Police
Arcadia, Wisconsin