

MILWAUKEE COUNTY SHERIFF'S OFFICE

Date: December 4, 2013

INVESTIGATIVE BRIEF IA CASE #13-236

BACKGROUND INVESTIGATION:

On March 8, 2013, an Internal Affairs investigation was initiated relative to Deputy Sheriff Joseph Quiles. Inspector Richard Schmidt authorized this investigation.

ALLEGATION:

It is alleged that Deputy Sheriff (Dep.) Quiles violated MCSO rules and regulations as well as Milwaukee County Civil Service rules regarding Compliance to Laws and Rules, Care of County Equipment/Property, Personal Safety Conduct, Failure to observe parking or traffic regulations as established by ordinance, statutes or departmental rules while on county business, Violation of rules or practices relating to safety, Unauthorized use, misuse, destruction of or damage to any property including vehicle, said damage occurring because of neglect while on county business and refusing or failing to comply with departmental work rules, policies or procedures. It is alleged that Dep. Quiles was involved in an avoidable squad crash while working as a Deputy Sheriff for MCSO.

INVESTIGATIVE BRIEF SUMMARY:

Internal Affairs Division Lieutenant Douglas Holton, Jr. conducted an investigation into the above allegations.

ADDITIONAL REPORTS AND INTERVIEWS:

Case Background:

According crash analysis issued by Airport Division Sergeant Matthew Paradise:

Wednesday, February 20, 2013 at approximately 11:34 PM, Deputy Joseph Quiles was involved in an avoidable squad collision with injuries in marked MCSO squad 150-376 with a mileage of 66,117. The collision occurred at the intersection of South Howell Avenue and East Joseph M. Hutsteiner Drive.

According to video obtained from the General Mitchell International Airport (GMIA) security camera #38:

- Deputy Quiles' squad is seen traveling westbound on Husteiner Dr. approaching S. Howell Ave.
- It appears that Dep. Quiles did not come to a complete stop prior to entering the intersection. There is a stop sign at the end of Husteiner Dr. for traffic intending to turn or cross on S. Howell Ave.

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- The same video appears to show that Dep. Quiles failed to come to a stop and failed to yield to right of way to a vehicle being driven southbound on Howell Ave.
- Deputy Quiles turns left to go southbound on Howell Ave. and struck the civilian vehicle in the driver's side rear door causing the vehicle to lose control, spin and strike a tree in the center median barrier on the passenger side.
- The vehicle then exited the median barrier and traveled backwards across all three lanes of the northbound Howell Ave. coming to a stop in lane number 3.

Injuries:

- At the time of the assessment (02/22/13) the operator, Tanya H Weyker (f/w, [REDACTED]) was admitted to Froedert hospital and was awaiting surgery for multiple [REDACTED]
- At the time of the assessment, the passenger of the civilian vehicle, Eloy Mena (m/w, [REDACTED]) was admitted to Froedert Hospital for a [REDACTED]
- Dep. Quiles was transported to Froedert, treated and released

Vehicle Damage:

- Damage to the 2010 Chevrolet Impala marked squad is estimated to be \$2,500.00 and consist of a damaged push bar, a broken headlight, damaged front bumper skin and a misaligned engine hood.
- Damage to the civilian vehicle, a 2004 Toyota Camry is significant and may be a total loss

Findings:

Sgt. Paradise made the following findings:

- Dep. Quiles was acting within the scope and authority of a Deputy Sheriff with MCSO
- Dep. Quiles while operating squad 150-376 failed to yield the right of way to a southbound vehicle on Howell Ave.
- Dep. Quiles struck the southbound vehicle causing it to lose control and strike a tree in the median
- Conditions were dark (11:34pm) but illuminated with streetlights. Road surface was dry.
- Traffic was moderately light at the time of the crash
- Both the driver and operator of the civilian vehicle received significant injuries and were both transported to Froedert hospital.

Milwaukee Police Department Accident Report:

On 02/21/2013, Milwaukee Police Officer (PO) James Johnson wrote a State of Wisconsin MV4000A accident report relative to the above accident.

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PO Johnson's findings based on his interviews:

- Dep. Quiles stated that he approached the median to enter southbound Howell Ave. traffic and came to a complete stop
- Dep. Quiles stated he looked left and he looked right but did not observe any vehicles
- Stated he continued forward to make a left turn onto Howell Ave., when he made contact with unit #1
- Dep. Quiles stated he did not observe any headlamps illuminated on the civilian vehicle and believed that the driver did not have her headlights on
- Dep. Quiles stated he believed the civilian vehicle was traveling south on Howell Ave. at about 50 MPH
- Operator of the civilian vehicle stated that she had been at Lucky's Irish Pub located at 780 W. Layton Ave and that she shared one mixed drink with a friend. She stated she did not feel like her ability to operate a vehicle was impaired.
- Stated as she was traveling southbound on Howell Ave., she did observe Dep. Quiles' squad slowing as he approached the median on Howell Ave to turn southbound.
- Stated that the vehicle continued to turn and collided with her vehicle causing her to spin out.
- Stated she believed she was going between 35-40 MPH and that she had her headlights on
- Believed Dep. Quiles was traveling at about 20 MPH
- Operator stated that she does take prescription medication but had not taken any in a week or more
- Passenger of the civilian vehicle stated he observed the squad traveling west across the northbound lane of Howell Ave and thought the vehicle was going to stop but that it did not
- Stated the squad did not apply its brakes because he did not see brake lights

PO Johnson did not have access to the GMIA video of the incident and due to conflicting statements by those involved, he did not issue any citations. He did note that Ms. Weyker was subsequently arrested for OWI by MCSO Deputy Scott Griffin and several pictures of the accident were taken by Deputy Scott Krueger.

Tanya Weyker OWI arrest information:

On 02/21/2013, Deputy Scott Griffin responded to the scene of the above described accident and investigated a possible OWI involving the operator of the Camry.

Investigation:

- Weyker stated to Dep. Griffin while she was still seated in her vehicle being attended to by the Milwaukee Fire Department that she was s/b on S. Howell Ave. when the squad car hit them (her and her passenger).

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- Dep. Griffin observed Weyker's eyes being "glassy and red" and her speech was slurred. He also smelled an odor of an intoxicating beverage emanating from her breath.
- Weyker stated she consumed a half of a mixed drink. She also stated she took Percocet, Oxycodone and Adderall. However, she stated she hadn't taken any of the above medications for three weeks prior to the accident.
- Dep. Griffin was unable to perform standard field sobriety (SFST) test' due to the nature of her injuries.
- Weyker later admitted to taking Vicodin after having work done on her teeth and that it had been only a week since she had taken the above prescriptions she initially stated she took three prior.
- Dep. Griffin arrested Weyker for the following charges: Unreasonable and Imprudent Speed; OWI 1st, PAC 1st, OWI causing injury, PAC causing injury
- A legal blood draw was obtained from Weyker at Froedtert hospital.

Blood Results:

On 03/05/2013, per the State of Wisconsin Laboratory of Hygiene Forensic Toxicology Laboratory the following results were submitted:

Ethanol (alcohol): negative
Drug Panel: Negative

District Attorney:

On 12/5/2013, Assistant District Attorney Ron Dague reviewed the case and chose not to issue any charges against Weyker.

Per ADA Dague's notes on the case: "A MCSO squad t-bones the driver's car as she is heading south on Howell Avenue. The squad failed to stop/yield to an auto in the active traffic lane. Although the defendant admits that she was driving 45 in a 35 (mph) zone, that speed isn't excessive, just a violation of the speed limit. Defendant was cooperative with police and consented to blood test. Blood test shows no alcohol, no drugs at all. So no evidence of impairment. Ticket was also written for "imprudent speed." 45 in 35 might be in excess of posted limit, but doesn't appear to be "imprudent." Further, driver's car suffered significant damage, both driver and passenger suffered injuries and were admitted into Froedtert as a consequence of the collision."

Summary of Internal Affairs Division Interview – Deputy Joseph Quiles

On December 17, 2013, I conducted an Internal Affairs interview with Dep. Joseph Quiles. I advised Dep. Quiles that he WAS the subject of this investigation and therefore had a right to representation during the interview. He stated he understood his rights and chose to have Dep. Roy Felber serve as his representative.

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Dep. Quiles has a hire date of 01/03/2003 and is familiar with MCSO policy and procedure including rules relative to operating an emergency vehicle.

Dep. Quiles stated that he worked on 02/20/2013 as squad 408 at the airport, which is a mobile unit. He stated he prepared his squad for his shift and at approximately 2330 hours, he drove westbound on Hutsteiner Rd. toward S. Howell Ave. He stated, "I rolled the stop sign at Howell and Hutsteiner, entered onto the intersection of Howell and Hutsteiner and struck a vehicle traveling southbound in lane #1."

Dep. Quiles stated he was "told" by "friends and colleagues" that he "rolled the stop sign" at Howell and Hutsteiner, however he stated he did not see any video of the incident.

Dep. Quiles stated that he was ready to work that evening and that he was just eager to patrol the area and initiate some traffic stops.

Dep. Quiles acknowledged that his RMS report stated that he come to a complete stop at the intersection, however he stated he was wrote what he believed occurred with the knowledge that he had at time and now admits that he did not stop at the stop sign.

I asked Dep. Quiles if he had any reason to dispute the allegation that he "rolled" the stop sign. He stated "no." I stated, "you believe that you probably did roll the sign?" Dep. Quiles stated, "Yes I do."

I stated, "you believe that you were at fault for this accident?" Dep. Quiles stated, "That's correct."

Dep. Quiles stated that this incident has disappointed him and was very traumatic.

I ordered Dep. Quiles not to discuss this case and ended the interview.

ADDITIONAL INFORMATION:

- MCSO accident reports
- MPD accident report
- Accident photographs
- DA information
- OWI criminal file
- Major incident report
- Accident assessment
- Case brief
- Interviews
- Schedules/Ceridian
- Policy/Procedure

SUMMARY AS TO ALLEGATIONS:

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On March 8, 2013, an Internal Affairs investigation was initiated relative to Deputy Sheriff Joseph Quiles. Inspector Richard Schmidt authorized this investigation.

It is alleged that Deputy Sheriff (Dep.) Quiles violated MCSO rules and regulations as well as Milwaukee County Civil Service rules regarding Compliance to Laws and Rules, Care of County Equipment/Property, Personal Safety Conduct, Failure to observe parking or traffic regulations as established by ordinance, statutes or departmental rules while on county business, Violation of rules or practices relating to safety, Unauthorized use, misuse, destruction of or damage to any property including vehicle, said damage occurring because of neglect while on county business and refusing or failing to comply with departmental work rules, policies or procedures. It is alleged that Dep. Quiles was involved in an avoidable squad crash while working as a Deputy Sheriff for MCSO.

Internal Affairs Division Lieutenant Douglas Holton conducted this investigation and factually established that:

Wednesday, February 20, 2013 at approximately 11:34 PM, Deputy Joseph Quiles was involved in an avoidable squad collision with injuries in marked MCSO squad 150-376. The collision occurred at the intersection of South Howell Avenue and East Joseph M. Hutsteiner Drive.

According to the Squad Crash Assessment file, Sergeant Matthew Paradise made the following observations and conclusions based on witness statements, vehicle damage, video of the incident and the Milwaukee Police Department Report:

- Dep. Quiles was acting within the scope and authority as a Deputy Sheriff with MCSO.
- Deputy Quiles' squad is seen on the Airport video traveling westbound on Hutsteiner Dr. approaching S. Howell Ave.
- **It appears that Dep. Quiles did not come to a complete stop prior to entering the intersection.** There is a stop sign at the end of Hutsteiner Dr. for traffic intending to turn or cross on S. Howell Ave.
- The same video appears to show that **Dep. Quiles failed to come to a stop and failed to yield to right of way to a vehicle being driven southbound on Howell Ave.**
- Deputy Quiles turns left to go southbound on Howell Ave. and stuck the civilian vehicle on the driver's side rear door causing the vehicle to lose control, spin and strike a tree in the center median barrier on the passenger side.
- The vehicle then exited the median barrier and traveled backwards across all three lanes of the northbound Howell Ave. coming to a stop in lane number 3.
- Both the driver (Tanya H. Weykel F/W [REDACTED]) and passenger ([REDACTED]) of the civilian vehicle received significant injuries and were both transported to Froedtert hospital for further treatment.
- Dep. Quiles was transported to Froedtert, treated and released

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- Damage to the 2010 Chevrolet Impala marked squad is estimated to be \$2,500.00 and consist of a damaged push bar, a broken headlight, damaged front bumper skin and a misaligned engine hood.
- Damage to the civilian vehicle, a 2004 Toyota Camry is significant and may be a total loss.

According to Ms. Weyker's interview with the Milwaukee Police Department (Police Officer James Johnson) she stated as she was traveling southbound on Howell Ave., she did observe Dep. Quiles' squad slowing as he approached the median on Howell Ave to turn southbound, however the vehicle continued to turn and collided with her vehicle causing her to spin out. She stated she believed she was going between 35-40 MPH and that she had her headlights on. She believed Dep. Quiles was traveling at about 20 MPH.

Mr. Mena stated that Dep. Quiles' squad car did not come to a stop at the intersection or the median.

MCSO Deputy Scott Griffin responded to the scene of the above described accident and investigated a possible OWI involving the operator of the Camry. Based his observations of the operator as well as her statements, Dep. Griffin arrested Ms. Weyker for Operating While Intoxicated 1st (OWI 1st).

On 12/5/2013, Assistant District Attorney Ron Dague reviewed the case and chose not to issue any charges against Weyker based on the fact that a legal blood test showed no alcohol and no drugs in her system. He also stated in his case notes that, "the squad failed to stop/yield to an auto in the active traffic lane."

Deputy Joseph Quiles (DOH: 01/03/03; 3rd shift Airport) was interviewed relative to this investigation.

Dep. Quiles stated that he worked on 02/20/2013 as squad 408 at the airport, which is a mobile unit. He stated he prepared his squad for his shift and at approximately 2330 hours, he drove westbound on Hutsteiner Rd. toward S. Howell Ave. to conduct a patrol of the Airport perimeter. He stated that he was not in emergency mode nor did he have his emergency lights or siren on. He stated, "I rolled the stop sign at Howell and Hutsteiner, entered onto the intersection of Howell and Hutsteiner and struck a vehicle traveling southbound in lane #1."

Dep. Quiles stated he was "told" by "friends and colleagues" that he "rolled the stop sign" at Howell and Hutsteiner, however he stated he did not see any video of the incident.

Dep. Quiles stated that he did not have any reason to dispute the fact that he "rolled" the stop sign at Husteiner and Howell Ave. Because of this, he stated that he understands he was at fault for the crash.

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MCSO policy 202.24 Compliance to Laws and Rules states, "Members shall not violate any federal or state statute, county or municipal ordinance or any rule pertaining to county employees."

Based on both witness statements, video of the incident and Dep. Quiles' statements, he violated state statute 346.46(1) when he failed to operate his squad car with due regard by properly coming to a complete stop at the intersection of Hutsteiner and Howell. He then violated state statute 346.18(3) when he failed to yield to the right of way of Ms. Weyker's vehicle.

The above actions violated MCSO policy 202.46 Personal Safety Conduct by "create(ing) a situation of risk or injury to himself or others."

Based on the aforementioned, I respectfully recommend a proposed disposition of **SUSTAINED** for violation of the following Milwaukee County Civil Service Rule:

MILWAUKEE COUNTY SHERIFF'S OFFICE RULES:

202.24 Compliance to Laws and Rules
202.29 Care of County Equipment
202.46 Personal Safety Conduct

MILWAUKEE COUNTY CIVIL SERVICE RULE VII, SECTION 4 (1):

- (l) Refusing or failing to comply with departmental work rules, policies or procedures
- (h) Failure to observe parking or traffic regulations as established by ordinance, statutes or departmental rules while on County business
- (i) Violation of rules or practices relating to safety
- (b) Unauthorized use, misuse destruction of or damage to any property including vehicles, said damage occurring because of neglect while on County business

The above listed potential rule violations are not all-inclusive, but are merely intended as a guide in assisting you in reaching a determination.



Douglas Holton, Jr., Lieutenant
Internal Affairs Division

INTERNAL AFFAIRS