



**David A. Clarke Jr.**  
Sheriff

# Milwaukee County Sheriff's Office

## ***NEWS RELEASE***

Fran McLaughlin  
Public Information Officer  
Cell: 414-254-9488  
Phone: 414-278-5226  
frances.mclaughlin@milwaukeecounty.gov



**FOR IMMEDIATE RELEASE**  
**August 20, 2014**

### **Sheriff Wins Appeal in Case Brought Against Him by Former Deputy**

Milwaukee, WI – Sheriff David A. Clarke Jr. this week won the case brought against him in January of this year by a former deputy, Richard Graber.

In summary of Case No. 13-2165, Richard P. Graber v. David A. Clarke Jr., the decision of the district court was affirmed. Excerpt follows:

The US 7<sup>th</sup> Circuit Court of Appeals considered whether Sheriff Clarke's alleged heated meeting with Graber qualified as an adverse employment action. For the sake of brevity, the court assumed that the heated meeting was an adverse employment action and discussed the more pressing issue: whether Graber's protected speech motivated his "dress down" by Sheriff Clarke.

The US 7<sup>th</sup> Circuit Court of Appeals found that the purpose and focus of the meeting related to Graber challenging orders, blocking department resources, personally attacking Sheriff Clarke, and acting insubordinate in his encounter with a superior officer; and that Sheriff Clarke's "dress down" of Graber, even when considered an actionable offense, was due to the aggressive and insubordinate manner in which Graber spoke to a superior officer. Therefore, it was not the result of any protected speech in which Graber engaged.

The US 7<sup>th</sup> Circuit Court of Appeals upheld the trial court's conclusions that Graber's First Amendment rights were not violated and that he did not establish a violation of the Wisconsin Law Enforcement Officer's Bill of Rights.

###

For more information about the Milwaukee County Sheriff's Office, visit our website at [www.mksheriff.org](http://www.mksheriff.org) and our facebook page at <http://www.facebook.com/MilwaukeeCountySheriff>  
Follow us on Twitter @MCSOSheriff