



Armed and growing: Milwaukee County DA beefs up his ‘police force’

By [M.D. Kittle](#)
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MADISON, Wis. — The Milwaukee County prosecutor-pushed [predawn, paramilitary-style raids](#) on the homes of conservative activists last year was perhaps the logical result of a department that has expanded its armed investigative force, a [Wisconsin Reporter](#) investigation shows.

It’s all part of Milwaukee County District Attorney [John Chisholm’s](#) drive to start his own police force and expand his power, according to Milwaukee County Sheriff [David A. Clarke Jr.](#)

“The role of the prosecutor’s office is to prosecute, not to investigate a crime,” said Clarke, adding that Chisholm’s move to expand his gun-carrying investigative team is “mission creep.”

At the very least, Clarke insists, in bulking up his investigation division Chisholm is duplicating existing services. That expansion has already cost his Sheriff’s Department, the law enforcement agency that traditionally handles investigatory work for prosecutors.

“Why does he need all these investigators?” the sheriff asked.

Chisholm has more than doubled the size of his office’s armed investigative team since he was first elected in 2006, from six to 14. His budget calls for another four investigators in 2015, tripling its size in less than a decade.

There’s irony here. According to [county budget documents](#), the agency added three investigators to its witness-protection unit in 2009. Those positions were added to the budget by then-Milwaukee County Executive [Scott Walker](#), now the Republican Wisconsin governor. The DA’s critics say Chisholm, a Democrat, has used the state’s John Doe law to target conservative activists — including those he targeted in last year’s raids — in advance of next month’s gubernatorial election pitting Walker against Democrat [Mary Burke](#).

Two more investigators were added in 2012 to the witness-protection unit under County Executive [Chris Abele’s](#) budget, and two more were brought in this year to assist the [Child Support Services](#) Department.

It looks as if investigators have plenty of weapons and ammo at their disposal.

Documents obtained by Wisconsin Reporter indicate that over a two-year period, between February 2012 and February 2014, the Milwaukee County District Attorney's office ordered at least \$25,000 worth of ammunition, [Taser electro-shock weapon](#) cartridges and battery packs.

It appears the DA's office had a change of heart, at least for some of the ammunition, according to the purchase orders. The agency appears to have canceled more than \$10,000 in orders, a change confirmed by a Milwaukee County purchasing administrator.

It's not entirely clear just how much ammunition the DA's office has purchased since 2012. Brendan Conway, spokesman for the Milwaukee County executive, said releasing information on weapons and ammunition purchases to the public could "compromise investigations or officer safety." The spokesman directed questions to the DA's office regarding the kinds of weapons to which investigators have access.

Chisholm and Milwaukee County [Deputy District Attorney Kent Lovern](#), who heads the investigative teams, didn't return more than a half-dozen phone calls last week from Wisconsin Reporter seeking comment for this story.

Sources told Wisconsin Reporter the DA's office is in possession of high-powered arms.

Criminal justice experts say the DA's investigators, like any armed law enforcement agent, have to train and be certified on their weapons, hence the need for some of the ammunition ordered.

In Milwaukee County, Conway said, "all of the investigators are armed, have police powers and are extremely experienced and highly trained."

As to the addition of investigators, Conway told Wisconsin Reporter the campaign to target egregious child support deadbeats in particular has been "extremely successful." He cited the arrest this past summer of a deadbeat dad in California who owed his child in Milwaukee County \$250,000 in support payments.

Critics of Chisholm's ever-expanding armed police squad worry about the abuses possible in weaponizing a DA's office with an apparent ax to grind against conservative groups.

Law enforcement officials, with warrants sought by Chisholm and crew, shattered the silence of usually tranquil neighborhoods and lit up the darkness on the early morning of [Oct. 3, 2013](#), with a blaze of floodlights and noisy demands in the serving of warrants. Police threatened to knock down at least one of the conservative targets' front door with a battering ram, sources have told Wisconsin Reporter.

Using that kind of force against armed suspects might be warranted, but deploying armed prosecutors who are investigating alleged — now debunked — "paper crimes" has been criticized by some law enforcement officials and civil libertarians. They say it's the logical extension of an overreaching district attorney driving a political witch hunt.

The DA's office has been accused of strong-arming targets of its previous John Doe investigation.

In 2010, during Chisholm's John Doe dragnet into former aides and associates of Walker when he was Milwaukee County executive, Assistant District Attorney David Robles took the unusual step of personally arresting [Andrew P. Jensen Jr.](#), a commercial real estate agent who, prosecutors said, refused to cooperate with the investigation.

Months later, Jensen was quietly exonerated. His attorney at the time said Jensen "refused to cooperate" because he wouldn't give investigators what they wanted to go after the big fish in the probe.

Along with Chisholm and others, Robles is one of the defendants in a [federal civil rights lawsuit](#) filed by conservative activist Eric O'Keefe. That case was [tossed out last month](#) by the U.S. Court of Appeals for the 7th Circuit, not on its merits but because the court believes it is a matter best handled by the state judicial system. O'Keefe has asked the appeals court to rehear the case.

DA investigators do encounter some potentially dangerous situations.

Waukesha County District Attorney [Brad Schimel](#), the Republican candidate for Wisconsin attorney general, said he thinks it makes "good sense" those agents be armed.

"They are going to be confronting characters who don't like to be confronted," said Schimel, who added that his office employs one investigator. "Anyone doing that law enforcement kind of work, whatever it takes for them to get home safely at the end of the day I am on board with."

But Walter Olson, senior fellow with the [CATO Institute's Center for Constitutional Studies](#), said the Milwaukee County DA's arming of all of its investigators is just another example of "weaponizing people who don't need to be armed."

"Unfortunately this is not limited to Milwaukee," he said. "The federal government, for example, notoriously has extended weaponry and police-like powers to a variety of different agencies, like (the U.S. Department of) Agriculture, and Fish and Wildlife (Service)."

"They are pointlessly harming their reputations, pointlessly raising public fears," he added. "They are also raising the chances that something will go wrong and someone will get hurt. Mistakes are made. That happens when there is too much armament."

For Clarke, Chisholm's expanded and armed investigator force raises one big question: "Why does he also want to be the sheriff's office, as well as the prosecuting officer?"

Most district attorney offices in Wisconsin don't employ investigators, but they can. Under state statute, the DA of any county "[may appoint such investigators as are authorized by the county board, and the county board may abolish the positions at its pleasure.](#)"

Ozaukee County District Attorney [Adam Gerol](#) said his office doesn't need an investigator, a position that comes with a cost many counties can't cover.

"Does the county want to take on the liability of other armed people subject to the chain of command?" the DA asked.