STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

CHARLENE ABUGHRIN,
3835 North 70th Street
Milwaukee, Wisconsin 53216,

Plaintiff,

v.

MILWAUKEE BOARD OF
SCHOOL DIRECTORS,
5225 West Vliet Street,
Milwaukee, Wisconsin 53208,

Defendant.

Case Type: Writ of Mandamus

Case Code: 30952

SUMMONS

THE STATE OF WISCONSIN, To each person or entity named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. Wis. Stat. § 801.09(2)(a)1. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is **Milwaukee County Clerk of Circuit Court, 901 North 9th Street, Milwaukee, Wisconsin 53233** and to the Wisconsin Institute for Law & Liberty, Inc., Plaintiff's attorneys, whose address is **330 East Kilbourn Avenue, Suite 725, Milwaukee, Wisconsin 53202**. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose

your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 8th day of October, 2024.

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.

/s/ Electronically Signed by Lauren Greuel

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COMPLAINT FOR WRIT OF MANDAMUS

1. This is an action to enforce requirements established by 2023 Wisconsin Act 12 ("Act 12") and codified at Wis. Stat. § 62.90(8). Wis. Stat. § 62.90(8) required that by January 1, 2024, Defendant Milwaukee Board of School Directors "shall ensure that not fewer than 25 school resource officers are present within the school district during normal school hours and that school resource officers are available during before-school and after-school care, extracurricular activities, and sporting events as needed."

2. Despite these plain and positive duties, the Milwaukee Board of School Directors has not complied with the statute, and several individual board members have publicly said they do not want to comply with the statute.

3. Plaintiff, a parent with a child enrolled in a school under the direction of the Milwaukee Board of School Directors, has a clear legal right to have school resource officers present in her child's school district. There is substantial risk to her and her child's safety due to Defendant's inaction, and she has no other adequate remedy at law.

4. Plaintiff, by her undersigned attorneys, hereby request this Court issue a writ of mandamus directing Defendant, Milwaukee Board of School Directors, to immediately comply with the statutory requirements of Wis. Stat. § 62.90(8).

FACTUAL ALLEGATIONS

The Parties

5. Plaintiff Charlene Abughrin is a resident and taxpayer in the City of Milwaukee. Abughrin resides at 3835 N 70th St., Milwaukee, Wisconsin 53216.

6. Abughrin is a mother of six, whose youngest child is currently enrolled in a school operated by the Milwaukee Board of School Directors.

7. Defendant Milwaukee Board of School Directors (the "Board") is the school board of a first-class city school system in the City of Milwaukee organized according to Chapter 119 of Wisconsin statutes. The district operated by the Board is commonly known as "Milwaukee Public Schools" or "MPS".

Jurisdiction and Venue

8. This Court has jurisdiction to hear this action under Article VII, Section 8 of the Wisconsin Constitution and is competent to provide relief under Wis. Stat. Ch. 783, and §§ 801.02(1) and (5).

9. Venue is proper in this county under Wis. Stat. § 801.50(2) because this is the county where the claim arose.

2023 Wisconsin Act 12

10. 2023 Wisconsin Act 12 ("Act 12") was bipartisan legislation which, among other things, allowed the City and County of Milwaukee to impose new sales and use taxes within their jurisdictions. Act 12 was published on June 21, 2023.

11. As part of Act 12, state law was amended to require that "[b]eginning January 1, 2024, [the Board] shall ensure that not fewer than 25 school resource officers are present at schools within the district during normal school hours," and that the school resource officers are available during certain additional time periods and events. Wis. Stat. § 62.90(8).

12. The City of Milwaukee and the Board are additionally required to "agree to an apportionment of the costs" to ensure compliance with this school resource officers ("SRO") requirement. Wis. Stat. § 62.90(8).

13. The statute defines an SRO as "a law enforcement officer who is deployed in community-oriented policing and assigned by the law enforcement agency . . . that employs him or her to work in a full-time capacity in collaboration with the school district." Wis. Stat. § 62.90(8).

14. The statute defines a law enforcement officer as "a person who is employed by the state or a political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce." Wis. Stat. § 62.90(8).

Respondent's Refusal to Comply

15. The Board did not "ensure that not fewer than 25 school resource officers are present at schools within the district during normal hours" by January 1, 2024, as required by state law. Wis. Stat. § 62.90(8).

16. To date, the Board has still not ensured that *any* SROs are present within the district at any time since January 1, 2024.

17. Since adoption of Act 12, the Board has repeatedly discussed the statutory SRO requirement, but has refused to implement it.

18. During the February 29, 2024, meeting of the Board, almost two months *after* the deadline by which SROs were required to be present in the district, the then-Superintendent gave an update on compliance with the Act 12 SRO requirement.

19. During this update, the then-Superintendent stated that the administration had been in discussion with various stakeholders and had "sent groups to various locations" to see what schools in other states were doing.[1]

20. At that Board meeting, there was no discussion of the January 1, 2024, deadline having already passed, nor was anything further discussed about SROs in subsequent Board meetings from February until the Board's meeting on August 29, 2024.[2]

21. However, on July 24, 2024, at a "Newsmaker Luncheon" hosted by the Milwaukee Press Club, Board Vice President Jilly Gokalgandhi was featured, and the SRO requirement was discussed there.[3]

22. During this event, a reporter asked "Part of the city sales tax state agreement was that police officers would be put into MPS schools. Did that ever happen last year?" Director Gokalgandhi responded, "It did not." The reporter followed that up with, "is it going to happen this year?" To which Director Gokalgandhi said, "We're going to continue to focus on restorative justice as the main lever of serving our kids and so that is my commitment. I've said that, I've

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[1] *See* Milwaukee Board of School Directors, Proceedings (Minutes) of the Board, 2023-24 Proceedings of the Milwaukee Board of School Directors, pp. 612-613 (available at: https://mps.milwaukee.k12.wi.us/MPS-English/OBG/Clerk-Services/Proceedings/Archives/Proceedings2023-24.pdf); *See also* Milwaukee Board of School Directors, Video of February 29, 2024 meeting, beginning at 10:20 (available at https://www.youtube.com/watch?v=xZ-ZM-5y4DA).

[2] *See* Milwaukee Board of School Directors, Proceedings (Minutes) of the Board, August 2024, Proceedings of the Milwaukee Board of School Directors, pp. 238-239 (available at: https://mps.milwaukee.k12.wi.us/MPS-English/OBG/Clerk-Services/Proceedings/2024-25/04AUG24.pdf).

[3] A full video of the Newsmaker Luncheon is available at https://www.youtube.com/watch?v=0kXgIvZjQ14.

gone on the record and said that over and over again and so that is what I will focus on." The reporter responded asking, "is the state going to let you do that?" To which Director Gokalgandhi responded, "I mean...[shrugs] you just said that they missed the deadline so...[laughs]."[4]

23. Wisconsin State Senator John Jagler then reached out to Board President Herndon on August 22, 2024, asking about the response from Vice President Gokalgandhi to the SRO question at the Luncheon.

24. Senator Jagler wrote "[o]n July 24th, at the Milwaukee Press Club Newsmaker Luncheon, MPS Vice President Jilly Gokalgandhi was asked about MPS meeting this [SRO] requirement. Her answer was dismissive and appeared to suggest that the school district had no plans to comply with the requirement. I am hopeful that this was simply a misstatement made in the moment. I am writing to inquire about the School District's plans to address returning School Resource Officers to MPS and meet the crime reporting requirements."[5]

25. Paulette Chambers, Chief of Staff for Milwaukee Public Schools, responded to Senator Jagler on August 26, 2024, by providing no indication as to how soon SROs could be deployed, and instead stating that "MPS administrators were expected to update the Milwaukee Board of School Directors about the status of a school resource officer plan with the Milwaukee Police Department at the board meeting [scheduled for August 29, 2024.]"[6]

26. Prior to that scheduled Board meeting August 29, 2024, Board Director Henry Leonard was interviewed by a television news station in Milwaukee and was asked what he would

[4] *See* Footnote 3, starting at 43:12.
[5] Mark Lisheron, *Fourteen months after deal with Legislature, still no cops in MPS Schools*, The Badger Institute, August 29, 2024 (available at: https://www.badgerinstitute.org/fourteen-months-after-deal-with-legislature-still-no-cops-in-mps-schools/).
[6] *Id.*

say to parents who believe the placement of SROs in MPS schools should have already happened. He responded by apologizing: "Sorry, I know it's difficult. I know it's very difficult."[7]

27. At the Board Meeting on August 29, 2024,[8] Interim Superintendent Galvan explained that "earlier this year the preliminary steps to ensure compliance with Act 12 were initiated," and that a final draft of the Memorandum of Understanding ("MOU") between "Milwaukee Police Department and Milwaukee Public Schools that clearly outlines the expectations and responsibilities of the two entities" was sent to the City Attorney's office. He clarified there could be additional revisions from the City Attorney's Office. However, once all revisions on the MOU are finalized, then "all entities will be in position to discuss implementation."

28. Interim Superintendent Galvan explained that the current draft of the MOU focused "exclusively on procedural matters" and that "any financial commitments or responsibilities will be negotiated separately."[9]

29. When asked by Director Leonard if he would have a clearer idea of cost and timeline of implementation at the end of September (approximately one month from the August meeting), interim Superintendent Galvan said that they still had to negotiate the cost. The discussion on this ended with Board President Herndon saying that because "no action is required on this item," the Board will move on to the next item.[10]

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[7] Ben Jordan, *MPS still working on plan for school resource officers 9 months after state deadline*, TMJ4, August 28, 2024 (available at https://www.tmj4.com/about-us/lighthouse/mps-still-working-on-plan-for-school-resource-officers-9-months-after-state-deadline).
[8] Milwaukee Board of School Directors, Video of August 29, 2024 meeting (full video available at https://www.youtube.com/watch?v=kZiK0mWGQQY, the discussion of SROs begins at approximately 18:40).
[9] *See* Footnote 8.
[10] *See* Footnote 8.

30. The Statute imposes separate requirements upon the Board: first, they *shall* ensure that SROs are available in the district. Separately, "[t]he 1st class city school district and the 1st class city shall agree to an apportionment of the costs of meeting the requirements of this subsection." Wis. Stat. § 62.90(8). Yet, the actions of the District and statements of Board Members seem to indicate they treat these requirements as being the same (i.e., that they cannot ensure SROs are in the district until they have apportioned cost).

31. After the Board meeting on August 29, 2024, when asked why MPS was dragging their feet on this by another Milwaukee television news station, Board Director Marcela Garcia said that she is moving slowly on this because some of her constituents were "resistant" to the idea, and that the Board was moving slow mostly because of that resistance, and that the Board was "being forced to do this." [11]

32. The actions and inactions of the Board and the statements of these Board Directors all make clear they are aware of their plain duty under state law, but are deliberately not complying with, the requirements of Act 12.

33. During the September 26, 2024, Board meeting no action was taken on SROs.[12]

Harms to Plaintiff

34. Plaintiff is a resident of the City of Milwaukee and has a child enrolled in a school overseen by the Board.

35. Plaintiff has additional children who have already graduated from schools overseen by the Board.

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[11] Emily Pofahl, *Milwaukee Public School District does not have a timeline to put police officers back in schools, despite state mandate*, WISN, August 30, 2024 (available at https://www.wisn.com/article/milwaukee-public-school-district-does-not-have-a-timeline-to-put-police-officers-back-in-schools-despite-state-mandate/62012876).

[12] Milwaukee Board of School Directors, video of September 26, 2024, meeting (full video is available at https://www.youtube.com/watch?v=4tVDSTeIX7Q).

36. Plaintiff's child is less safe today because of Defendants' failure to comply with the statute. This harm will continue until Defendants comply with state law.

37. Plaintiff fears for the safety of herself and her child at a school operated by the Board and believes that the presence of SROs in the district would increase school safety.

38. Plaintiff's children have witnessed instances of violence at an MPS school, and her children have experienced violence upon themselves at an MPS school.

39. The lack of school resource officers to respond to law enforcement needs at MPS schools means other police officers must respond from elsewhere in the City of Milwaukee.

40. As a resident and taxpayer in the City of Milwaukee, every time calls are made requiring police resources to MPS, Plaintiff is harmed because those officers are not available to assist and respond to emergencies elsewhere in the City.

41. In a news article published on September 3, 2024, Milwaukee Police Association President Alexander Ayala said that the Department was getting calls "multiple times a day" and that the officers are "getting taken out from other parts of the neighborhoods that are having other issues and then getting rerouted to go to all these schools. But if we had school officers already in place, those school resource officers could be going to these calls instead of pulling from other districts or the districts that have limited staffing."[13]

CAUSE OF ACTION – WRIT OF MANDAMUS

42. The preceding paragraphs are hereby incorporated and realleged as if fully stated herein.

[13] Kendall Keys, *Police union president: 'If they don't want police officers at the schools, why are they calling?'*, WISN, September 4, 2024 (available at https://www.wisn.com/article/police-union-milwaukee-public-schools-resource-officers/62049511).

43. Pursuant to Wis. Stat. § 62.90(8), by January 1, 2024, the Board "shall ensure that not fewer than 25 school resource officers are present within the school district during normal school hours and that school resource officers are available during before-school and after-school care, extracurricular activities, and sporting events as needed."

44. The Board has a plain and positive duty under state law to ensure that no fewer than 25 SROs are present within the district.

45. The Board did not comply with Wis. Stat. § 62.90(8) by January 1, 2024.

46. The Board has not complied with Wis. Stat. § 62.90(8) since January 1, 2024.

47. Plaintiff and her child have a clear legal right in state law to no fewer than 25 SROs in MPS schools, which will help ensure the safety of Plaintiff, her child, and school staff.

48. Plaintiff will suffer substantial damages if a writ of mandamus is not issued and the Board is allowed to continue ignoring their plain and positive duty under state law.

49. Plaintiff has no other adequate remedy at law to ensure compliance with the statutory SRO requirement.

RELIEF REQUESTED

WHEREFORE, Plaintiff demands a writ of mandamus to issue against the Respondent:

A. Compelling the Defendant to immediately comply with Wis. Stat. § 62.90(8)'s requirements as described herein that the Board "ensure that not fewer than 25 school resource officers are present at schools within the school district during normal school hours and that school resource officers are available during before-school and after-school care, extracurricular activities, and sporting events as needed";

B. Declaring the Plaintiff's rights and limiting Defendant's conduct;

C. Costs as permitted by law; and

D. Awarding such other relief as the Court deems appropriate.

Dated this 8th day of October, 2024.

Respectfully Submitted,

WISCONSIN INSTITUTE FOR LAW & LIBERTY

/s/ Electronically Signed by Lauren Greuel

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