



Police OpenSky records sought

Aldermen want years of documents on troubled system

By [Larry Sandler](#) of the Journal Sentinel

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A sharply divided Milwaukee Common Council committee voted Tuesday to subpoena nearly eight years of Police Department records on the troubled OpenSky radio system.

Ald. Bob Donovan, chairman of the council's Public Safety Committee, and Ald. Joe Davis Sr. said aldermen had a responsibility to [investigate ongoing problems](#) with the \$18 million system and to hold police officials and the vendor accountable.

"There's been ample evidence to indicate this radio system has failed us," Donovan said, pointing to a 30-minute outage in October and officers' reports of "dead zones" and garbled transmissions. "I believe we would not be doing our job if we did not look into this."

But Aldermen Terry Witkowski and Robert Puente said Donovan was overreaching, and they questioned what he expected to find.

"What is this?" asked Witkowski, a former police safety director. "Is this a witch hunt?"

Puente, a former police captain, agreed, saying, "It's like you're throwing out a big fishing net and trying to see what you're going to catch."

Donovan said he wasn't certain what he would find. But he and Davis said they didn't see any other way to ensure their questions would be answered.

Earlier this year, Donovan sought to issue the subpoena on his own authority, after Police Chief Edward Flynn turned down his open records request for the information on the grounds that it was too broad. Flynn contended it would take 1,500 hours - the equivalent of one person working full-time for 10 months - to gather all the data Donovan requested and edit out anything that could jeopardize public safety.

The city attorney's office also warned that it couldn't represent either the council or the department in a legal battle over a subpoena, and that both would have to hire outside attorneys, at a potential cost of \$100,000.

Donovan said he called a public hearing on the issue at the urging of Witkowski and council President Willie Hines Jr. Witkowski told Donovan the subpoena was "put out under your own agenda, under the guise of cooperating with this committee." But Donovan said the legal power to issue subpoenas rests

with the chairman, not the committee.

Puente and Witkowski urged Donovan to narrow the scope of the inquiry. Witkowski also questioned who would have time to review and analyze the data if the department produced it.

Donovan also contended he had [evidence of "bid-rigging."](#) He pointed to documents from attorney John Finerty, who represented Motorola Communications & Electronics Inc. in objecting to the 2002 specifications for the city's request for proposals for a new communications system. Motorola, the manufacturer of the previous police radio system, claimed the specifications were written to match the OpenSky system and exclude other vendors.

But after the city purchasing director rejected the objection, Puente and Hines said, Motorola never appealed to the city purchasing board or the courts, nor did it submit a bid. Hines said that suggested the objection lacked legal merit.

Harris Corp., the current owner of the OpenSky technology, said the predecessor company that won the bid "complied with all legal requirements." In a [letter to the committee](#), Michael Murray, a Harris vice president, called Donovan's claims "inflammatory" and based on "unsupported allegations" from Motorola.

In an interview, District Attorney John Chisholm said police asked him to review the bid-rigging allegation, and he found that even if anything had been done wrong, it was past the statute of limitations to bring charges.

Committee members voted 3-2 to back the subpoena, with Davis and Ald. Jim Witkowiak joining Donovan in favor and Puente and Terry Witkowski opposed.

The issue moves Wednesday to the council floor, where Donovan conceded it would be difficult for him to muster an eight-vote majority of the 15 aldermen. Hines said he thought aldermen would want to work with Flynn in narrowing the scope of the information requested.

Police spokeswoman Anne E. Schwartz declined to comment, referring questions to the city attorney's office and city purchasing office.

Georgia Pabst of the Journal Sentinel staff contributed to this report.

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