



## A "symbolic" day in jail

By Susan Bence

On a midsummer day, July 14, 1998, Edward McCrary allegedly flew into a rage. Rachel McCrary, six months pregnant at the time, said her husband threw a phone at her, court documents said. Terrified, she called 911. McCrary was charged with disorderly conduct. But that charge was later dismissed.

Three months later, however, McCrary allegedly caused "bodily harm" to Rachel McCrary's cousin. The Milwaukee Police were again dispatched to the scene.

This time, police took McCrary to the County Jail. He was charged with battery.

Police officers had been called in on "one of our own" that night.

Edward McCrary was a Milwaukee police officer. In fact, he still is, even though the battery incident resulted in a criminal conviction for disorderly conduct.

McCrary is not alone.

A University of Wisconsin-Milwaukee four-month student investigation has revealed multiple cases of Milwaukee police officers with criminal records. McCrary is one of a number of Milwaukee police officers accused of domestic violence.

The possibility that the Milwaukee Police Department turns a blind eye to criminal behavior within its ranks brings back unsettling memories of the Frank Jude, Jr. case.

In October 2004, Jude was brutally beaten outside a Milwaukee police officer's home where a party was going on. Off-duty officers were accused of the attack.

Edward McCrary, one of a number of Milwaukee police officers accused of domestic violence, was found guilty of disorderly conduct for the second incident.

The McCrary case slipped under the public radar.

Even though the charge involving her was dismissed, McCrary's wife had some physical protection; he was restricted by law from seeing Rachel McCrary for two years. But Assistant District Attorney Audrey Skwierawski, who worked on the case, says these situations are tough to sort out. The wife's reluctance to move forward with the case played a role in its dismissal.

Skwierawski says victims of domestic abuse walk a tightrope; they need protection but they also need to keep a roof over their kids' heads.

"In our state victims do not 'press charges' or control what happens in the case. Only the State can issue the charges," she said. "The best way to say this would be that the State issued the charges in this case despite the victim's reluctance to proceed. I pressured Rachel McCrary to press charges, because it was the right thing to do, but I always regret the position that she and others like her find themselves in. It is hard to have an assistant district attorney make the decision to prosecute someone close to the victim when the victim has mixed emotions and legitimate concerns about her safety or her family's survival if the case proceeds."

Skwierawski says Rachel McCrary was staring poverty in the face.

"This is the unique situation faced by victims of domestic violence; there's the desire to punish the husband but especially in police officer cases, there is the realization that a successful prosecution could cost the batterer his job and take away financial security for the whole family."

Carmen Pitre agrees.

Pitre, executive director of Task Force on Family Violence, says the McCrary domestic abuse case is not an isolated one.

Pitre says her nonprofit agency deals with many police officer cases in Milwaukee. "Police officers have power and when that officer is a perpetrator, there's always a risk of that officer using this power to their advantage."

Asked if she thinks a domestic violence offender stay on the force, Petri says, "We cannot afford to have officers on the force who use violence against an intimate partner or anyone in our community."

### The second arrest

Late in the evening, on Oct. 5, 1998, just three months after Edward McCrary's alleged first offense, Theresa Pulver told police she had gone out with her

cousin, Rachel McCrary.

According to Pulver, McCrary was home with the kids.

The criminal complaint recounts how Pulver explained to authorities that when she and her cousin returned home, McCrary was sitting on the couch, waiting for them.

Pulver said McCrary was agitated about his wife using his cell phone.

Pulver said she tried to step in to help her cousin, telling McCrary she, not her cousin, had used his phone.

Pulver then reported, McCrary grabbed her by the neck and pushed her through a screen door, court documents allege.

### **Family Court**

Fifteen days later Rachel McCrary appeared in Milwaukee County Family Court. The respondent, Edward McCrary did not appear.

Rachel and Edward McCrary's children were two-and-a-half and one month old at the time.

Rachel McCrary reported her husband pushed her into a wall when she was eight months pregnant.

"Then about three weeks ago he was coming to attack me. My cousin intervened. He ended up attacking her rather than me but he did throw the phone at me and that's where the police were involved in that incident."

Court Commissioner Robert L. Jackson, Jr. issued a two-year no contact injunction.

"There are reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent might engage in domestic abuse of the petitioner," he said, court documents recount.

### **Criminal Court**

On May 13, 1999, Edward McCrary appeared in criminal court for sentencing before Circuit Judge Dominic S. Amato.

That court appearance, however, was preceded by a plea agreement. McCrary's first count of domestic abuse, involving his wife, was dismissed and the second was reduced to disorderly conduct. The agreement came with the promise McCrary would go for counseling. He hadn't followed through with that promise by the court date. McCrary told the district attorney he didn't think he should have to pay for it, court documents say.

Amato said, "you lost it, you shouldn't have lost it, you know you shouldn't have lost it. You did some really dumb things. I'd like to say you were taking dumb pills."

Amato said it was the Milwaukee Police Department's job to determine if Edward McCrary was fit to be on the force.

Amato sentenced Edward McCrary to 24 hours in jail.

"The public will at least know that symbolically you went in for a day, and that's fair and that's just, and that hereby is the judgment of the court."

Amato closed the case by saying McCrary had been punished enough.

### **As of December 2006**

Life has gone on for Officer McCrary. Since his overnight in jail, McCrary's career as a Milwaukee Police Officer has continued. In 1999, McCrary was suspended without pay several times, in one case for a 20-day period.

Attempts to reach Rachel McCrary have been unsuccessful.

Skiewarski says the Edward McCrary's conviction has meaning.

"A lot of police cases don't even get this far. One conviction would be enough for McCrary's superiors to take action against him on the force if they chose."

Skiewarski adds, "Do I want domestic abuse perpetrators to serve as police officers? Absolutely not, but the reality of a case like this boiled down to this; did I want Rachel McCrary to be destitute on the street?"