

WITNESS STATEMENTS- TABLE OF CONTENTS

Enclosed are various statements from witnesses who provided information as part of the investigation of FPC 20041 and FPC 20042. The statements are in alphabetical order with pages numbered.

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REPORT OF INTERVIEW OF GRISELDA ALDRETE

On May 15, 2020, at the Milwaukee City Hall, Mel Johnson and Scott Schuster interviewed Griselda Aldrete, the Executive Director of the Milwaukee Fire and Police Commission (FPC).

In response to questions, Aldrete provided the following information:

Aldrete received a B.A. in Criminology and Law Studies from Marquette University in 2002. She next obtained an M.A. in Criminology at the University of Nebraska-Omaha. She later obtained a J.D. from the Marquette Law School in 2017.

Before coming to the FPC, Aldrete worked at Hispanic Professionals of Greater Milwaukee, a nonprofit organization acting to support Hispanic professionals and to assist Hispanics to enter and graduate from college.

In April, 2019, Aldrete met with Milwaukee Mayor Barrett to discuss the possibility of coming to work for the FPC. In July, 2019, the mayor named her as his choice for executive director. She was confirmed for that position by the Milwaukee Common Council and sworn in on August 8, 2019. She had to wrap up responsibilities in her former job so began her work with FPC part-time. She did not begin full-time with FPC until September 10, 2019.

As FPC Executive Director Aldrete's duties are many and varied. She provides commission members with information and materials for meetings; manages a unit which audits the Fire and Police Departments as well as the implementation of legal settlements; oversees administrative functions; oversees procedures for applicants to the two departments; and supervises investigations undertaken by FPC investigators. FPC's staff is presently 14 people but the staff is 34 when all positions are filled.

Aldrete was unaware of the interview of Kalan Haywood, Sr. by the Milwaukee Police Department (MPD) on August 13, 2019. Since that time, she has not acquired any knowledge of that interview other than what she may have read in the newspaper. The interview was done as part of an MPD investigation into sexual assault allegations against Haywood.

Aldrete does know who Haywood is. During her stint with FPC, she has noticed that Haywood sometimes attends and observes FPC meetings. When the meetings end, Haywood usually departs with Steven DeVougas, Chairman of FPC. Aldrete has had no interactions with Haywood on a professional basis.

Aldrete and DeVougas are not especially friendly but maintain a professional relationship.

Aldrete is aware that an MPD recording of the above-mentioned Haywood interview was leaked to the Milwaukee Journal-Sentinel (MJ-S). She has no knowledge as to who may have leaked the recording and does not know any particular facts that would allow her to draw an inference as to who had done that.

Nick DeSiato, who is Chief of Staff for MPD Chief Alfonso Morales, told Aldrete that he had provided their copy of the recording to the City Attorney's Office and his office no longer has the copy. Aldrete does not know how DeSiato's office obtained a copy of the recording.

Now retired Assistant MPD Chief Banks appeared to be close to DeVougas and Haywood. Aldrete drew that conclusion from observing them together at and after FPC meetings. She was also present at a community meeting hosted by Kalan Haywood, Jr., the son

of Haywood, Sr., at which Asst. Chief Banks spoke. At the time of the August 13 interview Aldrete thought that Banks would have overseen the MPD Sensitive Crimes Division (SCD), which conducted the interview.

Regarding the FPC's actions pertaining to the reappointment of Alfonso Morales as MPD Chief, Aldrete has no knowledge of events occurring before she began her work with FPC. When she began, she participated in weekly conference calls with Morales and DeVougas to discuss pending concerns but those calls ended around Thanksgiving, 2019. She also meets in person with Morales every other week.

On August 21, 2019, Aldrete met with DeVougas and other FPC staff members to plan the process that would be used to determine if Morales, who was completing the unexpired term of former MPD Chief Flynn, would be reappointed as chief. Shortly thereafter, DeVougas met with Morales to discuss the process. Morales told her that DeVougas was accompanied to that meeting by Haywood, Sr.

On October 3, 2019, FPC publicly announced the process that would be followed for Morales potential reappointment. It included solicitation of public comments and community meetings, with an FPC vote on reappointment by the end of 2019. (Flynn's unexpired term was to end on January 7, 2020.)

On or about December 13, 2019, DeVougas publicly stated that there was no rush to vote on Morales by the end of the year and if the reappointment process went beyond January 7, 2020, Morales could continue as holdover chief. DeVougas said that he was waiting for information from MPD before calling a vote. Among FPC commissioners, DeVougas was the only one who wanted to wait to vote. Aldrete does not know why DeVougas switched course from the process agreed upon and this was a complete surprise to her. She has no information which would indicate that DeVougas had any improper basis for this change in process.

The FPC still had time to vote on Morales' reappointment before January 7. DeVougas sent Aldrete an email reaffirming his desire to wait. Normally, the chairman of FPC has the ability to determine the agenda for any given meeting, regardless of what other commissioners think.

On December 16, 2019, DeVougas again stated publicly that there would be no FPC vote on Morales that week as the FPC still had too many questions on various pending issues.

The next day, on December 17, 2019, MJ-S published excerpts of a recording of the August 13 interview of Haywood, which had been leaked to the newspaper. The article stated that DeVougas had been present at the interview but DeVougas stated that he was not there as Haywood's attorney. Aldrete did not communicate with DeVougas about his involvement in this interview.

On December 17, 2019, the Milwaukee Police Association called on DeVougas to resign from FPC, alleging a conflict of interest in an FPC commissioner representing a suspect in an MPD investigation.

The leak and reaction to it directed a lot of attention to the issue of Morales' reappointment. FPC Deputy Chairman Nelson Soler emailed DeVougas saying that he wanted to stick to the original schedule of voting by the end of the year. No other commissioners weighed in on the issue at that time. DeVougas responded that he wanted to discuss it in an

executive session that would not be open to the public. Instead, Soler wanted to hold a special meeting the next night to vote on Morales.

Under FPC rules, if two commissioners call a special meeting, it must be held. Earlier that day, Raymond Robakowski, was sworn in as a new FPC commissioner. He seconded Soler on holding a special meeting so the special meeting was scheduled for the evening of December 18, despite DeVougas' objections.

That created a need to act quickly. This exchange of views occurred in the late afternoon and early evening of December 17. A rule required 24 hour notice to the public before any public meeting could be held so Aldrete had to scramble to draft the necessary notice and publicize it in time for a meeting the next night.

Before the December 18 meeting, FPC received a number of written submissions supporting or opposing Morales' reappointment. At the meeting, a number of individuals spoke for and against Morales. There was considerable tension and disagreement in the room but, to Aldrete's knowledge, there was no behind the scenes maneuvering involving any of the commissioners. She is not aware of any improprieties at that December 18 meeting. Aldrete has no basis to think that this meeting was handled as it was to reward Morales for any favorable treatment of Haywood with regard to his August 13 interview. Prior to the leak, DeVougas did make it clear to Aldrete that he was the one who made sure that Morales got appointed as Chief in February, 2018.

At the end of the meeting, Morales was reappointed by a 4-2 vote, with one abstention. DeVougas voted against reappointment.

At a February 7, 2020 meeting, a few commissioners suggested that DeVougas take a leave of absence from the FPC until any issues related to the Haywood interview and the Morales reappointment were resolved. DeVougas refused. At that meeting, FPC authorized an independent investigation of those issues.

At a closed FPC meeting in February, 2020, Nick DeStato mentioned to everyone that while listening to the initial portion of the August 13th recording, he thinks he hears DeVougas tell Haywood that Banks authorized the interview at Sojourner. It was hard for the FPC members to hear the recording so they authorized production of a transcript of the recording.

The City Attorney's Office advised DeVougas to recuse himself from consideration of the issues to be investigated since his conduct was under scrutiny. He did recuse himself.

Aldrete was asked about the Milwaukee Police Foundation (MPF). She is not too familiar with it and is not sure of what MPF does but believes that Morales started it. He had asked Aldrete for advice on planning MPF fundraising events. Morales had told her that Haywood was on the MPF board. Lt. Erik Gulbrandson, who works in the Chief's office, is also involved with MPF, possibly as the Executive Director.

At the end of her interview, Aldrete provided a stack of documents she had copied which relate to the statements she gave to the interviewers.

REPORT OF INTERVIEW OF OFFICER MONIQUE ANDERSON

On June 1, 2020, Mel Johnson and Scott Schuster interviewed Officer Monique Anderson of the Milwaukee Police Department (MPD) in a seventh floor conference room in the Police Administration Building (PAB). The purpose of the interview was explained to Off. Anderson.

Off. Anderson provided the following information in response to questions:

Anderson has been an MPD officer for 14 years. After 5 years on patrol duty, she has spent the rest of her MPD career in administrative jobs including 2 years with the Office of Management Analysis and Planning (OMAP), 1 ½ years with the Criminal Investigation Bureau, an assignment to District 3, and a return to OMAP in March of 2018.

With OMAP, Anderson has been a kind of jack of all trades. When Regina Howard was the Director of OMAP, Anderson in effect served as Howard's executive officer and she has remained in that role now that Howard is Assistant Chief for Administration. Howard became Assistant Chief in February, 2020. Anderson has a friendly relationship with Howard but that is no different than her relationship with everyone she works with on the seventh floor at the PAB. Anderson originally worked for Howard when Howard was the Captain at District 7.

Executive Officer is not Anderson's formal title but that is essentially the role Howard has assigned her to. Anderson is in charge of statistics for MPD and assembles data which needs to be passed on to others in the department including the Chief, the Public Information Officer, and Captains. Anderson has no responsibility for specific MPD criminal investigations, including any investigation of Kalan Haywood, Sr.

In late July of 2019, Anderson did not know who Haywood was and was unaware of sexual assault allegations against him. No one on the seventh floor talked about those allegations in her presence at that time and that has not changed since then.

On or about August 13, 2019, Anderson was not aware that Haywood had been interviewed by MPD about those allegations and no one else on the seventh floor talked about such an interview.

Anderson knows that the Haywood interview was recorded. She has never watched that recording. She did obtain a copy but was not sure of the date. When shown an MPD audit trail report about an access to that recording on December 11, 2019, Anderson agreed that that date seemed accurate. Anderson recalled that either Asst. Chief Howard or Nick DeSiato, who is Chief Morales' Chief of Staff, asked her to obtain a copy. Whichever one asked her did not say why a copy was needed but she was given an incident number to use to find the recording. Anderson went to Lt. Chris Schroeder of OMAP because she did not think that she could access the recording but she knew that lieutenants could. Schroeder downloaded a copy on a DVD as Anderson stood at his desk and he gave it to her. She gave it to DeSiato in Howard's office. Anderson does not know what DeSiato did with the DVD.

At a later date (again, prompted by the evidence audit trail, Anderson agreed that the date February 27, 2020 seemed right), Howard asked Anderson to obtain another copy of the interview for Howard to take to the Fire and Police Commission (FPC) meeting. Howard had told Anderson that she was to personally make the copy herself and not involve anyone else, since this was a sensitive matter. Anderson had learned that she could access the recording so this

time she made the copy herself and brought it directly to Howard. Anderson is almost positive that she downloaded the copy on a DVD rather than a thumb drive. She used her desktop computer to make the copy and did not keep a copy for herself. Anderson does not know if the copy she made could be duplicated or whether downloading the recording on to her computer would allow her to make additional copies.

About a week ago, Howard asked Anderson to access and print out a copy of the evidence audit trail for the recording as part of MPD's response to a request for records made by Mel Johnson as part of this investigation. She did as directed and did not download the recording at that time.

Anderson has become aware that a copy of the recording of the Haywood interview was leaked to the press. Anderson denies any involvement in that leak. She does not know who was responsible and has no knowledge of information from which she could draw a reasonable conclusion as to who was responsible. Anderson has no theory as to why the recording would be leaked. Other than the occasions she previously mentioned, no one else asked her to make a copy. No one in her office talked about the leak.

REPORT OF INTERVIEW OF MPD CAPTAIN JOHN CORBETT

On May 12, 2020, within the space of the Milwaukee Police Department (MPD) at Sojourner Family Peace Center, Mel Johnson and Scott Schuster interviewed MPD Capt. John Corbett who was accompanied by Sgt. Carmelo Patti of the Milwaukee Police Supervisors Organization.

Before questioning, there was a discussion of Corbett's rights and responsibilities in this investigation which was authorized by the Milwaukee Fire and Police Commission (FPC). The discussion included the terms found in a modified Form FPC-21, which Corbett and Johnson signed. That form informed Corbett that he was required to answer questions in the investigation and that a refusal to respond or false responses could result in suspension or termination from MPD. However, the form informed Corbett that his answers could not be used against him in a criminal proceeding. Per MPD policy, this interview was recorded.

In response to questions, Corbett provided the following information:

He has been employed by MPD for 25 years. He achieved the rank of Captain in December, 2018. Since that time, Corbett has been the head of the MPD Sensitive Crimes Division (SCD). SCD has other supervisors below Corbett in rank. Those positions have fluctuated but SCD presently has two lieutenants and five sergeants. All told, SCD has approximately 40 personnel in the division.

In his present position, Corbett reports to an Assistant Chief of the Criminal Investigation Bureau (CIB), commonly known as the Detective Bureau. Within the last week or two, Acting Assistant Chief Paul Formolo was assigned to oversee CIB. In July and August of 2019, that position was filled by Inspector Gordon. The only MPD official above the Assistant Chiefs is the MPD Chief, who is Alfonso Morales. In his position, Corbett is answerable to any of the MPD Assistant Chiefs or Inspectors, but he is primarily answerable to the Assistant Chief in charge of CIB.

A man named Kalan Haywood was interviewed by MPD Detective Steve Wells on August 13, 2019 at Sojourner about sexual assault allegations that had been made against him. Although the case was being investigated by MPD Officer Zachary Thoms and Wells had no prior involvement with it, Corbett told Wells to do the out of custody interview as soon as possible. Corbett stated that it was not unusual to assign any available detective to do some work on a case that the detective was not involved with.

Corbett told Wells to do the interview as soon as possible because Corbett feels a general sense of urgency to move SCD's cases forward. Corbett doesn't think he gave Wells a specific date to complete the interview. MPD investigates over 600 sexual assault complaints each year and there's no time to wait in advancing investigations, especially in cases when there is a named suspect. Corbett said it was his decision on August 13 to make the interview happen. Corbett did not give Wells a phone number to reach Haywood in order to set up the interview.

Prior to assigning this interview to Wells, Corbett received two phone calls from other MPD personnel about the Haywood case. A couple of days before August 13, Lt. Erik Gulbrandson, who works in the Chief's office, called and asked Corbett to look into

the Haywood case and let Gulbrandson know its status. Although Corbett outranks Gulbrandson, Corbett felt obliged to do what Gulbrandson asked because Gulbrandson was calling from the Chief's office. Corbett did report to Gulbrandson that the case was pending with the DA's office, and that the execution of a search warrant and an interview of Haywood still needed to be done. During their conversation, Gulbrandson did not mention any possible interview of Haywood. It was not unusual for Corbett to communicate with other MPD personnel about open cases when appropriate.

After his talks with Gulbrandson but before the interview of Haywood, Corbett also had a phone conversation with Chief Morales who wanted an update on the status of Haywood's case. Morales indicated that he wanted to keep the case moving but didn't say why. Corbett did not ask. During his duration as SCD Captain, Corbett has never received a call from Morales regarding any other case.

During their conversation, Morales did say that Haywood was applying to be on the board of the Milwaukee Police Foundation, an independent agency that raised money which was to be given to MPD to satisfy department needs. After speaking with Morales, Corbett's thought process would have been to conduct the interview of Haywood and proceed with the results to the DA's Office, but that would have been his thought process on any similar case. Corbett does not recall that Haywood's situation with this foundation necessarily affected the timing of Haywood's interview.

Corbett did not have any conversations with Gordon regarding Haywood. Corbett is not aware that there are any records documenting his telephone conversations with Gulbrandson or Morales.

Haywood has been described as a prominent Milwaukeean with political friends. Corbett had never heard of Haywood before these events and Haywood's alleged prominence was irrelevant to decisions on how to investigate the allegations against him.

When presented with factors by the interviewers which would indicate that Haywood's interview should not have been done as early as it was, Corbett stands behind the decision to interview Haywood on August 13. That decision was not outside of department policy, unethical, immoral, or illegal. Corbett would have made the same decision regardless of the calls from Gulbrandson and Morales.

Corbett did not tell Wells where to conduct the Haywood interview but he did tell Wells he wanted it recorded. It has become a customary procedure for MPD to record more out of custody interviews. It was especially wise in this case because several years had passed since the alleged sexual assault and it was alleged to have been a one-time incident. Before the interview occurred, Wells told Corbett that he would interview Haywood at Sojourner. That was not Corbett's decision. The decision where to conduct the interview may have been Wells' idea or Haywood's idea. Corbett's instructions to Wells were to conduct an out of custody interview and make sure it was recorded. Neither Gulbrandson nor Morales had suggested a place for the Haywood interview.

As of August 13, Corbett was unaware of any policy against interviewing sexual assault suspects in Sojourner and unaware that MPD had entered into a Memorandum of Understanding (MOU) with Sojourner agreeing not to interview suspects in

Sojourner's building. Prior to August 13, no one with MPD or Sojourner told him of that policy or MOU and it was not in MPD's Standard Operating Procedures (SOP). He only became aware of the policy after these events later became public.

The Haywood interview was the first time during Corbett's tenure at SCD that an out of custody suspect had been interviewed at Sojourner. It has not happened since.

Corbett did call the assigned Assistant District Attorney, Abbey DeSiato, to tell her that SCD was going ahead to interview Haywood. She disagreed with that decision and wanted to wait until she and the investigators were able to obtain and analyze information they hoped to get through search warrants. Corbett did not feel a need to agree with her and he wanted to proceed to wrap up the case. He did not feel it was a bad decision to interview Haywood when they did and he did not think that Chief Morales disagreed. Corbett does not think Morales pressured him into making a decision he wasn't comfortable with. Corbett agreed it was reasonable to say that at that time he thought it was a good idea to do the interview now and so did the Chief, so we're going ahead with it.

Corbett does not recall telling DeSiato that going forward with the interview was not his decision. Corbett does not recall when he specifically spoke with DeSiato. He does not recall whether he and DeSiato discussed the alleged victim's fear of Haywood. Corbett has no record of his conversation with DeSiato.

Wells was one of only two detectives on day shift at SCD on August 13 so asking him to conduct the interview was a matter of convenience. It was not unusual for Corbett to ask a detective who was not involved in a case to do an interview in that case. There is no record of the instructions he gave Wells regarding this interview.

Before the interview of Haywood began, Wells told Corbett that Atty. Steven DeVougas had come to Sojourner to act as Haywood's attorney for the interview. They knew that DeVougas was the Chairman of the FPC so Wells was concerned about doing the interview with DeVougas present. This was the only time Corbett was aware that DeVougas had appeared as the lawyer for a suspect to be interviewed in an SCD case. Neither Corbett nor Wells had any prior knowledge that DeVougas represented Haywood. Neither Gulbrandson nor Morales had mentioned that they knew that DeVougas' presence did not affect the decision to go forward with the interview. Corbett told Wells to just go ahead and do his job.

During the interview, DeVougas acted as Haywood's attorney. If DeVougas had stated that he was there as a lawyer for a corporation with which Haywood was associated, he would not have been allowed to stay in the interview.

Corbett was concerned with what he regarded as an ethical issue in DeVougas representing a suspect in an MPD investigation since he was Chair of the FPC, which oversees MPD. Corbett felt that DeVougas had a conflict of interest, since DeVougas makes decisions to promote, demote, and suspend MPD officers. He was also concerned that any officer conducting an interview under these circumstances would be intimidated by DeVougas' position with FPC. Corbett feels bad that Wells was put in a tough position with this interview but did a great job.

Corbett communicated these concerns to Gulbrandson by phone after the interview. Corbett called Gulbrandson because he was the individual who had originally contacted Corbett regarding this case. Corbett received no further response until after the recording of the interview was leaked to the press in December of 2019. Corbett hand-carried a DVD with the recording of the interview to Gulbrandson shortly after the interview.

Corbett has no reason to think that Haywood or DeVougas had any knowledge of the allegations against Haywood before the day of the interview. That did not affect Corbett's thinking about going forward with the interview at the time or now.

Corbett had no involvement in leaking a recording of the interview to the press. He has no knowledge of who did it and is not aware of any facts from which he could infer who did it.

Recordings of interviews are loaded into a computerized MPD system. Any personnel in SCD, and maybe any MPD personnel, could gain access to any recording through that system. It would also be possible for someone to copy the recording from an existing DVD onto another DVD or watch it and record it on their phone. DVDs with recordings of interviews are normally found in the file on a case, which remains on the main investigator's desk within SCD. Anyone with access to that space and desk could possibly get access to make a copy. That would include SCD personnel, cleaning staff, anyone buzzed into SCD's otherwise locked space at Sojourner, and personnel from the DA's Office at Sojourner. During August, 2019, DA's personnel could walk through an unlocked door into SCD's adjoining space. Since that time, that door has been locked and DA's personnel must be buzzed in to SCD's space.

James Henry is an MPD officer assigned to SCD. As such, he could have gained access through the computer system to a recording of the Haywood interview. Corbett doesn't know if Henry did. The only individuals that Corbett recalled working on this case were Thoms and Detective Sewalls (phonetic), but other people may have had a small piece of the investigation.

Corbett provided Gulbrandson a DVD of the interview when he contacted Gulbrandson soon after the Haywood interview. Corbett doesn't know if he made the copy of the DVD for Gulbrandson or if he had Wells make it. Gulbrandson had a legitimate interest in the matter. Corbett does not know why Gulbrandson would have accessed the recording through the computer system at a later date. After bringing the DVD to Gulbrandson, Corbett never had any further discussions with Gulbrandson or Morales about the interview.

Lt. Chris Schroeder worked with the MPD Office of Management and Planning, which reports to the Chief's Office. That office analyzes data and applies for grants. Corbett's only recent contact with Schroeder was last year when Schroeder was writing a human trafficking grant for SCD. Corbett does not know if Schroeder accessed or downloaded the recording of the Haywood interview and doesn't know why Schroeder would have. Schroeder never told Corbett he was going to access the recording. Schroeder never asked Corbett for a copy of the recording.

Other than making a DVD copy for Gulbrandson, Corbett never made a copy for anyone else and nobody asked him to make them a copy. Corbett is not aware of anyone outside of SCD asking SCD personnel for a copy. Chief Morales never asked Corbett for a copy of the recording. Corbett does not know if Gulbrandson shared the DVD with Morales or what Gulbrandson did with it.

Corbett did not view the entire Haywood interview. He has viewed the initial portion since he was concerned about DeVougas presence and what DeVougas' comments were.

Upon conclusion of the interview, Corbett then gave Johnson and Schuster a general tour of the SCD office area and interview room to help visualize the office layout he had earlier described.



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June 10, 2020

VIA EMAIL

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Attorney Mel Johnson

Re: Steven DeVougas - Request for Interview

Attorney Johnson:

As you know, I represent Steven DeVougas with respect to your request to interview him as part of your independent investigation on behalf of the Milwaukee Board of Fire and Police Commissioners (the "Commission"). While we greatly respect your work and appreciate your desire to speak with any and all potentially relevant witnesses, we do not believe it is appropriate for Attorney DeVougas to participate in an interview concerning this matter.

As I understand, the Commission approved your investigation to learn whether the Milwaukee Police Department ("MPD") acted improperly with respect to certain aspects of its investigation. Specifically, the Commission wishes to learn whether MPD acted improperly when it interviewed Mr. Haywood at the Sojourner Family Peace Center ("Sojourner") in August of 2019, and secondly, the Commission wants to know how records of the ongoing investigation were released.

Presumably, you wish to interview Attorney DeVougas based on the fact that he, as outside General Counsel for the Haywood Group in August of 2019, accompanied Mr. Haywood to the police interview at Sojourner to learn what the investigation was about so that he could properly advise his client concerning its business interests. The fact that Attorney DeVougas accompanied Mr. Haywood is well-known, as there was great publicity stirred up by the Milwaukee Police Association's ("MPA") press release and a formal complaint made by a former alderman that accused Attorney DeVougas of various ethical breaches for attending the interview while serving as Commission chair.

Attorney DeVougas has since been cleared of any ethical violations. First, following the interview, Attorney DeVougas, who does not practice criminal law, withdrew from any further involvement with the investigation and Mr. Haywood retained a criminal defense attorney. Second,

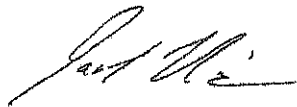
Attorney DeVougas advised the detective during the interview at Sojourner that he was not attending in his capacity as chair of the Commission, but rather as counsel to the Haywood Group. Lastly, the investigation remains under review by the Milwaukee County District Attorney's Office ("District Attorney").

In February of this year, in response to the allegations made against him, Attorney DeVougas announced that he would recuse himself from participating in any investigation that the Commission undertook concerning this topic. He requested an advisory opinion from the Milwaukee Ethics Board and met with its members to discuss and resolve these issues. The Milwaukee City Attorney's Office issued a memo advising that there was no applicable Commission rule that Attorney DeVougas could have violated. The State Bar advised that a decades-old canon cited as a basis for a violation was obsolete and would be formally withdrawn. Finally, the Office of Lawyer Regulation declined to pursue the matter.

It is our view that MPD can best address the two remaining lines of inquiry for which your investigation was approved. Given that Attorney DeVougas was serving as corporate counsel to the Haywood Group at the time of the Sojourner interview, his communications with his client's principal are subject to attorney-client privilege. Further, the fact that the investigation concerning Mr. Haywood remains pending with the District Attorney underscores that it would not be appropriate – indeed may be unethical – for Attorney DeVougas to speak further on this subject. Having said that, Attorney DeVougas does not know who may have released records of MPD's investigation.

For the reasons stated herein, we respectfully decline to participate in any interview concerning this matter. Attorney DeVougas has served honorably on the Commission and is humbled by the public trust placed in him as chair. He is also a practicing attorney and must govern himself by the Supreme Court Rules applicable to lawyers in Wisconsin. Attorney DeVougas upheld his obligation to the public by fully cooperating with the process involved to address and resolve the concerns raised against him. He intends to continue his work on the Commission to the best of his abilities going forward.

Very truly yours,



JACOB A. MANIAN

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DRAFT REPORT OF INTERVIEW OF JANE DOE

On June 10, 2020, Mel Johnson and Scott Schuster interviewed Jane Doe (identity protected) at Milwaukee City Hall. Also present during the interview were Legal Action of Wisconsin attorneys Becca Donaldson (in person) and Rachel Sattler (via video conferencing), who are representing Jane Doe. Jane Doe was advised of the scope and purpose of the interview. She was also assured that her true name would not be used in any reports by the investigators.

In response to questions, Jane Doe provided the following information:

Jane Doe is the complainant who reported to MPD in late July of 2019 that she had been sexually assaulted by Kalan Haywood, Sr. In her talks with MPD Officer Thoms who was assigned to investigate and ADA Abbey DeSiato who was handling her case, Doe consistently emphasized that she did not want her name to come out. They assured her that her name would not be revealed to Haywood until the end of the investigation.

Regarding the timing of Haywood's interview with MPD, Doe advised that the decision to interview Haywood on August 13, 2019, came from MPD Captain Corbett (who oversees MPD's Sensitive Crime Division (SCD)), and wasn't the decision of the Milwaukee DA's Office. On August 13, Abbey DeSiato called Doe and told her that Haywood was going to be interviewed that day. DeSiato did not know why it was being done that day, but the decision was coming from MPD. After concluding that phone call, DeSiato called Doe back a short time later on August 13 and they conducted a 3-way phone call with Corbett. Corbett explained that MPD needed to get both sides of the story and they needed to close things out. Corbett told Doe that her name wouldn't be brought up during Haywood's interview. Doe pleaded with Corbett that her name wouldn't come out, as she was concerned for her physical safety from Haywood. Doe estimates that both of these phone calls took place on August 13 sometime between 10am-1pm. Sue Cooper, who was the Victim Advocate from the DA's Office, also participated in these phone calls. Doe knew that Haywood had connections to powerful people in Milwaukee who wanted this case to go away. Doe was not aware if Haywood had any knowledge of the allegations against him prior to August 13.

Doe had no knowledge of why Haywood was interviewed at Sojourner and only learned of it when she read the Milwaukee Journal Sentinel articles about the interview in December, 2019. This topic wasn't discussed by Corbett in their 3-way phone call on August 13. DeSiato had told her that she assumed the interview would likely take place at MPD downtown or at one of their district stations. Carmen Pitre, the director of Sojourner, later apologized to Doe for the fact that the interview had taken place there. Doe was unhappy that Haywood had been brought into Sojourner since that was the place she had been going to in order to meet with Thoms. Pitre also told Doe that SCD (maybe Corbett) approached her in October or November of 2019 and asked Pitre if SCD could interview suspects at Sojourner, but Pitre said no.

Doe has no information as to why Steven DeVougas was present at Haywood's interview. A day or two after Haywood's interview, DeSiato and Cooper called Doe and informed her that DeVougas had been present during that interview. Doe felt it was a conflict of interest for DeVougas to participate in this interview.

Doe has no information regarding the leak of the Haywood interview to the Milwaukee Journal Sentinel and doesn't know who leaked it. Doe hasn't communicated with Haywood since the date he sexually assaulted her and she didn't discuss her allegations with Haywood after she met with MPD in July, 2019. She has never talked with or communicated with DeVougas in her life.

Nobody from the DA's Office or MPD has provided her with any further information on any of these topics since the leak.

Doe met with MPD Officer Zack Thoms at Sojourner in early October, 2019 regarding her case. Thoms told her that he was getting pressure to close the case out. Thoms told her that Haywood wasn't the only one who wanted the case to go away. Thoms did not provide any further specifics to Doe. Thoms told her that she could go up the chain of command and talk to DA Chisholm if necessary. This was the last conversation she had with Thoms. Jane Doe knows the investigation of her case is still ongoing as she has had subsequent meetings and conversations with ADA Erin Kershen.

After the leak occurred, Doe met with DA Chisholm, Deputy DA Kent Lovern, and ADA Kershen in mid-January, 2020, to discuss the matter. Chisholm explained to her that he had never seen anything like this before in his career and apologized to her and said he'll investigate what happened. Chisholm told Doe there were only two copies of Haywood's interview - ADA Kershen had one copy and MPD had the other copy. Chisholm told Jane Doe that any investigative case reports were stored at MPD.

The leak was very hard on Doe, emotionally and mentally. She felt retraumatized. It was difficult for her to come forward in the first place but she had faith in MPD and the DA's Office. Now, she has trust issues with MPD. She is worried about the future of her case and is in constant fear that her name will come out during the investigation. Doe found out that several City of Milwaukee officials have viewed the Haywood interview video and are now aware of her identity.

Prior to the Milwaukee Journal Sentinel articles being published in December, 2019, Doe and her mother were contacted by reporter Gina Barton who pressured them to give a statement. After this occurred, Doe contacted Cooper who advised her that Chisholm and LoVern would contact the newspaper on her behalf.



Mel Johnson <melsj777@gmail.com>

MKE Police Foundation Board

4 messages

Enea, Jack <Jack.Enea@huschblackwell.com>
To: "melsj777@gmail.com" <melsj777@gmail.com>

Fri, May 15, 2020 at 11:56 AM

Mel,

I was able to locate the minutes on our system. I've attached the organizational minutes and the IRS app for exemption. The initial board is listed in both docs. Same people serve today.

Thanks,

Jack

Jack A. Enea

Office Managing Partner

HUSCH BLACKWELL LLP

555 East Wells Street,
Suite 1900

Milwaukee, WI 53202

Direct: 414.978.5745

Fax: 414.223.5000

Jack.Enea@huschblackwell.com

huschblackwell.com

[View Bio](#) | [View VCard](#)


Husch Blackwell COVID-19 Toolkit

Husch Blackwell has launched a COVID-19 response team providing insight to businesses as they address challenges related to the coronavirus outbreak. Content and programming to assist clients across multiple areas of operations can be found on our website via our Coronavirus toolkit.

2 attachments

OrgConsentMKEMF.pdf
229K

15

 FinalForm1023MKEPF.pdf
3020K

Mel Johnson <melsj777@gmail.com>
To: "Enea, Jack" <Jack.Enea@huschblackwell.com>

Fri, May 15, 2020 at 12:48 PM

Thanks very much. Let me ask two other questions. Was a man named Kalan Haywood, Sr. ever considered for the board? Has Mr. Haywood ever had any connection to the Milwaukee Police Foundation, Inc.? I appreciate your help.

[Quoted text hidden]

Enea, Jack <Jack.Enea@huschblackwell.com>
To: Mel Johnson <melsj777@gmail.com>

Fri, May 15, 2020 at 5:39 PM

Mel,
To my knowledge, he was never considered for or part of the board, and to and to my knowledge never associated with the foundation. Have a good weekend.
Jack

Jack A. Enea
Husch Blackwell LLP
Milwaukee Office Managing Partner
(O)414-978-5745
(C)262-305-1040
Jack.enea@huschblackwell.com
www.huschblackwell.com

On May 15, 2020, at 12:48 PM, Mel Johnson <melsj777@gmail.com> wrote:

[EXTERNAL EMAIL]
[Quoted text hidden]

Mel Johnson <melsj777@gmail.com>
To: "Enea, Jack" <Jack.Enea@huschblackwell.com>

Fri, May 15, 2020 at 10:02 PM

Thank you, sir.

Sent from my iPhone

> On May 15, 2020, at 5:40 PM, Enea, Jack <Jack.Enea@huschblackwell.com> wrote:
>

16

REPORT OF INTERVIEW OF LT. ERIK GULBRANDSON

On May 29, 2020, Mel Johnson and Scott Schuster interviewed Milwaukee Police Department (MPD) Lieutenant Erik Gulbrandson on the 7th floor of the Police Administration Building (PAB). Also present during the interview was Sgt. Carmelo Patti. This interview was recorded. Before questioning, Gulbrandson was advised of the purpose of the interview. He was also advised that under applicable regulations, since this was an investigation authorized by the Milwaukee Fire and Police Commission (FPC), he was required to cooperate and answer all questions without asserting his right against self-incrimination but that, as a result, his answers could not be used against him in any criminal proceeding. Gulbrandson read and signed a Form FPC-21 (Modified) which informed him of his rights and responsibilities.

In response to questions, Gulbrandson then provided the following information:

Gulbrandson has been employed with MPD for 25 years. He became a Detective in 2002 and worked in the Homicide Unit from 2004-2018. In the fall of 2018, he became Administrative Lieutenant in the Office of the Chief on the PAB 7th Floor. He was approached and chosen for this position by Chief Morales, who had previously been his Lieutenant in the Homicide Unit. His current responsibilities include supervising the Public Information Office and working on special projects as directed. Gulbrandson is directly supervised by Chief of Staff Nick DeSiato and reports to either DeSiato or Morales depending on the circumstances.

Gulbrandson is very familiar with the Milwaukee Police Foundation (MPF). One of his first projects when he began working as Administrative Lieutenant was to help create the MPF. Morales directed him to work on this project. The purpose of the MPF was to create an avenue for outside entities to provide resources to MPD, whether that be financial or physical items. The resources would then be dispersed to members of MPD so they can better serve the community. At this point in time the MPF has been formed but hasn't approached any businesses for funding or donations. The MPF was approved by the IRS as a 501(c)(3) in the fall of 2019. Gulbrandson thinks he originally began working on this project in early 2019. At that time he reached out to other individuals who operate police foundations and obtained information on how to properly form the MPF. Within the MPF Board, there are various subcommittees and it's the Board's responsibility to seek donations from outside entities and then make decisions on how MPF funds are spent. Gulbrandson is the MPD liaison to the MPF and he can explain to them how MPD could benefit from certain equipment. The MPF is not associated with any MPD asset forfeiture funds.

Johnson provided Gulbrandson a document from the Wisconsin Department of Financial Institutions (DFI) to review, which indicated that MPF was registered with the State of Wisconsin on April 17, 2019. Gulbrandson said this was around the time period in which he began discussions with Jack Enea, who works for the law firm Husch Blackwell, in regards to assisting with forming the MPF and filling out the legal paperwork. Husch Blackwell had volunteered to handle the filing of the legal paperwork for MPF. Gulbrandson does not know why Enea chose this specific date, but it might have been the date he first talked with Enea.

Johnson provided Gulbrandson a document titled "Written Consent of the Board of Directors of MPF, Inc." which established bylaws and was signed on July 17, 2019. Gulbrandson

confirmed the accuracy of this document. Gulbrandson was familiar with all the names of the MPF Board of Directors listed within the document.

The MPF is still gearing up its operations. To date, MPF has held only one event, which was a small picnic at a local park in the fall of 2019. When the pandemic hit recently, the MPF also bought MPD personnel neoprene masks to use and wear. Other MPF events were canceled due to the pandemic. The hope is that the MPF will become more prominent in the future.

Gulbrandson confirmed that Kalen Haywood Sr. was connected to the MPF. Haywood attended the July 17, 2019 MPF Board meeting as a prospective Board member. During that meeting, Haywood agreed to be an MPF Board member. Haywood then withdrew from the Board in August, 2019. Haywood did not tell Gulbrandson that he withdrew, but Gulbrandson is aware that Haywood met privately with Morales and Assistant Chief Banks in August, 2019 and withdrew his name. Afterwards, Morales told Gulbrandson that he had met with Haywood and Haywood withdrew. Morales didn't provide Gulbrandson details of what had happened, but Gulbrandson knew there was an investigation of Haywood taking place. Gulbrandson wasn't sure of the exact date Morales and Banks met with Haywood, but he knew they had an MPF Board meeting that day, which was held the 2nd Tuesday of each month. After reviewing a calendar, Gulbrandson confirmed the date of August 13, 2019 as the date of that Board meeting. Gulbrandson remembers the Chief meeting with Haywood prior to the Board meeting beginning. At that time, the Board meetings began at 5:30pm and the Chief would have met with Haywood just prior to this meeting. Gulbrandson thinks that Banks was part of this meeting because Banks knew Haywood and was the person who had recommended Haywood for the Board. During the August Board meeting, Haywood's withdrawal was not discussed.

The MPF had a Board dinner in May, 2019, and Haywood was not part of that function. In July 2019, Haywood attended the Board meeting at which time he agreed to be on Board. In the August 13th Board meeting, the only thing that was mentioned was that Enea should have any legal documents reflect that Haywood was no longer part of the Board. Gulbrandson said it was hard to determine whether Haywood was ever formally part of the Board or not. When Haywood was invited to be on the Board during their July meeting, they were still trying to determine the roles of each Board member. Gulbrandson considered Haywood to be part of the Board since Haywood showed up at their July meeting and said he would be part of the Board, even though the July 17th document previously referenced does not contain Haywood's name. At that time, Haywood was not voted onto the Board, although that is the current practice for new members.

Gulbrandson had no role in the investigation of Haywood's alleged sexual assault. Gulbrandson estimates that about two weeks prior to August 13, Gulbrandson called Captain Corbett (Captain of Sensitive Crimes Division) to get a status report regarding the investigation of Haywood. Gulbrandson knew Corbett personally. Gulbrandson had earlier become aware of this investigation when he received a phone call from Nick DeSiato advising him that Haywood was under investigation. DeSiato told Gulbrandson that his wife, ADA Abbey DeSiato, who is now his ex-wife, had mentioned Haywood's name as part of an investigation. Abbey DeSiato didn't provide information regarding the case to Nick DeSiato, but just brought Haywood's name up to him. Nick DeSiato did not tell Gulbrandson to call Corbett, but Gulbrandson thought he

should call in order to find out what was going on. Nick DeSiato told Gulbrandson about Haywood because he knew that Gulbrandson was putting together the MPF and Nick DeSiato was helping him identify possible Board members. Nick DeSiato therefore knew that Haywood was a possible Board member. Nick DeSiato was also present at the July 17th Board meeting.

Prior to calling Corbett, Gulbrandson was able to read the investigative reports on the case, but wanted to obtain a current status update from Corbett. As part of his position, Gulbrandson typically reaches out to other supervisors within MPD when a high profile investigation is proceeding in order to obtain updates. Although Gulbrandson didn't consider this high profile, since Haywood was a prospective Board member of the newly formed MPF there were some concerns about the assault allegations and Gulbrandson wanted to find out both sides of the story and where the investigation was. Gulbrandson said the MPF Board members represent MPD in the community. Gulbrandson agreed that there were concerns about putting someone on the Board who might later be charged with sexual assault and the related negative publicity associated with that.

Prior to contacting Corbett, Gulbrandson had no contact with Haywood or Steven DeVougas about the investigation. Gulbrandson has no knowledge that Haywood or DeVougas had any information about the investigation prior to Haywood being interviewed by MPD. Gulbrandson has no knowledge that anyone within MPD contacted Haywood or DeVougas about the investigation before August 13th. Gulbrandson does not know if DeVougas was present at the meeting on August 13th when Morales and Banks met with Haywood.

Banks originally provided Gulbrandson with Haywood's name as a potential MPF Board member. Banks had mentioned that Haywood was a successful developer in Milwaukee. Prior to obtaining Haywood's name from Banks, Gulbrandson didn't know Haywood. Gulbrandson had only heard of Haywood, Jr., who was elected for state public office at a young age. After obtaining the information from Banks, Gulbrandson then discussed this idea with Haywood.

When Gulbrandson called Corbett prior to August 13th, he didn't make any suggestions to Corbett about the timing of a potential interview of Haywood or suggest that Corbett wrap the case up quickly. If he had done so, Gulbrandson thinks Corbett would have told him to mind his own business. Gulbrandson was not in a position to have Haywood interviewed quickly. Gulbrandson thinks that Corbett likely called him back after Gulbrandson initially made contact, since Corbett would have needed a short period of time to look into the status. Gulbrandson remembered that Corbett told him the investigation was still ongoing and there was still some more follow up they needed to do. There was no discussion about whether there was a need to interview Haywood promptly. Gulbrandson thinks it would have been important to get both sides of the story, including Haywood's, before moving forward with Haywood on MFP. Gulbrandson wanted Corbett to handle his investigation in his own way.

Gulbrandson is not aware that anyone else on MPD's 7th Floor, including Chief Morales, contacted Corbett prior to Haywood's interview on August 13th.

After speaking with Corbett, Gulbrandson had a discussion with Morales in which Gulbrandson briefed Morales on the victim's statement and the status of the investigation. Morales said they would look into it and see where Sensitive Crimes goes with the investigation. Morales was interested in the investigation and the possible impact on the MPF. Gulbrandson does not know if Morales ever contacted Corbett about the investigation.

Gulbrandson was not aware of any MPD policy or Memorandum of Understanding (MOU) prohibiting interviews of sexual assault subjects at Sojourner Family Peace Center. Gulbrandson was not aware that former MPD Chief Flynn had signed an MOU to this effect. Gulbrandson knows there is an interview room set up at Sojourner, but he doesn't know any of the restrictions in place. Gulbrandson did not discuss the potential place of Haywood's interview with Corbett.

After Haywood's interview at Sojourner, Corbett phoned Gulbrandson and provided him with bullet points of what had happened in the interview. Corbett gave him an update that Haywood had been interviewed and a brief overview of the interview. Gulbrandson specifically remembered that Corbett was upset that DeVougas had been present in the interview. After speaking with Corbett, Gulbrandson then briefed Morales on the results of the interview. Gulbrandson does not know why Haywood's interview took place on August 13th as opposed to any other day. Gulbrandson did not know Haywood's interview was taking place on August 13th and he did not make it happen that day.

Gulbrandson also received a copy of the interview recording from Corbett within a few days of the interview. When Corbett brought him the copy of the recording, they didn't discuss much more about the case. Gulbrandson viewed the recording and still has it. Nobody else has viewed the copy that Gulbrandson received from Corbett. Morales knows that Gulbrandson viewed the interview, but was not interested in viewing it himself. Morales didn't specifically know that Corbett had brought Gulbrandson a copy of the interview. After Gulbrandson viewed the video, he provided the highlights to Morales including that DeVougas was present during the interview.

In addition to the copy he received from Corbett, Gulbrandson also downloaded a copy of the recording towards the end of November. He downloaded this copy and placed it in an MPF/Haywood electronic folder on his computer, as this was a unique circumstance and he wanted to document the situation. He did not create a separate DVD at this time, but only saved the recording electronically. Gulbrandson used his office desktop computer to download the recording and save it. Gulbrandson did not forward this copy to anyone else physically or electronically. Gulbrandson did access the case reports (as he had mentioned earlier prior to calling Corbett) for the Haywood investigation in the Reports Management System (RMS), but did not download them or save them on his computer.

At the time, Gulbrandson was not aware that Lt. Schroeder had made a copy of the recording in December of 2019. Gulbrandson first became aware of it this week when he learned that Schroeder was being interviewed in regards to making a copy of the interview. Gulbrandson thinks he was told this by someone that Schroeder works with. He has talked to Schroeder this week, but nothing was discussed in regards to any interview. Gulbrandson was not aware of anyone else on MPD's 7th Floor requesting a copy of the recording around the time that Schroeder made the copy (which occurred on December 11, 2019 per the audit trail report). Gulbrandson was on vacation in Hawaii at that time from December 7-23, 2019. Before he left on vacation, Gulbrandson was not aware of anyone from MPD 7th Floor Command Staff being interested in obtaining a copy of the recording. Gulbrandson is not aware of anyone directing Schroeder to make them a copy.

In December, 2019 Regina Howard was the Director of MPD's Office of Management, Analysis, and Planning (OMAP). She is now an Assistant Chief.

Gulbrandson eventually found out Haywood's case was pended at the DA's Office, but other than that he had not done any additional work on the matter.

Gulbrandson did not leak the recording to the press and did not provide a copy to anyone else or facilitate the leak in any way. Gulbrandson has no knowledge of who leaked it. Gulbrandson has not seen or heard anything that would give him a basis for drawing a conclusion of how the leak occurred. Gulbrandson has not seen the newspaper articles which referenced the leak. Gulbrandson does not know what the motivation may have been for someone from MPD to leak the recording.

Gulbrandson isn't aware of any information that would lead him to believe that Haywood's interview was conducted in a way to benefit Morales' reappointment process or that the leak was done to affect the reappointment process. Gulbrandson does not believe that Morales would ever engage in a quid pro quo arrangement to affect his reappointment.

After watching the Haywood interview, Gulbrandson felt it put Detective Wells in a tough position with DeVougas being present. Gulbrandson's impression was that DeVougas was representing Haywood during the interview based on DeVougas' statements to Wells and Haywood during the interview.

Gulbrandson did not involve Inspector Gordon, who was in charge of the Criminal Investigation Bureau (CIB) at the time, in this process as he felt the situation had to do more with Haywood's role in the MPF and did not involve the criminal side. The Sensitive Crimes Division was part of CIB so was under Gordon's supervision.

Banks retired from MPD in January, 2020.

DRAFT REPORT OF INTERVIEW OF OFFICER JAMES HENRY

On May 28, 2020, Mel Johnson and Scott Schuster interviewed Milwaukee Police Department (MPD) Police Officer James Henry at the Milwaukee Police Association (MPA) offices. Also present during the interview was MPA Vice-President Andrew Wagner. Per MPA policy, this interview was recorded. Before questioning, Henry was advised of the purpose of the interview. He was also advised that under applicable regulations, since this was an investigation authorized by the Milwaukee Fire and Police Commission (FPC), he was required to cooperate and answer all questions without asserting his right against self-incrimination but that, as a result, his answers could not be used against him in any criminal proceeding. Henry read and signed a Form FPC-21 (Modified) which informed him of his rights and responsibilities.

In response to questions, Henry then provided the following information:

Henry has been employed as an MPD Officer since July, 1996. He has served as an Officer in several MPD Districts and been assigned to MPD's Sensitive Crime Division (SCD) since approximately 2015. SCD has its office at Sojourner Family Peace Center in Milwaukee. Henry's duties include investigations of crimes against children, sexual assaults, and missing persons. Henry's supervisors at SCD include Captain Corbett, Lieutenant Turner, and several Sergeants.

Henry has not been involved in an investigation involving allegations of sexual assault by Kalan Haywood, Sr.

Henry knew Detective Wells did an interview on August 13, 2019 at Sojourner, but Henry did not know the circumstances of the interview. Before the interview was conducted, Henry did not know it was going to take place. Henry did access the interview video after it was conducted by Wells. Henry did not watch the entire video, but accessed it only to look at the end of the video, perhaps the last 1-2 minutes. Shortly after Wells exited the interview room that day, Henry had entered the interview room for some personal business. The room was commonly used by SCD personnel who needed to make a personal phone call or talk to a co-worker in private. Prior to entering the interview room, Henry forgot to check under the manila folder covering the computer screen on the wall outside the interview room to make sure the recording had been turned off. After Henry eventually returned to his desk, he realized this so he then accessed and viewed the end of the Haywood interview to make sure his personal business wasn't recorded on the end of the interview video. When Henry checked the recording, his personal business was not on the recording so he knew that Wells had stopped the recording prior to Henry entering the interview room. Henry was not concerned about who or what was on the recording, but was only concerned that he wasn't on it. At that time, Henry had no idea what the case was about. He did not make a copy of the recording.

Henry did not leak the video. Henry does not know who did and does not have any information that would allow him to draw a reasonable conclusion as to who did. Henry did not make a copy of the video for anyone.

Henry does not have an opinion if it was appropriate to conduct the Haywood interview when it happened, as it was not his investigation. Henry has no opinion whether it was appropriate to interview sexual assault subjects at Sojourner. Henry did not interview any suspects at Sojourner and has no specific information that others did so. Henry doesn't think

there is a Standard Operating Procedure (SOP) regarding interviewing suspects at Sojourner. Henry is not aware of a Memorandum of Understanding (MOU) between MPD and Sojourner regarding interviewing suspects at Sojourner.

Henry said there are numerous ways for anyone to make copies of a recorded interview. For example, someone could download it off the Axon system, or take the copy from an investigator's working file located on their desks and make another copy, or access it at the DA's Office. Henry said there are lots of individuals who had access to SCD including MPD personnel, Sojourner cleaning crews, and other Sojourner employees who SCD might have let in for water or snacks.

Henry doesn't know Haywood and has never met him. Henry also does not know and has never met Steven DeVougas. Henry first became familiar with DeVougas when this incident initially became publicized in the news. Henry has no opinion on DeVougas representing Haywood during the interview while DeVougas was the Chairman of the Fire and Police Commission (FPC). Henry is not aware of any other circumstance in which a member of the FPC appeared as an attorney for a suspect being interviewed.

REPORT OF INTERVIEW OF ASSISTANT CHIEF REGINA HOWARD

On May 29, 2020, Mel Johnson and Scott Schuster interviewed Assistant Chief Regina Howard of the Milwaukee Police Department (MPD) in her office in the Police Administration Building. Howard was informed of the nature of the investigation and told that she was not a target of the investigation.

In response to questions, Howard provided the following information:

She began her career with MPD in 1990 and worked in various roles, rising to the rank of Captain before she retired in 2017. A year later she was hired back by MPD in a civilian position as the Director of the Office of Management Analysis and Planning (OMAP). She remained in that position until she was named as Asst. Chief of Administration in February or March of 2020. MPD Chief Alfonso Morales nominated her for the Asst. Chief position and the Fire and Police Commission (FPC) approved her for that position. As Asst. Chief of Administration, OMAP was still under her supervision.

As Director of OMAP in December, 2019, Howard had no responsibility for criminal investigations, including any investigation of Kalan Haywood, Sr. However, she was responsible for reviewing background investigations for new MPD hires.

Howard knows who Haywood is. Howard has seen and met Haywood at community events and FPC meetings but she has no personal relationship with him. Howard has dealt with Steven DeVougas on FPC business as he is a commissioner but she has no other relationship with him.

In July of 2019, Howard had no knowledge that any sexual assault allegations had been made against Haywood. She does not know if Chief Morales was aware of those allegations at that time.

When Haywood was interviewed by MPD about those allegations on August 13, 2019, Howard was not aware of the interview since it had nothing to do with her area of responsibility. At some later point, she became aware of the interview. Ray Banks, who was then an Asst. Chief, may have mentioned it. It also may have been discussed at one of the daily crime briefing meetings held by MPD Command Staff, but Howard is not sure about that. Howard did not talk with SCD Captain Corbett about the Haywood interview. She does not know if Morales was aware of the interview before it took place.

The Haywood interview was recorded by MPD. In February, 2020, Howard watched part of that recording. Nick DeSiato, who is Morales' Chief of Staff, told her that the FPC wanted to receive a copy of the recording and wanted to discuss it at an upcoming meeting. Howard was initially unsure of the date of that meeting but looked up records on her computer which established that that meeting was held on February 27, 2020. That day, Howard asked Officer Monique Anderson of OMAP to provide her with a copy of the recording, which Anderson did, on a jump drive.

Prior to the FPC meeting, Howard watched some of it to become familiar with it but stopped watching after the beginning section because it was too difficult to hear so she felt it was a waste of her time. Dealing with the FPC and attending FPC meetings was often a part of her job, especially if other Asst. Chiefs were unavailable. Howard believes that that is why DeSiato contacted her about obtaining the copy.

Howard brought the jump drive to the FPC meeting where she watched it with the commissioners present. After the meeting, she gave the jump drive to a representative of the City Attorney's Office.

Howard did not possess any other copy of that recording at any time. Although Howard is not sure of the date, in December, 2019 or January, 2020, she may have asked Anderson to get a copy for DeSiato who wanted to give it to the City Attorney's Office. Howard doesn't know how Anderson got the copy but she did, perhaps from Lt. Chris Schroeder of OMAP. MPD records should show when that copy was made.

Anderson is one of several officers in OMAP who are under Howard's supervision but Howard calls on her quite a bit because Anderson has the most experience in OMAP so she is very capable. While Anderson has no additional title, Howard uses her as an executive officer.

Howard denies any involvement in the leak of a copy of the Haywood interview recording to the Milwaukee Journal-Sentinel. She has no knowledge of who may have leaked it and does not know any information which would allow her to infer who may have leaked it. Howard cannot think of who may be responsible for the leak and finds the whole subject annoying.

If Anderson had been asked by someone else to make a copy of the recording, she would have cleared that with Howard and that never happened. Howard has no copy of the recording at this time.

Howard is aware that Haywood goes to various community meetings where Morales is present. She regards the suggestion that Haywood's case may have been handled differently to help Morales get reappointed by the FPC to be absurd. Howard does not agree that interviewing a suspect late in a criminal investigation is often better. Howard has no idea of why the Haywood interview was conducted at Sojourner Family Peace Center but regards that as unimportant.

REPORT OF INTERVIEW OF ASSISTANT DISTRICT ATTORNEY ERIN KARSHEN

On June 15, 2020, Scott Schuster and Mel Johnson interviewed Assistant Milwaukee County District Attorney Erin Karshen in her office. Karshen was informed of the purpose of the interview.

In response to questioning, Karshen provided the following information:

After working as an attorney at other jobs, Karshen joined the DA's office 15 years ago. She worked her way through several other assignments before being assigned to the Sensitive Crimes Unit (SCU) in 2010. She has remained in that unit since and has been a Team Captain for the last three years. SCU prosecutes sexual assault cases.

Although Karshen is not sure of the exact date, the Kalan Haywood, Sr. case was reassigned to her when ADA Abbey DeSiato transferred to another unit within the DA's Office in August of 2019. The case is still open and is still assigned to Karshen. Karshen is aware of DeSiato's objections to the decision of MPD Captain Corbett of SCD to go ahead with an interview of Haywood on sexual assault allegations against him on August 13, 2019. She agrees that it was unusual and questionable to have Det. Wells conduct the interview with little time to prepare, especially since it was an allegation of an assault that happened several years before and Haywood was out of custody. The DA's office did not want that interview to happen when it did as they were still collecting evidence and it was unusual for MPD to do an out of custody interview until all the evidence had been gathered. SCU has a generally good working relationship with Corbett and she does not recall any similar disagreements with Corbett or SCD on other cases.

The Haywood interview happened at the Sojourner Family Peace Center. It is well known among sensitive crime prosecutors that Sojourner is not supposed to be used for interviews of sexual assault suspects. That has been the rule as long as Sojourner has existed in its present building. Karshen is not aware of any other suspect interviews being conducted at Sojourner.

When MPD interviews a sexual assault suspect, it is recorded. Normally, MPD provides the assigned ADA at least one and maybe two copies of that recording. In August of 2019, those copies would have been received on DVDs, which were kept in the DA's Office file on the case. No record was made of receiving those copies or distributing those copies.

Two copies were received of the Haywood interview. In December of 2019, when Karshen learned that a copy of the recording had been leaked to the Milwaukee Journal Sentinel (MJS), she checked and verified that the DA's file still contained both copies. Those copies are still in her file. She recognizes Det. Wells' handwriting on the disks so she can tell they are the original two that he originally provided to DeSiato.

Karshen had no involvement in leaking the interview to MJS. She has no knowledge of who may have done so. In her 15 years with SCU, Karshen is not aware of any similar leak.

Karshen is not aware of any pressure by anyone in MPD or other City of Milwaukee officials to drop the Haywood case. Karshen is not aware of any pressure applied to the DA's office to drop the case. The investigating officers, Thoms and Wells, believe in the case. Karshen has had no communication with Corbett about the case.

REPORT OF INTERVIEW OF TAMMY MAJEWSKI

On May 15, 2020, Mel Johnson and Scott Schuster interviewed Tammy Majewski in Milwaukee City Hall.

In response to questioning, Majewski provided the following information:

Majewski works in a clerical position for the Milwaukee Fire and Police Commission.

Majewski is familiar with the Milwaukee Police Foundation (MPF) since she has done volunteer work for that organization. She stated that MPF raises funds which are provided to the Milwaukee Police Department (MPD) for various purposes, including sending officers to Washington, D.C. for law enforcement memorial ceremonies. She is not aware that MPF has any involvement with forfeited funds.

Majewski stated that MPF is independent of MPD but she believes it is associated with the Milwaukee Police Association.

Majewski has no knowledge of who may be on MPF's board or if Kalan Haywood, Sr. may be associated with the group.

REPORT OF INTERVIEWS OF ABBEY MARZICK

On April 25, 2020, Mel Johnson and Scott Schuster interviewed Abbey Marzick at her residence.

Ms. Marzick described her professional background. In 2007, she graduated from the Hofstra University Law School. For the next four years she worked for the New York City Attorney's Office prosecuting juvenile delinquency cases. In 2011 she moved to Milwaukee and became an Assistant District Attorney (ADA) in Milwaukee County. She stayed in that position until March, 2020 when she took a job as an Assistant United States Attorney in Milwaukee.

In July, 2019, she worked in the Sensitive Crimes Unit (SCU) of the DA's Office. A case involving sexual assault allegations against a Kalan Haywood was brought to her on July 30, 2019 by Milwaukee Police Officer Zachary Thoms who worked with MPD's Sensitive Crimes Division (SCD). Marzick was handling sexual assault case intake that week in SCU so that is why she was the ADA who initially reviewed the case with Officer Thoms. Marzick had never heard of Haywood prior to this case.

Ms. Marzick was shown a memo she had written on January 31, 2020 regarding developments in the Haywood investigation between July 30 and August 12, 2019. She read the memo and stated that it was accurate. Shortly after these events, Ms. Marzick left her position in SCU, became a Captain in the DA's Child Abuse Unit, and had no further responsibility for the Haywood investigation. (A copy of the January 31 memo is attached to this report.)

In response to questions, Ms. Marzick added the following points:

Officer Thoms was the primary officer for the Haywood investigation. Marzick was familiar with Thoms as she had cases with him on previous occasions.

Marzick's memo describes a telephone conversation she had with SCD Captain Corbett on a date between August 7 and 12, 2019. Marzick was on vacation at the time and received either a text or email from Corbett asking Marzick to call him. She returned to her hotel room and called Corbett. As Captain, Corbett was the highest ranking MPD officer in SCD. In rank, Corbett was below MPD Assistant Chiefs. Marzick recalls that at that time MPD Assistant Chiefs included ACs Banks and Brunson, but she is not 100% sure of that. Marzick is not professionally familiar with either Brunson or Banks and does not think she ever met either of them.

Marzick's memo states that she strongly objected when Corbett called to tell her that Haywood was being brought in that day for an out of custody interview at Sojourner Family Peace Center in Milwaukee. Marzick believed that interviewing Haywood that early could compromise the investigation. To Marzick's knowledge, Haywood was unaware that an allegation had been made against him and was being investigated by MPD. Interviewing him that early would clearly reveal the complaint and investigation to him, giving him an opportunity to hide evidence or otherwise seek to compromise the investigation. Also, Marzick had already spoken to the alleged victim who had expressed fear of reporting the allegation against Haywood because she regarded him as a prominent person in Milwaukee.

Beyond revealing the investigation to Haywood, Marzick believed it was too early to interview the suspect and that the timing was horrible. She thought that the normal and best plan in a case like this was to assemble information and build up the case before interviewing

the suspect. Then, investigators could ask more informed questions based on what they had already learned. Also, additional information would give investigators a better opportunity to tell if the suspect was lying in the interview. Marzick explained these reasons to Corbett when he informed her of MPD's plans to interview Haywood immediately. Marzick said that generally the suspect interview is done toward the end of the investigation, not the beginning.

Marzick also believes that it was inappropriate to conduct Haywood's interview at Sojourner. Sojourner was a facility providing services for women and children who were victims of various forms of abuse. As a matter of policy, sexual assault suspects should not have been brought into such a facility. In Marzick's experience with sensitive crimes she was not aware of any other time where a suspect had been brought into Sojourner for an interview. However, the place of the interview was not foremost in Marzick's mind at that time, and she may not have expressed her concerns about the place of the interview in her telephone conversation with Corbett since she was more concerned over the fact that MPD was going to conduct the interview that day.

When Marzick expressed her objections to this plan for Haywood's interview, Corbett did not agree or disagree but stated that the decision was not his. Corbett did not say who made the decision and Marzick did not ask.

After she returned from vacation, Marzick discussed this situation and her concerns with Officer Thoms and SCD Detective Steve Wells. She spoke with them separately and each agreed with her. Neither of them stated that they knew who had directed that the Haywood interview be conducted so quickly and at Sojourner.

Since the case was transferred to another ADA (ADA Erin Karshen) upon Marzick's transfer to the Child Abuse Unit, she cannot say whether the circumstances of the interview affected the investigation. However, she knows that the investigation became public knowledge after the Haywood interview which likely affected it.

Prior to these events, Marzick did not know that there was a system present at Sojourner to record interviews and does not know whether that system was under the control of Sojourner or MPD, which maintains an off-site SCD investigation office at Sojourner.

While her memo describes events in July and early August, 2019, Marzick did not draft it until January 31, 2020. She drafted it at the request of Deputy DA Kent Lovern. Marzick is not aware how Lovern knew she had something to document. Marzick did not make any earlier notes or draft any earlier document memorializing these events. She did briefly discuss these events with colleagues in the DA's office, including Deputy DA Matt Torbenson, who oversees SCU.

Marzick did not discuss these events with any other MPD command staff.

After the Haywood interview occurred, Wells provided Marzick with a copy of the recording of the Haywood interview so she could record it. Marzick did not have a discussion with anyone regarding the initial pre-interview portion of the recording. Marzick does not know who leaked the recording to the press.

Marzick recently divorced Nick DeSiato, who is Chief of Staff for MPD Chief Al Morales. They were still married in July and early August of 2019. As Chief of Staff Mr. DeSiato is not a sworn officer but has various administrative responsibilities. While she may have told her husband that she had responsibility for a case involving Kalan Haywood, Marzick did not

discuss the circumstances of the Haywood interview with her husband. Marzick told Lovern that she had told her husband about her general involvement in the Haywood case but had not provided her husband with any case specifics. Similarly, Marzick said that her husband kept his work responsibilities private at home too. While married, Marzick used DeSiato as her last name but since her divorce, she has resumed using her maiden name, Marzick.

Marzick did not retain Corbett's 2019 text or email requesting that she call him.

Johnson and Schuster left their phone numbers with Marzick in case she recalled anything else she thought might be significant about these events.

Additional telephone conversation April 27, 2020

Scott Schuster and Mel Johnson telephoned Abbey Marzick on April 27 to ask a few additional questions. Marzick provided the following additional information.

A recording of the Haywood interview including some pre-interview conversation was provided to Marzick by Det. Wells (or perhaps an SCD liaison officer) soon after Aug. 13, 2019. It was before that recording was leaked to the press. The recording had been burned onto a DVD for her to view. It's very common for MPD to burn a copy of an original suspect interview recording onto a DVD and bring it to the ADA for their review.

Marzick watched the recording by herself and then placed it into the DA's Office physical file on the case. That file went to ADA Karshen when the case was transferred. The recording should still be in that file.

Marzick made no copy of that recording. She did not provide the recording or a copy of it to anyone else. In a typical case the only copies of an interview recording that the DA's Office would make would eventually be for the discovery process, if appropriate. She did not leak it to anyone outside of the DA's Office. She has no knowledge as to who may have leaked the recording to the press. Marzick is not aware of anyone else from the DA's office viewing or borrowing the recording from her DA's case file without her permission.

To Marzick's knowledge, her cell phone has no feature which would allow her to retrieve a record identifying the date that Corbett texted or emailed her while she was on vacation to ask her to call him. Marzick's cell phone call log only displays incoming/outgoing calls for the past several weeks.



County of Milwaukee
District Attorney's Office
Inter-Office Communication
CONFIDENTIAL

Date: January 31, 2020
To: DDA Kent Lovern
From: ADA Abbey DeSiato
Subject
: Kalan Haywood 19ML17482

I was assigned to review this referral in SCU when it came in on July 30, 2019. PO Zachary Thoms from SCD presented the case. I met with the victim that day also, along with VW Sue Cooper. PO Zachary Thoms and I came up with a follow-up plan, consisting largely on several search warrants and subpoenas related to potential digital/electronic discovery. I was on vacation in Myrtle Beach from August 7-12. While I was in Myrtle Beach, SCD Captain Corbett called me on my personal cell phone to inform me that the suspect was being brought in for an out of custody interview, at Sojourner. I expressed a strong objection to this, as I believed that it would compromise the case investigation (up until that day, as far as I knew, the suspect had no idea he was being investigated). Captain Corbett indicated to me that it was not his personal decision, but that it was being done. I asked when this was happening, and he said immediately (that day). I asked which detective was doing the interview and he said he did not know. He asked if I had a preference and I asked if Detective Steve Wells was working and if so, I would prefer him. Det. Wells was in fact working and he conducted the interview. I asked for Det. Wells due to my belief that he is the best interviewer that was working in SCD at the time, and I trust him with highly sensitive and confidential cases.. Upon my return to Milwaukee, I had individual discussions with both Det. Wells and PO Thoms about the suspect interview. I expressed my frustrations with the fact that the interview took place, and they each agreed with me. Additionally, when Cap. Corbett told me that MPD was moving forward with the interview, I requested with him directly that he inform the victim of MPD's decision to do so, and be available to answer any questions that I anticipated the victim would have. Cap. Corbett did follow through with my request.

Please feel free to contact me with any additional questions.

REPORT OF INTERVIEW OF MPD CHIEF ALFONSO MORALES

On June 16, 2020, Scott Schuster and Mel Johnson interviewed MPD Chief Alfonso Morales at the office of his attorneys, Frankyn Gimbel and D. Michael Guerin, who were present throughout the interview.

After being informed of the purpose of the interview, Chief Morales provided the following information in response to questions:

Morales provided his resume which he verified was complete and accurate. The resume reflected that Morales has been a Milwaukee police officer since 1993. Since then he has been promoted to Detective in 1999, Lieutenant in 2003, Captain in 2013, and Chief in 2018.

Morales first met Kalan Haywood, Sr. in 2018 when Morales attended a gala where Haywood was receiving an award. Other than Haywood's potential involvement with the Milwaukee Police Foundation (MPF), discussed in more detail below, Morales has no personal relationship with Haywood. Now retired Assistant MPD Chief Ray Banks is a childhood and life-long friend of Haywood.

Morales has no personal relationship with Steven DeVougas but knows him because DeVougas is Chairman of the Fire and Police Commission (FPC) so Morales has dealt with him on police matters involving the FPC. Morales may have met DeVougas before he became Chief, but became more acquainted with DeVougas when Morales applied to be interim Chief in 2018.

In early 2018, Morales had a good relationship with DeVougas but that deteriorated due to DeVougas and Clifton Crump (former Operations Manager for FPC) pressuring Morales to fire police officers involved in a January, 2018, controversial incident with Sterling Brown, a Milwaukee Bucks player. Morales did not think the officers should be fired over that incident, although Morales did fire one of the officers involved over his social media posts. DeVougas and Crump were especially focused on firing Officer James Collins who was present at the Sterling Brown incident and was also involved in an incident in which Milwaukee police caused a vehicle to be towed without discovering that a baby in an infant seat was in the back seat of the vehicle. The Chief has the initial authority to fire any officer but the FPC has the power to overrule the Chief if the officer appeals the decision or there is a citizen complaint.

Friction over the issue of firing Collins increased in 2019. DeVougas and Crump continued to pressure Morales. DeVougas referred to the officer or officers to be fired as sacrificial lambs and specifically told Morales that they needed some sacrificial lambs. Morales was initially appointed as Chief to complete the term of retired Chief Flynn which was to expire on January 7, 2020. Morales wanted to be reappointed to his own four-year term after Flynn's term ran out and the FPC would determine if he was reappointed. In several personal conversations in July and August of 2019, DeVougas and Crump assured Morales that he would be reappointed if he fired Collins. These comments were made to Morales in the hallways of City Hall after FPC meetings. These statements from DeVougas caused their professional relationship to become more distant. Morales is also aware of an incident, as relayed by FPC staff, in which DeVougas was in FPC offices unauthorized.

In the fall of 2019, FPC Commissioner Cocroft also stated that he wanted Collins fired but he did not state that Morales would be reappointed if that happened.

Sometime in August of 2019, DeVougas asked Morales to meet to discuss Morales' reappointment process. They met at DeVougas' office located across the street from Sojourner. Haywood was also present at this meeting and did most of the talking. Morales does not know why or the purpose behind Haywood being present at that meeting. What Haywood had to say at that meeting was not very relevant to the purpose of the meeting. At the meeting, DeVougas gave Morales a list of items that would be discussed for Morales' reappointment.

Once he became interim Chief, one of Morales' goals was to form the Milwaukee Police Foundation (MPF). He asked his Administrative Lieutenant, Erik Gulbrandson, to work on getting MPF started. He knew it would take up to a year to get MPF up and running. MPF is an independent organization formed for the purpose of raising money which would be contributed to MPD to further the mission of the department. It was a 501(c)(3) charitable organization which could receive tax deductible contributions which it could donate to the department. The MPF was based on a model foundation used in St. Louis. The MPF was not a branch of the city government or MPD. Attorney Jack Enea was legal counsel for MPF and helped prepare the necessary documents for the organization. Morales believed that MPF would be beneficial to MPD and he had hopes that MPF could eventually raise millions of dollars for major projects including a new police regional training facility and other needed infrastructure. So far, due to delays in getting the organization off the ground and the economic slowdown caused by the coronavirus pandemic, MPF has only raised perhaps \$70,000 to \$100,000.

MPD Asst. Chief Banks recommended Haywood for the MPF board and Morales invited Haywood to join the board. The organization was being formed throughout 2019 and Morales is not sure of whether Haywood ever actually officially joined the MPF Board or if it was still in progress. Morales recalled Haywood initially attending an MPF meeting in May or June of 2019.

Sometime in August, 2019, Morales learned from his Chief of Staff, Nick DeSiato, that Haywood was being investigated by MPD for sexual assault. DeSiato said that he had learned that through the DA's Office. DeSiato's wife was an ADA at the time but Morales is not sure of whether DeSiato mentioned his wife as the source of the information. Morales knows that Gulbrandson was also aware of the Haywood investigation and assumes he also learned of it through DeSiato. Morales is not aware that anyone else from MPD's command staff, including Gulbrandson or Banks, contacted MPD Captain Corbett about Haywood.

Morales was asked about an August 12, 2019, email sent by MPD Inspector Gordon, the head of CIB, to Corbett saying that Banks wanted to know if Haywood knew he was under investigation because Banks and the Chief needed to talk to Haywood about another matter. Morales stated that he was not aware of that email and not aware of what Banks knew at the time.

After learning of the Haywood investigation from DeSiato, Morales called Corbett a few days prior to Haywood's August 13th interview to inquire about the status of the case. Morales asked Corbett if Haywood was aware of the case at that point. Morales stated that he made no directions or suggestions about how to investigate the case to Corbett and did not direct when Haywood should be interviewed by the Sensitive Crimes Division (SCD) and did not ask for Haywood to be interviewed promptly or by an August 13th deadline. Morales didn't tell Corbett that there was an upcoming MPF Board meeting on August 13th. Morales' sole purpose during this discussion was to see if he could talk with Haywood yet. Morales' only request was that he

wanted to be informed when Haywood was eventually interviewed by SCD and was therefore aware of the investigation so Morales could then discuss the MPF Board with Haywood. Morales understands that there may have been reasons to not interview Haywood before additional steps were taken but he also knows that there is a sense of urgency in investigating all criminal matters.

The same is true of the place of the interview. Morales made no suggestion to Corbett or SCD on the location of the interview. At the time, Morales was unaware that the Sojourner Family Peace Center, where SCD was located, objected to interviewing sexual assault suspects at that facility. Morales defended the use of the SCD interview room at Sojourner in this instance, and thinks the room can be beneficial to SCD, especially for out of custody interviews. Morales was also unaware that former MPD Chief Flynn had signed an MOU agreeing not to conduct such interviews at Sojourner. Turnover in MPD positions can be abrupt and that does not improve communication of applicable rules for various MPD divisions. Morales thinks Corbett may not have known about the MOU when he became SCD Captain.

Some time after Haywood was interviewed by SCD, Morales met with Haywood and asked him to step away from involvement with MPF. Morales is not sure of the date he met with Haywood or whether it was the same day that Haywood was interviewed by SCD. Morales asked Haywood to withdraw his name due to the negative optics which would result from the MPF Board including a person who was under investigation for, and might be charged with, sexual assault. Banks set up the meeting and also attended. DeVougas accompanied Haywood to the meeting but said very little. Morales did not know the purpose of DeVougas attending this meeting with Haywood. Haywood did not argue and agreed to step away from MPF because he understood Morales' concerns about the appearance of putting him on the MPF Board when he was under criminal investigation.

Prior to Haywood's interview by SCD, Morales did not know that DeVougas would be representing Haywood on the criminal investigation. It was very odd that DeVougas would appear as a criminal defense attorney in an MPD investigation when he was serving as Chairman of FPC which oversees MPD and its officers. Morales feels that that would give DeVougas a conflict of interest. Based on his experience in interviews of criminal suspects, Morales stated that if DeVougas had attended the interview of Haywood and said that he was there representing a real estate company that Haywood was connected to, DeVougas would not have been allowed to stay in the interview, as only attorneys for the suspect are allowed to be present at such interviews. Morales has never discussed with DeVougas his presence at the interview as Haywood's counsel.

Around the time that the recording of Haywood's interview was leaked to the Milwaukee Journal Sentinel, DeSiato told Morales that he was receiving media inquiries about it. DeSiato had a copy of the recording on a thumb drive. Morales does not know how DeSiato got it and didn't direct him to get it. Morales watched a few minutes of the recording, specifically the part where DeVougas and Detective Wells discussed Wells' discomfort at interviewing the criminal client of the Chairman of the FPC. DeSiato suggested to Morales that they talk to the City Attorney's Office about it. They did and gave that copy of the recording to the City Attorney. Morales never had his own copy of the recording and never directed anyone else to obtain one.

Morales denies any involvement in the leak and any knowledge of who was responsible. He also has no knowledge of facts which would allow him to infer who did it. He has no theory as to why someone may have leaked it. At various community meetings, Morales has been criticized by members of the public for allowing it to happen. In his experience, disgruntled MPD officers also sometimes leak confidential police information to the Milwaukee Police Association, the local police union.

REPORT OF INTERVIEW OF CARMEN PITRE

On April 30, 2020, Mel Johnson and Scott Schuster interviewed Carmen Pitre at the Sojourner Family Peace Center (Sojourner), Milwaukee, WI. Pitre is the President and Chief Executive Officer at Sojourner.

In response to questions, Pitre provided the following information:

Pitre has been employed with Sojourner for 18 years. Sojourner is the largest domestic violence center in Wisconsin and provides services to about 12,000 clients each year. Located within the Sojourner facility are offices of fourteen partner agencies such as MPD's Sensitive Crime Division (SCD), Milwaukee DA's Office, Children's Hospital, Milwaukee Public Schools, and various other counseling/therapy entities. Sojourner also has a shelter facility for housing domestic violence victims.

Each of the fourteen partner agencies operating within Sojourner signed a Memorandum of Understanding (MOU) which documented their mutual obligations for the agency to operate within the Sojourner facility. Pitre remembered that the SCD moved into Sojourner in December, 2015 and the MOU was signed by former MPD Chief Edward Flynn near that time. Pitre said the MOU documents that MPD agreed not to interview suspects at Sojourner or provide suspect services at Sojourner. This policy was in effect because victims of domestic violence who were staying at Sojourner would not feel safe with suspects in the building. Also, if it became known that MPD brought domestic violence suspects into the building, victims of domestic violence would be less willing to come to Sojourner for services. Pitre agreed to provide Johnson and Schuster a copy of MPD's MOU upon conclusion of the interview.

The SCD is located on the 2nd floor of Sojourner. SCD has their own office space, kitchen, evidence room, and other rooms. The access to SCD space is controlled by card keys. The SCD space was specifically built for MPD's specifications and needs. Pitre estimates that about 40 SCD personnel currently work at Sojourner.

Pitre remembers that sometime in November, 2019 MPD Captain John Corbett, who was in charge of SCD, had asked her if Sojourner would reconsider their policy of not allowing suspect interviews at Sojourner. Pitre told Corbett "no", but said she would at least think about it.

Before she had a chance to get back to Corbett, Pitre was contacted by Milwaukee Journal Sentinel (JS) reporter Ashley Luthern in December, 2019. Luthern contacted Pitre a few days before publication of a JS article regarding the Kalan Haywood interview at Sojourner in December, 2019. Luthern asked Pitre if she was aware that a sexual assault suspect had been interviewed at Sojourner. Pitre had not been aware of this and her conversation with Luthern was the first time she heard this. Pitre is not aware of any other Sojourner staff having knowledge that Haywood was going to be interviewed by SCD at Sojourner. If they had, they would have called her and informed her.

After hearing from Luthern, Pitre was upset and called Corbett to find out what happened and voice her displeasure. Corbett told Pitre he didn't know about the MOU. Corbett told Pitre that MPD would take responsibility for this mistake.

After the JS article was published, Pitre again contacted Corbett. Corbett did not give Pitre any information about whether he knew who authorized Haywood's interview at Sojourner.

Corbett told Pitre he didn't know who leaked the recording to the JS. Pitre then provided Corbett with another copy of the MOU. Pitre thought she emailed it to Corbett, but she was unable to locate the email on her computer so it's possible she gave Corbett a hard copy at that time.

Pitre then personally talked to the alleged victim in the Haywood matter and apologized. The details of the JS interview hurt the victim.

Pitre still doesn't know who from MPD authorized Haywood's interview at Sojourner.

Pitre is aware that SCD uses a victim interview room which is located off a shared hallway just outside the SCD office space on the 2nd floor. There is a camera in this interview room. This camera is activated by SCD and the video and audio are recorded within SCD space. Once a recording has been made, SCD maintains the access and custody of the recordings. Neither Pitre nor any other Sojourner employees have access to the SCD recording/video equipment. Pitre has a master key for the entire building to only be used in case of emergency and she is the only Sojourner employee to have this access. On the wall outside of the SCD interview room is a small video screen which SCD personnel can use to observe an interview in progress if necessary.

The SCD interview room is not shared with other agencies in the building. Each of the other agencies who may need to do a victim or child interview have their own interview room and maintain their own recording and IT equipment.

Pitre is familiar with Haywood. He worked with the company that sold Sojourner its present building. Haywood owns the Masonic building immediately north and across the street from Sojourner. Sojourner has been interested in using this building for possible expansion. Prior to these events, both Haywood and Steven DeVougas, his attorney, had been at Sojourner for negotiations regarding a potential real estate deal to develop that property.

Pitre stated she did not leak the Haywood recording to the press. Pitre has not seen the video recording. Sojourner personnel, including Pitre, had no access to SCD equipment, recordings, or IT equipment.

Pitre found it troubling that neither DeVougas nor MPD Detective Wells stopped the interview when Wells said during the interview that they don't usually do suspect interviews at Sojourner. Pitre thought it was foolish for someone at MPD to authorize the interview at Sojourner and there was no recognition within the MPD chain of command that this was inappropriate.

Pitre guesses that MPD had wanted Sojourner to change their policy regarding suspect interviews because the Sojourner building and the SCD interview room are softer and less intimidating than bringing a suspect to MPD's downtown building, especially for out of custody suspect interviews.

Pitre said the fallout from this incident has been that some victims are more afraid of coming to Sojourner for services and lost some of their trust in Sojourner.

As requested, after the interview had concluded, Pitre showed Johnson and Schuster the SCD interview room on the 2nd floor outside of SCD space. From a visual inspection, Johnson and Schuster confirmed that this was the room used in the Haywood interview.

As requested, Pitre provided Johnson and Schuster with a document titled "Co-Location Agreement" (which Pitre had previously referred to as the MOU) which was dated December 15,

2015 and signed by both Pitre and former MPD Chief of Police Edward Flynn. The Co-Location Agreement is attached to this document.

Also as requested, Pitre provided Johnson and Schuster with a "Visitor Details" printout, which documented that DeVougas' checked in at Sojourner on August 13, 2019 at 12:41pm. Sojourner front desk personnel advised that DeVougas' check out time may not be correct, since many people leave the facility without checking out at the main desk. The printout is attached to this document.

Upon conclusion of the interview, a review of the Co-Location Agreement provided by Pitre was conducted by Johnson and Schuster. The review indicated that Section 4(b)(i) stated that the provider (MPD) agreed it may not "interview or detain suspects at the Center and avoid practices that may compromise victim safety and recovery".

REPORT OF INTERVIEW OF LT. CHRIS SCHROEDER

On May 27, 2020, Scott Schuster and Mel Johnson interviewed Milwaukee Police Lieutenant Chris Schroeder on the 7th Floor of the Police Administration Building as part of their independent investigation on behalf of the Milwaukee Fire and Police Commission of FPC 20041 and FPC 20042. Before questioning, Lt. Schroeder was advised of the purpose of the interview.

In response to questions, Lt. Schroeder provided the following information:

He has been employed with the Milwaukee Police Department (MPD) since beginning as a police aide in 1992. He became an Officer in 1995, working in various districts. For a time he was assigned to MPD's Internal Affairs Division (IAD). Schroeder was promoted to Sergeant in 2011 and Lieutenant in 2017.

Since January, 2018, Schroeder has been the Grants Manager for MPD's Office of Management, Analysis, and Planning (OMAP). In that position, he applies for, monitors, and reports on grants for MPD. Schroeder currently is responsible for about two dozen grants. He has no responsibility for criminal investigations, including any investigation of Kalan Haywood, Sr. Since he potentially plans to retire in the not too distant future, Schroeder is training his replacement.

Schroeder has heard of the Milwaukee Police Foundation (MPF) but he has not dealt with it in his work. MPD Lt. Erik Gulbrandson is responsible for dealing with MPF for the department. It is Schroeder's understanding that MPF was founded to make donations to MPD while he works with grants which, unlike donations, require compliance with certain requirements established by the granting organization. Schroeder has no knowledge of the size or importance of MPF's donations and does not know if Haywood has any involvement with that organization.

Schroeder has had no prior dealings or relationship with Haywood or with Steven DeVougas. He has no personal relationship with MPD Chief Morales. Schroeder's immediate supervisor is MPD Assistant Chief Regina Howard. He believes that she is a trusted confidant of Morales. Prior to Howard being promoted to Assistant Chief, she was the Director of OMAP.

Schroeder is aware that a recording was made of an MPD interview of Haywood regarding sexual assault allegations that had been made against him. On or about December 11, 2019, Officer Monique Anderson, who works in OMAP and who Schroeder viewed as executive officer to Asst. Chief Howard, orally requested Schroeder to make a copy of the recording for Howard. Schroeder assumed that Anderson spoke truthfully about why she wanted the recording because he knew she worked closely with Howard. Anderson asked him because she knew that, based on his experience at IAD, Schroeder knew how to access MPD's system for storing recordings. Anderson did not tell him why Howard wanted a copy. Anderson likely gave Schroeder the case number so he knew how to locate the recording in the system. At the time, Howard oversaw OMAP and had no responsibility for the Criminal Investigative Bureau. Schroeder downloaded the recording on a DVD and turned it over to Anderson. He thinks he only made one DVD copy for Anderson. He did not keep a copy for himself. Schroeder doesn't know if Anderson forwarded the DVD to Howard.

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After downloading the recording to a DVD for Anderson, Schroeder didn't view the recording. He only spot checked the DVD to make sure it had downloaded properly.

Some MPD recordings are restricted access, meaning that only certain MPD personnel are authorized to view or copy the recording. That was not true of the recording of the Haywood interview.

Schroeder downloaded the Haywood recording at his MPD desktop computer. He thinks he sent a link for the recording to his email and then clicked on the link to download it. He used his People Soft number for accessing the recording. All MPD officers are assigned a People Soft number which they use to log into MPD Systems. Schroeder does not think that he downloaded any reports on the Haywood investigation and likely wouldn't even know how to do that in the Tri-Tech system, as he's not trained on that system.

There is no written record of Anderson's request of Schroeder. He does not regard that as abnormal.

Schroeder is aware that a copy of the interview was leaked to the Milwaukee Journal-Sentinel. He had no involvement in that leak and no knowledge of who may have leaked the recording. He also does not have any information about the leak which would allow him to draw a reasonable conclusion about who may have leaked it. He is not aware of any reason anyone would have to leak the recording and does not know who may have had a motive to do so. After the leak, no one said anything to him implying involvement or knowledge.

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REPORT OF INTERVIEW OF OFFICER ZACHARY THOMS

On May 6, 2020, Mel Johnson and Scott Schuster interviewed Milwaukee Police Department (MPD) Police Officer Zachary Thoms at the Milwaukee Police Association (MPA) offices. Also present during the interview was MPA Vice-President Andrew Wagner. Per MPD policy, this interview was recorded. Before questioning, Thoms was advised of the purpose of the interview. He was also advised that under applicable regulations, since this was an investigation authorized by the Milwaukee Fire and Police Commission (FPC), he was required to cooperate and answer all questions without asserting his right against self-incrimination but that, as a result, his answers could not be used against him in any criminal proceeding. In response to questions, Thoms then provided the following information:

Thoms has been employed as an MPD Officer since December, 2007. He has been assigned to MPD's Sensitive Crime Division (SCD) for approximately the past three years. Thoms is currently working an investigation involving an allegations of sexual assault by Kalan Haywood, Sr.

This investigation started when Thoms was assigned to investigate the matter after the alleged victim contacted MPD. Thoms then met with and interviewed the victim regarding the allegations. Thoms is not sure of the date he interviewed the victim. At some point after meeting with the victim, Thoms believes he met with Assistant District Attorney (ADA) Abbey DeSiato (aka Abbey Marzick), but he is unsure of the date. The case has since been transferred to another ADA. Thoms is unsure how soon after meeting with the victim he met with ADA DeSiato. Thoms said the referral to an ADA depends on the circumstances of each individual investigation. After meeting with the victim, Thoms believes he told his supervisors about the Haywood allegation. Thoms said it's typical to brief his supervisor on what he's working on. Thoms is not sure who his supervisors were at the time this case started. Thoms is not sure if Captain Corbett, who is now the head of SCD, oversaw SCD at that time.

Within the SCD structure there are Detectives, Lieutenants, Sergeants, Police Officers, Police Aides, civilians, and also a Captain. His supervisors would include the Captain, Lieutenants, and Sergeants. Thom said it's hazy whether he's supervised by SCD Detectives and it's a point of contention with the union whether the Detectives outrank the officers. Thoms said it's not typical for him to report something directly to the SCD Captain and skip his chain of command. Thoms does not know how any information he reported to the SCD Sergeants or Lieutenants was reported up the chain of command to the Captain.

Thoms doesn't know that Haywood or Atty. Steven DeVougas had any knowledge about the allegations made against Haywood. The victim told Thoms that she had not contacted Haywood about it. Thoms did not contact Haywood about this. Thoms is not aware if his Captain, Sergeants, or Lieutenants contacted Haywood about the investigation. Thom never contacted DeVougas about the case. Thoms is not aware if the SCD Captain, Detectives, or other supervisors contacted DeVougas about the case.

Thoms said his police report mentioned Haywood's prominence within the community, as highlighted to him by the victim. Prior to this investigation, Thoms didn't know who Haywood was. Thoms said Haywood's prominence was a factor in this investigation, as he knew it was going to be a high profile matter and he knew the case would be scrutinized at high levels.

Thoms didn't do anything different than he normally would have and took the necessary investigative steps, but realized the case would be under scrutiny. His supervisors didn't react to knowing who Haywood was when he first mentioned the victim's allegations, however he made sure he did mention the victim's information regarding Haywood's political connections, including to Mayor Barrett, and this could potentially be very high profile. His supervisors told him to conduct business as usual and to do his best and it would all work out. Thoms doesn't know when Haywood's prominence was eventually shared with the Captain but Captain Corbett eventually found out about Haywood's prominence as they've had conversations about it. At the time of this incident in July/August, 2019, Thoms doesn't know who his Captain or other supervisors were. Thoms spoke with Corbett recently in order to find out if he needed to participate in this interview.

In this case, Thoms' investigative steps included meeting the victim, locating and interviewing witnesses, and downloading the 911 call. At some point, Thoms wrote search warrant affidavits, but he did not obtain them. Thoms is not sure who may have eventually signed off on the affidavit, and he has not seen the warrants so he's not sure what happened. Thoms can't recall if other subpoenas on the case have been obtained or served. The case was referred by Thoms to ADA DeSiato, but Thoms is not sure what steps she took to further the investigation. Thoms is not aware if DeSiato contacted Haywood or DeVougas, but suspects she wouldn't have done so. Thoms said he was basically trying to build a case and didn't want Haywood to know about it. Thoms agreed that this would be standard in a case like this since you wouldn't want the subject to be aware of the investigation so the subject could hide evidence or somehow compromise the investigation.

Thoms doesn't know if the Haywood interview was done too early, as he's unclear what the time frame was. Thoms is not sure if any search warrant evidence had been gathered prior to Haywood's interview. Thoms is not aware of how Haywood or DeVougas ended up at Sojourner for the interview or how anyone else from SCD became involved. Based upon what he knows, he wouldn't have interviewed Haywood at that time since he was still building a case and didn't want Haywood to know about it. Thoms agreed that having more information for the interview would have allowed the interviewer to ask better questions and better ascertain the truthfulness of the subject. Thoms didn't decide that Haywood should be interviewed at that point and he doesn't know who did. Thoms was not asked by anyone whether it should happen or whether it was a good idea. Thoms said his supervisors wouldn't have necessarily asked for his advice on this case, even though he knew the case better than anyone else in SCD, as he works in a structured environment and he does what he is told to do. He would have appreciated it if he had been consulted, but he realizes that as an officer he takes orders. Thoms doesn't recall if he had any conversations with anyone at that time about whether interviewing Haywood at that time was a good idea. Thoms doesn't know who made the decision to interview Haywood at that time.

After the Haywood interview, Thoms was frustrated about what had happened and voiced his concerns within SCD. Thoms was concerned about the victim's safety and believes evidence pointed to Haywood being a dangerous person. Thoms would have wanted to have gone into the interview more fully loaded, but it wasn't his call and he doesn't know who made the call. He expressed his frustration, likely to a supervisor, but can't remember who he talked

to. Thoms can't recall what the specific response from his supervisors might have been. Thoms can't recall if he heard at a later date who authorized the early interview of Haywood. Thoms was not aware that Detective Steve Wells was going to do the interview that day. Thoms can't recall when he found out that the interview had occurred - it may have been hours later or days later but Thoms is not sure. Thoms isn't even sure if he was working that day. Thoms also talked to Wells after the interview. Thoms can't remember exactly what they talked about, but Wells told him he had been told to interview Haywood. Thoms can't recall if Wells told him who made Wells conduct the interview. Thoms has never discussed this matter with DeVougas or Haywood.

At the time of the Haywood interview, Sojourner's interview policy was a point of contention. The idea was that SCD didn't interview subjects at Sojourner Family Peace Center when victims are present at Sojourner, which was common sense mentality. Thoms believes prohibiting subject interviews at Sojourner was a rule for a while, but the policy was lifted because it was too strict. He thinks this was lifted around the time of the Haywood interview, but Thoms cannot recall who told him that. Thoms said that sometimes suspects were interviewed at Sojourner, but it all depended on the circumstances. Sometimes it was necessary or helpful to interview suspects at Sojourner if SCD needed anything from its office to assist with the interview. Regarding subject interviews at Sojourner, Thoms was not aware of specific language in a Memorandum of Understanding (MOU) signed by MPD. Thoms said he was aware of a policy that you couldn't bring in subjects for an interview, but the policy was lifted at some point. Thoms said there was a changing of the mentality from we can't do this to there are instances when we need to do this. Thoms advised it wasn't common to interview suspects at Sojourner, but it did happen a few times. Thoms said SCD obviously wouldn't do a subject interview at Sojourner if the alleged victim of that subject was in the building.

Thoms does not know who decided that Haywood would be interviewed at Sojourner or why. Thoms did not decide that. After the interview, Thoms didn't discuss with anyone that it took place at Sojourner. Thoms didn't think there was anything necessarily wrong with doing the interview at Sojourner assuming the victim wasn't in the building. Thoms had no problem with the location of Haywood's interview since it was an out of custody interview. Thoms thinks it was beneficial that the interview was recorded. Thoms has no knowledge if an MPD report/memo exists regarding the timing and place of Haywood's interview at Sojourner. Thoms isn't sure if he would be kept in the loop regarding something like that.

After the Haywood interview, Thoms exchanged texts with ADA DeSiato regarding the case. Thoms agreed that the timing of the interview bothered him more than the location of the interview, but he isn't sure if he talked with ADA DeSiato about that.

Thoms thinks it was appropriate for MPD to record Haywood's interview, even though it was an out of custody interview. There is a computer screen on the wall outside the SCD interview room which must be accessed to activate the recording in the interview room. Thoms thinks that only MPD personnel can control the recording system since it's their system and not a Sojourner system. Thoms said any recording made in their interview room automatically gets uploaded to the MPD's evidence.com system. After this occurs, investigators then have access to the recording on their computers and can download the recording to a CD or DVD when necessary.

From the evidence.com system, Thoms said he typically downloads several copies of an interview recording onto a DVD. At least two copies are provided to the ADA, one of which is their copy and one is for the defense counsel. A third copy is made for the SCD case file. Some investigators also make another copy in case the MPD computer system crashes. Thoms thinks this was done in his case, as there should be one copy in his case file. The DVD's are usually taken to the ADA either via a liaison or he brings it there himself. Thoms might have made the copies for the DA's office in this instance, but he does not remember. Thoms said typically the person who conducted the interview would be the one who makes the appropriate number of copies, but sometimes they might ask someone to do it for them.

Thoms said he did not provide a copy of the Haywood interview to the Milwaukee Journal Sentinel (MJS) or the MPD police union. Thoms does not know who did. After the leak to the MJS, there was general discussion within SCD regarding this, but Thoms said nobody admitted to doing it or knowing who did it.

Thoms advised the leak was not desirable from an investigative perspective, since he was still building a case and gathering information. Thoms said someone let Haywood know that an investigation was occurring and that led to Haywood being interviewed without Thoms' knowledge. SCD personnel can access each other's electronic case file and anyone could have downloaded a copy of the interview. Thoms said someone also could have taken the hard copy DVD from his case file and made their own copy. Other SCD personnel have general access to his case file. Thoms keeps his case file next to his computer. When the case is done, it gets filed away, but it's still active at this point so it's still at his desk. This is very common within SCD for others to put or take things out of another officer's case file when needed if the investigating officer is not working that day or is on vacation. Thoms thinks that within evidence.com there is a record of anyone who accessed the system or downloaded a recording. Thom also thinks that there is a record of anyone who accesses the electronic case system and prints a report. Thoms wouldn't have the ability to view who accessed his cases, but perhaps a supervisor could see that. Thoms said nobody asked him to make an additional copy for them and Thoms is not aware of any bootleg copies. Thoms has viewed portions of Haywood's interview recording, but has not seen the entire thing.

Thoms does not know who the MPD Assistant Chief overseeing the Criminal Investigation Bureau (CIB) was at the time of the Haywood recording and does not know who the CIB Assistant Chief is now.

Generally speaking, Thoms thinks there was favorable treatment provided to Haywood regarding the timing of the interview as it happened before Thoms was able to complete the investigation. Thoms can't recall if he was working the day of Haywood's interview, but suggests investigators obtain MPD work schedules for this time period. Thoms is still assigned this case.

Thoms thinks Haywood is a dangerous person and it was inappropriate for DeVougas to represent Haywood in this case because DeVougas is the head of the Fire and Police Commission and he's representing someone who has political ties and a financial relationship with the City and that put any officer who is conducting an interview in a difficult situation. Due to the interview, Haywood now has a chance to discredit the victim and MPD's case. Thoms also has concerns for the victim's safety and the victim is now scared and upset because of the leak.

Thoms again mentioned that he didn't leak the information and he has great concerns for the victim.

(Several times during the interview, Officer Thoms took a break to consult with MPA Vice-President Wagner.)

Additional interview June 15, 2020

On June 15, 2020, Mel Johnson and Scott Schuster re-interviewed MPD Police Officer Zachary Thoms at the MPA offices. Also present during the interview was MPA Vice-President Andrew Wagner. Per MPD policy, this interview was recorded. Before questioning, Thoms was again advised that under applicable regulations, since this was an investigation authorized by the FPC, he was required to cooperate and answer all questions without asserting his right against self-incrimination but that, as a result, his answers could not be used against him in any criminal proceeding. In response to questions, Thoms then provided the following information:

Around the time frame in October, 2019, Thoms was not pressured by anyone to wrap up the Haywood case or make it go away. Thoms had been asked what the status of the case was, but he did not feel pressure to wrap it up since he was still waiting for search warrant evidence to come back. Thoms can't recall any MPD superiors telling him to make the case go away or that Haywood wasn't the only one who wanted the case to go away. Thoms did not make any statements like this to the victim when they last met, but he had explained to her his observations including that this would get difficult and things could potentially rise to the level of newsworthy. Thoms wanted to make sure the victim understood the gravity of everything so that the victim could protect herself. Thoms said obviously Haywood would want this to go away, but as far as within MPD that's never been his perception and nobody has told him that. Thoms feels the case should not go away, as he feels Haywood is potentially dangerous. Thoms feels very strongly regarding this and any orders from above him to make the case go away would have upset him and he would have vocalized this to his superiors. Thoms does not make cases go away and it's his job to solve crimes, which in this case he firmly believes happened, and he wants the victim to get justice and feel safe. So if someone had told him to make the case go away, it would have upset him and he wouldn't have forgotten that.

After discussing some emails he exchanged with the victim, Thoms said it sounds accurate that he was on vacation on August 13th, which was the day of Haywood's interview. Thoms can't recall if he ever got a call from Wells on August 13th to discuss the Haywood interview before it happened. Thoms and Wells have been recently discussing what happened, but Thoms can't remember if he had talked to Wells before the interview was conducted.

Thoms doesn't know anything about the Milwaukee Police Foundation (MPF). Wells had recently told Thoms that Haywood had some type of connection to the MPF and might have been up for an MPF Board position. The MPF did not come up at all during Thom's original investigation, but he and Wells only recently discussed this.

REPORT OF INTERVIEWS OF STEVE WELLS

On May 6, 2020, Detective Steve Wells of the Milwaukee Police Department (MPD) was interviewed by Scott Schuster and Mel Johnson in the offices of the Milwaukee Police Association (MPA). Also present was MPA Vice-President Andrew Wagner. Before questioning, Wells was advised of the purpose of the interview. He was also advised that under applicable regulations, since this was an investigation authorized by the Milwaukee Fire and Police Commission (FPC), he was required to cooperate and answer all questions without asserting his right against self-incrimination but that, as a result, his answers could not be used against him in any criminal proceeding. As required by MPD, the interview was recorded.

In response to questions, Wells provided the following information:

Wells has been employed by MPD since November, 1997. He worked as an Officer in District 3 for five years and then was transferred to MPD's Sensitive Crime Division (SCD) in 2002. He was promoted to Detective in 2004, and after spending two months assigned elsewhere, returned to SCD and has been assigned there since that time, except for one year spent in Internal Affairs. He is presently working at the MPD office in the Sojourner Family Peace Center. SCD has been situated there for 4 to 5 years. SCD occupies its own space in the Sojourner Building and entry to that space is through the use of key cards issued to each MPD employee. No non-MPD personnel can enter that space unless admitted by MPD personnel. Wells works the day shift which runs from 7am-3pm. For approximately the last year, his immediate supervisor has been Lt. Lucretia Turner.

Wells was unaware of the MPD investigation of sexual assault allegations against Kalan Haywood and had no involvement in that investigation until August 13, 2019. On that date around lunch time, MPD Capt. John Corbett instructed Wells to call and interview Haywood. Wells is not positive but he believes that Corbett gave him Haywood's telephone number. MPD Officer Zachary Thoms was investigating the Haywood case but was off work that day. Corbett did not explain to Wells why he wanted Wells to do this interview that day. Wells did not know why he was asked to conduct the interview, but he does have a reputation for conducting good interviews. Wells does not recall Corbett mentioning that he had discussed this interview with any assigned Assistant District Attorney (ADA).

Shortly after talking to Corbett, Wells called Haywood who answered. Wells explained that he wanted to interview Haywood and generally described the subject matter of the interview. Wells got the impression that Haywood was surprised and didn't know he was under investigation. Haywood told Wells he thought the requested interview might be about a different matter. Haywood told Wells that he was in the office across the street from Sojourner so he would come to Sojourner for the interview shortly. Wells was not prepared for the interview but Corbett had told him to do the interview that day so Wells found the Haywood case file and read the reports in it so he was at least generally familiar with the case. In Wells' experience it is not unusual for a detective to be asked to conduct an interview in a case that is not his if the investigating officer is not available. He would not expect that there would be any written record made of the directive to conduct the interview.

Corbett had told Wells that he could do the interview at Sojourner. Wells doesn't know why Corbett suggested that. It is normal for SCD to interview victims and witnesses at

Sojourner. It is not normal for SCD to do interviews of suspects at Sojourner but that is done occasionally if the suspect is not in custody. Sometimes it is convenient to do such interviews at Sojourner because SCD has its files and accompanying materials in its office space there. Wells estimated that he did one interview of an out of custody suspect at Sojourner per year. Haywood was not in custody. Also, sometimes a person is interviewed at Sojourner who is thought to be a witness and during the interview additional information is developed and the person then becomes a suspect. Wells had a general understanding that SCD should not normally interview suspects at Sojourner but was unaware of any written agreement to that effect between MPD and Sojourner.

Sometimes interviews of sexual assault suspects are done quickly after a complaint is made but the investigator would probably wait if he or she was waiting to assemble other evidence before the interview. Since this was not Wells' case, he did not know enough about it at the time to have an opinion on whether it was wise or appropriate to interview Haywood on August 13. If a supervisor does direct a detective to conduct an interview, it is not unusual for the detective to be told to do it right away. When Corbett told Wells to conduct the Haywood interview, there was no indication from Corbett that this was a directive from someone else and that thought never crossed Wells' mind.

SCD has daily briefings in which pending investigations are briefly discussed. The briefings are generally led by a Lieutenant or a Sergeant but the SCD Captain usually attends so they would also normally be familiar with all pending investigations. The Captain would also be able to access SCD case files and read applicable reports in order to remain familiar with their cases.

Wells has no information on whether Haywood or DeVougas wanted this interview to be conducted on August 13. They both reacted as though they were previously unaware of the allegations made by the complainant.

Twenty to thirty minutes after Wells had initially called Haywood, Atty. Steven DeVougas appeared at Sojourner and Wells came down to the entry area desk. Wells recognized DeVougas and was surprised to see him since Wells had been expecting Haywood to show up. DeVougas said that he was Haywood's lawyer and wanted some information about the matter under investigation before calling Haywood to come over to Sojourner. DeVougas may not have used the word "client" when talking with Wells at this point, but based on their conversation Wells felt DeVougas was acting as Haywood's attorney.

Wells went back to his office but was concerned over DeVougas' involvement in the case because Wells recognized DeVougas and knew that DeVougas was on the FPC, which has authority over MPD. Wells had mentioned this concern to DeVougas when they talked down at Sojourner's entry desk. Wells then immediately expressed his concern to Corbett who just told him to do his job. Corbett had not been aware of DeVougas' participation in this case until Wells told him at that point. Wells eventually became aware that Haywood was considered to be a prominent Milwaukeean with various political friends, but Wells had never heard of Haywood prior to this interview so Haywood's alleged prominence did not affect or concern Wells' interview of Haywood. When Wells reviewed the victim's interview report prior to Haywood's interview, the report mentioned Haywood's political connections as described by the victim, but that was all Wells knew about Haywood. Nobody told Wells to conduct the interview any

differently than he normally does. After speaking with Corbett, Wells went to the SCD interview room and set it up to begin recording.

The interview was conducted in a room SCD commonly used for interviews which has a system to make an audio and video recording of any interview. The system can only be activated through a screen on the wall outside the room by MPD personnel who have access code numbers and passwords to begin recording. Wells turned the recording system on before Haywood arrived for the interview. Nobody told Wells to record the interview, but he decided to do this on his own. Part of the reason for recording the interview was that Wells was nervous about DeVougas participating in the interview.

Haywood arrived at Sojourner about 15 minutes after Wells spoke to DeVougas at the entry desk.

Wells, DeVougas, and Haywood entered the interview room for the interview. Wells continued to be "nervous as hell" about DeVougas' presence and expressed his concern during the interview. Wells believed that DeVougas had a clear conflict of interest which put Wells in a bad position. Wells was interviewing DeVougas' client on a serious allegation and DeVougas was in a position with the FPC to decide whether Wells could keep his job, be promoted, or be demoted.

Based on DeVougas' actions before and during the interview, Wells had no doubt that DeVougas was there acting as Haywood's attorney. However, DeVougas conducted himself in a way which led Wells to believe that DeVougas was not experienced in criminal matters.

After the interview, Wells probably would have informed Corbett about the interview results, but Wells can't recall if it was that day. Wells does not recall any particular reaction by Corbett when they might have talked after the interview. Wells does not recall discussing the interview with ADA Abbey DeSiato, but does remember discussing the case with ADA Erin Karshen months later.

Wells does not recall who the Assistant MPD Chief for the Criminal Investigation Bureau (CIB) was at the time of this interview.

After an interview is recorded, once the recording is ended, the recording automatically loads into a system to which SCD personnel have access. From that system, copies can be made and put on DVD disks. Typically, two copies are made for the DA's office, one for the SCD file, and one extra copy as a backup in case something goes wrong with the computer system within which the recordings are stored. In this instance, Wells downloaded the Haywood interview to four DVDs and provided the three copies to Thoms and kept one for himself, as he usually does.

Any SCD personnel could access the system and download a copy of any recording. Also, the file copy and the extra copy are not locked up and could be found at the desk of the investigating officer. That copy could then be copied onto another disk.

Wells is aware that someone leaked a copy of the Haywood interview to the press. He did not leak it and does not know who did. Nobody admitted to Wells that they leaked the information or knew who did. Other than the normal DVD copies which Wells made, no one asked Wells to make another copy of the Haywood interview DVD for them. Corbett didn't ask for or get a copy of the interview DVD from Wells.

When asked if he knew of anyone else who had made a copy of the recording, Wells replied that he was barred from answering by MPD rules which prohibited disclosure of information relating to an ongoing MPD internal investigation. (Prior to answering that question, a break was taken during which Wells consulted higher officials within MPD who instructed him not to answer for the reason he stated.)

After the interview, Wells' only additional involvement in the Haywood investigation was to participate in obtaining a warrant to obtain additional information from Google. The case is still assigned to Thoms.

Wells doesn't think there was favorable treatment given to Haywood in regards to interviewing him. If Haywood had not answered the phone when Wells initially called him, the interview may have taken place on a different day or time. However, DeVougas' presence at the interview made Wells have the feeling that DeVougas wanted favoritism to be extended towards Haywood, but Wells didn't allow that to happen. Wells felt as though DeVougas was there to prevent Wells doing a tough interview of Haywood, but Wells conducted the interview as he normally would have regardless of DeVougas' presence. Wells is not aware of any MPD command staff having a personal relationship with Haywood or DeVougas.

SECOND INTERVIEW OF STEVE WELLS

On May 14, 2020, at the offices of the Milwaukee Police Association (MPA), Mel Johnson and Scott Schuster conducted a second interview of MPD Det. Steve Wells to ask certain additional questions. Also present was Andrew Wagner, MPA Vice-President. Before questioning, it was agreed that the second interview would be conducted under the same ground rules used for the first interview, summarized above in the first paragraph of this report. This interview was also recorded.

In response to questioning, Wells provided the following information:

Before Haywood came over to Sojourner to be interviewed on August 13, 2019, DeVougas unexpectedly appeared at Sojourner and Wells was called down to the entry desk. Wells was surprised to see DeVougas since he was expecting to meet Haywood. They talked for a minute or less. DeVougas said he had been contacted by Haywood about the interview and DeVougas wanted to know what the interview was about before he called Haywood to come over to Sojourner for the interview. Wells told him that it concerned allegations of sexual assault but did not tell DeVougas the name of the complainant. DeVougas then said that he was going to call Haywood and Wells went back upstairs to SCD to wait for Haywood's arrival. Based upon Wells' interaction with DeVougas in the Sojourner lobby, Wells had no doubt that DeVougas was representing Haywood.

Upstairs at SCD, Wells told Corbett of DeVougas' involvement. Due to the unusual circumstances of DeVougas being present, Wells thinks that Corbett may have told him to record the interview.

When they talked in the Sojourner entry area, DeVougas did not say that he was there as Haywood's friend or that he was there representing any business or TIF financing that was connected to Haywood. If he had, Wells would not have allowed him to be present during

Haywood's interview since the only people allowed to be present at MPD interviews of suspects are the suspects and their attorneys.

The day of the interview, Wells thinks he was told (he thinks by Corbett, although it could have been someone else) that a meeting was to be held later that day of an organization independent of MPD which distributes money to MPD to try to address MPD needs. At the meeting, the organization was going to decide if Haywood should be added to its board. Wells does not know who's on the board or how it's structured. Wells thinks that the organization might be funded by forfeited funds.

It is possible that a desire to resolve Haywood's case before the decision was made on adding him to the board added to a sense of urgency to interview Haywood as soon as possible but Wells doesn't know that and he didn't ask. It did not affect his approach to the interview. Wells does not know where any concern over Haywood being on this organization's board originated within MPD. He did not ask and would not have asked his superiors within the department. He did not care about it.

Wells is pretty sure that Corbett is the one who told him to interview Haywood. It could have been another supervisor but he does not think so. Corbett never told Wells that he had received calls from Chief Morales or anyone else from the Chief's office about Haywood's case. Wells did not know that Morales was aware of the Haywood case.

The MPD system for storing recorded interviews allows all authorized MPD personnel to access the recordings; not just SCD personnel. James Henry is an MPD officer assigned to SCD. Wells has no knowledge that Henry accessed the recording of the Haywood interview and is not aware of any reason for Henry to do so. Henry was not involved in the Haywood case. Henry never discussed the recording with Wells. Henry did not tell Wells afterwards that he had accessed the recording.

Erik Gulbrandson currently works in the Chief's office. Wells knows Gulbrandson and used to work with him in SCD. Wells had no knowledge that Gulbrandson ever accessed or downloaded the Haywood recording. Wells is not aware of any reason Gulbrandson had to have done so. Wells never discussed the recording with Gulbrandson.

Wells does not know Chris Schroeder, but he might recognize Schroeder if he saw him. Wells is not aware that Schroeder ever accessed or downloaded the Haywood recording. Wells never discussed the recording with Schroeder.

REPORT OF INTERVIEW OF SGT. DOUG WIOREK

On June 1, 2020, Scott Schuster and Mel Johnson interviewed Sergeant Doug Wiorek of the Milwaukee Police Department (MPD) in a conference room in the District 3 MPD Station.

Wiorek was asked to review and provide explanations for various portions of an Evidence Audit Trail (EAT) report in regards to a video interview conducted of Kalan Haywood, Sr. by MPD on August 13, 2019. In response to questions regarding the EAT report, Wiorek provided the following information:

Since 2014, Wiorek has been the Executive Officer of MPD's Information Systems. In this position, he oversees various MPD technology including their officer body camera system, MPD vehicle camera systems, and MPD interview room video systems.

Wiorek noted that when an interview is recorded in an MPD interview room, it takes a few minutes for the video to upload to the evidence.com system after the officer closes out the recording. That is why the Haywood interview video was uploaded at 14:49 on August 13 when the interview was finished at approximately 14:30. This particular video was not restricted and was part of an active investigation, so generally anyone in MPD could view it if needed. That would include MPD "superusers", who are higher ranked users outside the MPD district or office where the original user created the report.

Lines 7 and 8 of the EAT report documents Officer Henry bringing up the "home page" of this particular video. Line 9 of the EAT documents Officer Henry streaming the video, which means he hit the play button of the video. The EAT shows that Officer Henry did not download the video. (Note: see Henry interview report for details.)

Line 12 of the EAT report documents Detective Wells downloading the video. Downloading means that the video is copied and moved off the evidence.com system and onto the user's computer. At that point, a user can make a DVD if necessary or save the video to their computer. The file number on Line 12 relates to the specific video accessed. (Note: see Wells interview report for details.)

Lines 13 and 14 of the EAT report documents Lt. Gulbrandson accessing the home page of the video. Line 15 documents when Gulbrandson hit the play button. Line 16 documents when he initiated the download of the video to his computer. (Note: See Gulbrandson interview report for details.)

Lines 17 and 18 of the EAT report document when Lt. Schroeder accessed the home page of the video. Line 19 documents him accessing the home page again. Line 20 documents Schroeder performing a "bulk evidence download", including the EAT report. A bulk evidence download is typically done when a user wants to download numerous videos at one time. Instead of downloading each video separately, the user can request for them to be downloaded in bulk, which is more efficient if the user needs multiple videos. When done this way, the evidence.com system handles the processing and then later sends an e-mail link to the user when all the video downloads are ready. In essence, there is no difference between downloading each video separately or doing

a bulk evidence download, as it all depends on how the user decides to do it. Line 21 shows the system sending Schroeder an e-mail telling him that the bulk processing is done. Line 22 documents Schroeder clicking on a download link in his e-mail and then at that point the video is actually sent to this computer for making copies if needed. (Note: see Schroeder interview report for details.)

Lines 33 and 34 of the EAT report document Officer Anderson accessing the home page of the video. Line 35 documents Anderson downloading the video to her computer. Line 36 documents Anderson downloading the video to her computer again. (Note: see Anderson interview report for details.)

Lines 39-44 of the EAT report show access and downloading of the video by Attorney Robert Copley. Copley is MPD's open records attorney who accessed the file in order to respond to a record request by the investigators.

An EAT report doesn't show who only viewed/printed off the audit trail of a video.

The badge numbers listed on the EAT are actually the user's PeopleSoft number. Each City of Milwaukee employee has their own unique PeopleSoft number which is used by them as a User ID to access various City systems which they have authority to use.

At the end of the interview, Wiorek invited Peter Gnas, Network Manager, to the interview room to provide information on the various IP addresses listed on the EAT report. Gnas advised that the IP addresses listed on the EAT report are one of several generic City of Milwaukee IP addresses used by all City of Milwaukee employees as they electronically access systems. They do not show the exact IP addresses for the particular computer used to access the video, but merely show the IP address for one of the main switches when an employee accesses the internet. Which particular generic IP address is used depends on load management of their system, and the internet access is sent to whatever switch can better handle the internet traffic. At some point in the near future, the City of Milwaukee information systems may show better IP address data, but at this point it's not possible to trace the IP address from an EAT report to a specific computer.

Wiorek is not sure if the metadata on a DVD would show what particular computer the DVD was created on. Wiorek referred Johnson and Schuster to MPD's High Tech Unit if needed.

Wiorek provided Johnson and Schuster with a current EAT report through June 1, 2020.

During the interview, Wiorek initiated a bulk evidence download link for this video to his email when he was demonstrating examples of how the system worked. Wiorek didn't view the video, and then deleted the link from his e-mail in the presence of the interviewers.

Wiorek provided definitions for several terms which appear on the EAT:

Accessed means that the individual listed opened the file in questions, which then simultaneously buffers.

Streamed means that the individual who accessed the item played the recording.

Download means to put an item from the evidence.com system onto your computer, normally but not necessarily to make a copy.