

SUMMARY REPORT TO THE CITY OF MILWAUKEE FIRE AND POLICE  
COMMISSION ON THE INDEPENDENT INVESTIGATION OF THE  
REMOVAL OF SEVEN POLICE SERVICES SPECIALIST  
INVESTIGATORS ON OR ABOUT FEBRUARY 22, 2019

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# SUMMARY REPORT TO THE MILWAUKEE FIRE AND POLICE COMMISSION ON THE REMOVAL OF SEVEN POLICE SERVICES SPECIALIST INVESTIGATORS ON OR ABOUT FEBRUARY 22, 2019

## I. INTRODUCTION

Special Investigator Mel Johnson was hired by the Fire and Police Commission (FPC) to work with FPC Investigator Diana Perez to investigate the removal of seven Police Services Specialist Investigators (PSSIs), on or about February 22, 2019, who were civilian employees doing background investigations on applicants for positions with the Milwaukee Police Department (MPD).

This summary report attempts to describe the information obtained in a logical and comprehensible way. It will begin with a brief summary of events meant to remind readers of what generally happened in this matter. That will be followed by sections discussing specific questions suggested by the evidence. Each of those sections will state the question under consideration, summarize the evidence pertaining to that question, and suggest an answer based on the evidence.

The investigation included a series of steps. Seventeen witnesses were interviewed. Copies of the reports of those interviews are enclosed in alphabetical order. Records were obtained from MPD, FPC, the City of Milwaukee's Fraud Hotline, and several witnesses. Copies of the most pertinent records are also enclosed.

## II. SUMMARY OF EVENTS

The material in this section consists of undisputed facts describing what happened in this matter. These are set out for the purpose of establishing the framework of what happened in order to evaluate the issues raised. Later sections will discuss the evidence pertaining to those issues.

MPD is divided into various bureaus. One is the Administrative Bureau. One of the divisions within that bureau is the Human Resources (HR) Division. That division includes a unit which does background investigations on applicants for positions in MPD. That unit is manned by PSSIs. Those PSSIs doing background investigations in 2018 and 2019 were all retired sworn MPD officers. In their PSSI positions the investigators were civilian employees of MPD.

In 2018-19, the direct supervisor of the unit was HR Specialist Pam Roberts. She reported to HR Administrator Arvis Williams. Williams was the top HR official in MPD. She reported to Assistant MPD Chief Raymond Banks, who headed the Administrative Bureau. Banks in turn reported to MPD Chief Alfonso Morales.

The background investigation process was fairly uniform. The applicant would be assigned to an investigator who would interview the applicant. Then, the investigator would take steps to investigate the information provided by the applicant in the interview and a Personal History Questionnaire, the applicant's background, employment history, criminal history, traffic record, and references. The investigator would include the information discovered in a report on the applicant. That report would be reviewed by various combinations of others including the

Lead Investigator of the unit, Roberts, Williams, Banks, and the Applicant Review Committee (ARC). Eventually the matter would be forwarded to the chief for the final hiring decision.

The seven PSSI investigators whose removal led to this investigation, along with their race/ethnicity, gender, and age as of February 22, 2019, are:

- Thomas Flock ( [REDACTED] )
- Jeffrey Hadrian ( [REDACTED] )
- Efrain Herrera ( [REDACTED] )
- Richard Lesniewski ( [REDACTED] )
- Hattie Nichols ( [REDACTED] )
- Sandra Poniewaz ( [REDACTED] )
- Jeffrey Watts ( [REDACTED] )

On or about February 22, 2019, all seven of those PSSIs were removed from their positions. This report uses the word "removed" to include 5 who were terminated (Hadrian, Herrera, Lesniewski, Nichols, and Poniewaz) and 2 who resigned involuntarily as their only alternative to termination (Flock and Watts). This report uses the phrase "on or about" because, while MPD's intent was to remove all seven on Feb. 22, it took a few days to locate Hadrian who was off work on Feb. 22 and notify him that he was terminated.

Flock, Herrera, Poniewaz, and Watts were all at work on Friday, Feb. 22. One by one, each was called into a basement conference room in the building they worked in, where they met with Williams and Roberts. Each was told the same thing. Each had the choice of resigning immediately or being terminated that day. They were not given any time to think it over. They were not told why this was happening, only words to the effect that the department was going in a different direction. They were not told that if they were terminated they would forfeit all pay for vacation time they had accrued. They were not given the option to transfer to another division. None were given any notice of charges against them. None were told that they had an opportunity to respond in writing to their removal through a departmental memo to the chief. Watts and Flock signed a form stating that they resigned. Poniewaz and Herrera were terminated by identical personnel orders they were handed which were signed by Morales.

Nichols, Lesniewski, and Hadrian were not at work that day. Officers from MPD's Internal Affairs Division (IAD) found Nichols and Lesniewski at home and gave them the same choice, resign immediately or be terminated. They also were not told about vacation pay, charges against them, or opportunity to respond. They were each terminated through an identical signed personnel order from the chief.

Hadrian could not be reached over the weekend. On Feb. 25, he was informed by email that he had been terminated. Like his colleagues, Hadrian was not told about vacation pay, any charges against him, or any opportunity to respond.

On March 21, 2019, the FPC approved the terminations of the five that did not resign. That was done at an FPC meeting as part of a consent agenda without any discussion or vote.

The seven removed PSSIs have continued to allege that their removals were improper and have complained to the FPC which has authorized this investigation.

### III. DID THE REMOVAL OF THESE PSSIs VIOLATE MPD SOPs?

Chapter 870 of the MPD Standard Operating Procedures (SOP) is enclosed. Section

870.05 states, "It is the policy of the Milwaukee Police Department that any suspension or discipline administered to an employee shall be based on fairness and complies with all standard operating procedures, the Code of Conduct and Wisconsin state statutes."

Section 870.25 states, "Civilian members facing possible discharge shall follow a due process procedure including notice of charges and an opportunity to respond in writing in the form the (sic) *Department Memorandum* (form PM-9E) to the chief of police."

This SOP was not followed in this case. These PSSIs were civilian employees facing discharge. They uniformly state none of them were given any notice of charges and none were given any opportunity to respond to the chief in writing. This is not disputed as none of the authorities in the chain of command that participated in the removals contends that this SOP was followed.

Rather than a notice of charges, the removed PSSIs were told only that the department was going in a different direction. That vague statement was never defined and Williams admitted that that was no more than just something to say in this awkward situation. The personnel summaries of each of the terminated PSSIs state that each was terminated on Feb. 22 for "Violation of Dept. Rules and Procedures". The rules or procedures violated were never identified and the removed PSSIs uniformly state that they have no idea of any rule or procedure they may have violated.

Roberts, Williams, and Banks all admit that this SOP was never considered or discussed. Morales stated that he left responsibility for compliance on his Chief of Staff, Nick DeSiato, whose job it was to make sure that any firing complied with MPD rules. DeSiato stated that, to his knowledge, there was never any discussion or consideration of this SOP and he doesn't know why it was not followed. Morales also said he expected HR to be aware of necessary procedures but, as noted above, Williams and Roberts never considered this SOP.

The personnel order signed by Morales that each terminated investigator received (an example is enclosed) states that the person terminated is a non-sworn, exempted, at-will employee who does not have a right to appeal to the FPC. Banks, Williams, and Roberts all stated that they thought that no SOP applied because these PSSIs were exempt at-will employees.

There are several problems with that position. Neither "exempt" nor "at will" is referenced as an exception in Section 870.25 and neither term is even mentioned in Chapter 870. On its face, Section 870.25 applies to civilian employees facing discharge regardless of whether they are exempt or at will.

The term "exempt" is defined in Rule I. Section 1(d) of the FPC rules as referring to positions not subject to competitive examination. Section 4 identifies Police Services Specialist Investigators in the exempt category. Rule XVI. Section 2(d) limits appeals of disciplined employees to the FPC to non-exempt employees. However, that has nothing to do with the situation in this matter. The question here is their right to notice of charges and opportunity to respond, not appeal to the FPC, so quibbling about exempt employees is beside the point.

Under fundamental labor law, an "at will" employee can be fired for any cause or no cause. *Brockmeyer v. Dun & Bradstreet*, 113 Wis.2d 561, 567 (Wis. S. Ct. 1983). However, there are some recognized exceptions to that rule, two of which would reasonably apply here. One is public policy which can be expressed through administrative rules and regulations and broader notions of public good and civic duty. The SOP here is an administrative rule which

establishes a public policy that civilian employees of MPD ought not be terminated without knowing why and having an opportunity to object.

Another exception arises when an employer's handbook or policy or practice establishes a written assurance that specific termination procedures will be followed. It would be nonsensical for MPD to establish procedures applicable to a civilian employee facing discharge and then ignore its own procedures to fire someone based on the designation "at will". That unfairly harms the employee and the department which can hardly expect to attract as many applicants if it is known to ignore its own procedures.

In addition, Section 870.05 requires MPD to base any discipline on fairness and all standard operating procedures.

This matter was briefly considered by the City's Fraud Hotline but the interview of Ronda Kohlheim, who met with MPD representatives, makes it clear that the Fraud Hotline never came close to ratifying what happened here. It was a brief surface discussion of the situation in which the SOP was never discussed because Kohlheim's supervisor did not think it was necessary. Kohlheim quickly declined to take any action or investigate because the matter was not within the hotline's fraud jurisdiction, it was essentially an HR matter, and she had no authority to examine HR records. Although she had the discretion to refer the complaint to the Department of Employee Relations for further review regarding the HR issue, Kohlheim did not explain why that did not occur.

A few witnesses thought that the City Ethics Board may have approved what happened here. However, there is no record of that and Williams confirmed that the matter was never brought before that board.

#### SUGGESTED RESOLUTION

It seems clear that these seven PSSIs faced discharge but were not accorded the rudimentary protections of 870.25. Offered justifications for that hold no water. It is up to the FPC to determine the remedy for this violation.

#### IV. WAS THE DECISION TO REMOVE THESE SEVEN PSSIs JUSTIFIED?

Beyond concerns over following applicable SOPs, the evidence raises a significant question about whether there was a reasonable basis to remove these seven PSSIs on their merits. It might be suggested that they were at will employees who could be fired for any reason or no reason. However, MPD SOP 870.05 states that all MPD discipline shall be based on fairness. That suggests that a removal without a reasonable basis is invalid since it would be unfair. In considering whether these removals were justified, a number of factors seem relevant and are discussed in the following subsections of this report.

##### A. Factors True of All the Removed PSSIs

Whenever a personnel action is questioned, it is almost always relevant to wonder if it

involved some kind of legally prohibited discrimination, such as race, gender, or age. The demographic information about the seven removed PSSIs does not suggest actionable discrimination.

On race, four of them were white (████████████████████), two were black (██████ and ██████), and ██████ was Hispanic. It is relevant to note that ██████ was the only Hispanic investigator which could suggest discrimination in removing him, but probably not in the context of everyone removed together.

On gender, two were female (████████████████████), the rest male. It is true that ████████████████████ were the only two female investigators during the relevant period which could suggest gender discrimination. However, that suggestion would not be strong considering that five males were simultaneously removed.

As for age, their ages as of Feb. 22, 2019 ranged from 58 to 74. That is relatively old for the general work force but a number of witnesses agreed that the age range of those removed was similar to the age range of the whole background investigation unit. With that in mind, it would be difficult to demonstrate that their removals were motivated by their ages.

All of the seven were retired sworn MPD officers. Their personnel summaries, attested to by their statements in their interviews, indicate that they all had successful careers as sworn officers with MPD. The records contain promotions and some commendations. The records contain next to no disciplinary infractions.

Their personnel records as civilian PSSIs indicate that they continued to be generally successful MPD employees in that role. While their yearly evaluations contain occasional notes, early in their PSSI careers, indicating that improvement was needed in some regard, the evaluations of these seven were consistently favorable, stating that they were successfully meeting all job requirements. Considering that these seven were removed in early 2019, the most relevant evaluations were those for 2018. Their 2018 evaluations were uniformly positive and all shared the following characteristics: they were marked as meeting job requirements in all rating categories; those ratings were supported by positive written remarks; none of them had any disciplinary action pending; each was in good standing and eligible for a raise; and all of these positive evaluations were signed by Pam Roberts and Arvis Williams.

A few witnesses have indicated that evaluations within government agencies are not entitled to much weight since they can often be unduly favorable. Anyone who has worked in government can understand that possibility. However, the positive evaluations are an important part of the personnel records of these seven and those records contain little or no information to the contrary.

Statistics of investigations completed indicate that these seven, as a group, exceeded the performance of the rest of the unit in 2018. Enclosed is a chart provided by the Internal Affairs Division of MPD listing totals for investigations completed and closed by the background investigation unit in 2018. We all understand that statistics may not tell the whole story of any individual's performance and that other factors can affect those statistics. However, statistics are certainly relevant to assessing any individual's performance especially when, as here, there is little or no other documentation.

The chart indicates that the unit closed 433 cases in 2018. Twenty five investigators are listed so that comes out to an average of 17.3 cases per investigator. The average number of

cases closed in 2018 by the seven fired was 17.9, slightly above the unit average. In addition, seven other PSSIs who were not removed completed 12 or fewer cases during the year.

The seven who were removed all stated that, while any worker in any workplace could have disagreements with colleagues and might like certain colleagues more than others, they got along well with fellow investigators and were part of what they thought was a good working atmosphere within the unit. That is corroborated by the evaluations which commonly refer to these seven as good team players. It is also corroborated by the statements of other investigators interviewed.

## B. Analysis of Each of the Seven

### Thomas Flock

There is little or no negative information about Flock's job performance in his role as a part-time investigator.

Dan Kuhn, an experienced background investigator who took on administrative responsibilities, Lead Investigator Malcolm Blakley, and PSSI Jeffery Hoover, who sometimes reviewed background reports, all pointed out that Flock had family responsibilities that made him reluctant to take on as many hours as Arvis Williams would have liked. (Williams admits that she was not happy with having part-time workers in the unit.) However, they both noted that that did not prevent Flock from completing a lot of background investigations.

That is borne out by Flock's statistics. According to the enclosed chart, Flock completed and closed 21 cases in 2018.

Flock's supervisors all agreed that Flock was doing a good job. Blakley referred to his good work. Roberts saw no problems with his work. Williams stated that his reports were good and thorough.

In short, a review of information specific to Flock suggests little or no basis to remove him.

### Jeff Hadrian

There were at least two critical observations about Hadrian by Williams. She stated that his reports had to be double checked and that he seemed to have a negative attitude about MPD and Chief Morales. Those observations are not entirely consistent with observations made in Hadrian's 2018 evaluation which Williams signed on January 3, 2019. The evaluation stated that he completed his investigations in a thorough manner, that he was a team player with a positive attitude, and that he maintained a professional demeanor.

Others who reviewed Hadrian's work had favorable comments. Roberts said he presented no problems. Blakley said he was a good worker who wrote good reports. Hoover agreed with that.

As noted above, the unit average for cases closed in 2018 was 17.3. Hadrian completed 31. (However, it would be fair to note that Hadrian worked in partnership with Kurt Sutter who was credited with 9 closings so perhaps the two of them should get joint credit for 40 cases in 2018.)

As a result of his termination, Hadrian lost pay for 168.2 hours of vacation time he had accrued.

On balance, it is difficult to see how Hadrian's removal could have been justified on this record.

#### Efrain "Frank" Herrera

It would be accurate to say that Herrera received more criticism on his work than any of the other six who were removed. Williams said that he had the most problems in the unit. He was not the most eager worker but did work overtime when needed. Roberts stated that his reports had problems with completeness and timeliness.

However, Roberts and Williams both signed off on Herrera's 2018 evaluation which stated that he was meeting all job requirements. In comments, the evaluation said that his investigations were completed in a thorough and timely manner, that he showed great initiative and was a team player, that he showed commitment and dedication, and had a positive demeanor.

Williams provided memos to Herrera dated February 19 and 20, 2019 as a supplement to a PD-30 he had received shortly before. (A PD-30 is a document which identifies a problem with an individual's work and directs the individual to work to overcome that problem or face possible discipline.) Those memos identified Herrera's problems in a background report on an applicant named Wilborn as lack of timeliness, insufficient information which caused inaccuracies, and careless writing. Williams wrote that Herrera met with her to discuss these things and admitted to being careless, taking things for granted, and not paying close enough attention to detail. When asked about this at his interview with undersigned investigators, Herrera stated that his report on Wilborn had been reviewed and passed on by Blakley, Kuhn, and Roberts.

Other witnesses give mixed reports on Herrera. Blakley states that Herrera was slow on his reports and made mistakes, but would correct those mistakes when they were discovered. Kuhn stated that Herrera was not a skilled report writer. Hoover thought that Herrera had trouble managing his caseload but managed to do the work. Jeff Watts thought that Herrera was a little slow on his work but others helped him get it done.

Statistically, the enclosed chart reflects that Herrera completed 14 cases in 2018.

It was also pointed out by Herrera and others that since he was the only investigator in the unit fluent in Spanish that he sometimes helped others complete their reports by interviewing Spanish-speaking witnesses and contacting agencies in Spanish-speaking countries to obtain necessary records.

Due to his termination, Herrera lost 21.1 hours of vacation pay which he had accrued.

There are other factors discussed in other sections of this report that should be considered but looking strictly at information specific to Herrera, there seems to be a stronger basis to remove him from his PSSI position than there is for the other six who were removed with him.

#### Richard Lesniewski

Lesniewski filled a unique role in the unit. He was the oldest investigator and did not do much investigation out on the street. That is reflected in the chart of cases completed which reflects that he closed only two cases in 2018. However, he was used by other investigators in

the unit to do a lot of work in the office involving contacting other agencies, private and public, to obtain records necessary for the investigations.

Williams acknowledged that Lesniewski did a lot of work in the office and was valuable to the unit. Roberts saw no problems with his work. Hoover verified that Lesniewski did a lot in the office for others, especially for Hadrian and Kurt Sutter.

Lesniewski's evaluations were all favorable. After he was fired, he asked for copies of his personnel records. In a reply dated March 15, 2019, Williams verified that his file contained no record of any disciplinary infractions and was devoid of any documentation pertaining to counseling.

As a result of his termination, Lesniewski lost 207.5 hours of accrued vacation pay.

Lesniewski's unique "in office" role seems to have been acceptable to the unit. If so, there is no record of any shortcoming which would seem to justify his termination.

#### Hattie Nichols

Those who supervised Nichols or reviewed her reports had a mix of positive and negative things to say about her work. Roberts stated that Nichols was not a good writer. Roberts also mentioned that Nichols may sometimes have offended others in the office with her jokes, although Roberts admitted that that was probably not a basis to fire anyone. Roberts added that Nichols sometimes left the office to care for her sick husband, but the file also contains emails noting that Nichols sometimes did work while at home.

Williams said that Nichols did a good number of reports but they were not necessarily well-written. Blakley said she was quick but needed to make her writing more clear and organized. Hoover agreed that Nichols was dedicated and fast but thought that she could have been more thorough. He added that that problem was correctable.

Kuhn stated that Nichols completed a lot of cases but he felt there was palpable personal tension between her and Williams. Williams denied that but a number of witnesses described incidents in meetings where Williams seemed to single Nichols out in a confrontational way.

Of course, Nichols received favorable yearly evaluations and her 2018 evaluation, signed by Roberts and Williams, contains no references to her alleged shortcomings.

The enclosed chart of cases completed supports the notion that she did fast work. It shows that Nichols completed and closed 27 cases in 2018, tied for fourth out of 25 investigators.

Her termination caused Nichols to lose 213.7 hours of accrued vacation pay.

The information specific to Nichols is mixed but is balanced by positive information. The record seems to fall considerably short of compelling her firing.

#### Sandra Poniewaz

A problem for Poniewaz was her hours. Kuhn recalled that she had multiple jobs so was less willing than others to work all the hours that Williams wanted. Roberts characterized the problem in terms of keeping a regular schedule. That is, Poniewaz worked her required hours but her supervisors did not know when she would come to the office to do that so felt that

they could not keep track of her. Poniewaz stated that when this problem was brought to her attention, she accepted that and did not fight about it.

This problem and improvement was reflected in her evaluations. For 2017, Poniewaz's evaluation made several references to having to counsel her to be more dependable in terms of her keeping to a schedule. It did note that she improved after being counseled about it. Her 2018 evaluation was quite positive and noted her improvement and willingness to accept suggestions for improvement. Those evaluations were signed by Roberts and Williams.

As far as the quality of Poniewaz's work, Williams stated that she needed to be more thorough and accurate but Blakley said that her work was good. Hoover said she did good quality work with attention to detail.

The enclosed chart indicates that Poniewaz closed 13 cases in 2018. That was below average for the unit but still more than seven other PSSIs who were not removed.

Her termination caused Poniewaz to lose pay for 112.9 hours of vacation time she had accrued.

On this record, Poniewaz did seem to have shortcomings. However, she seemed to improve on those things and there was positive information about her performance.

#### Jeffrey Watts

None of his supervisors or report reviewers seemed to have any criticism of the quality of Watts' work. Williams and Roberts agreed that they had no problems with his performance. Blakley considered him to be one of the better background investigators. Hoover verified that Watts did the work with good attention to detail.

Those observations were consistent with his favorable evaluations throughout his career as a PSSI.

At one point, Williams referred to Watts as a "pot stirrer" According to Kuhn, Blakley, and Williams, that was over an incident in which Watts had talked with a police aide who was unhappy in the unit and told her that she could seek a transfer. That hardly seems to be misconduct. For his part, Watts said that he sometimes spoke up with questions or concerns about the unit but he thought that he did so in a professional manner.

Statistics in the enclosed chart indicate that Watts completed 17 cases in 2018, about the unit average.

With the exception of the "pot stirrer" issue which is of questionable significance, there seems to be no negative information specific to Watts.

### C. Analysis of Other Relevant Factors

#### Opinions of Supervisors and Colleagues

With the exception of Chief Morales, who used his authority to remove these seven PSSIs, there was unanimous agreement among their supervisors and colleagues that the decision to remove them was unjustified.

Roberts emphasized that discharge of an employee is such a stiff punishment. She thought that the unit was solid and she saw no good reason to fire any of these PSSIs at that time. Williams agreed that the unit was performing well and she would not have fired any of

them. Banks verified that that was Williams' position as he stated that she fought the removal decision "tooth and nail".

Banks stated that the only person who wanted these investigators gone was Morales. After Morales asked him to provide names of those who should be removed, Banks dragged his feet on doing that but Morales insisted that Banks do it. Banks received information about the unit from his friends, Hoover and Tony Hendrix, who was another PSSI in the unit. Banks said that Hoover and Hendrix never advocated firing any of these seven.

Hoover and Hendrix corroborated that. Hoover stated that he would not have fired any of the seven and he was shocked when it happened. He believed that there were other investigators left in the unit who were doing a worse job than the seven removed. Hendrix said that the unit was doing well and that the seven should not have been fired because they were doing the work.

Lead Investigator Blakley, who reviewed their reports, said that the seven did the job and he saw no reason to fire them. He noted that Banks told him he was soft for thinking that. Blakley said that the unit found a way to get the work done. He felt that the decision to fire these seven had to have been personal because he couldn't see any other basis to do so.

The only person involved whose opinion supported removal was Morales and there are several reasons to question his judgment on this matter. Morales admitted that he had little contact with the unit so had to depend on others for his information. Banks opined that Morales made the removal decision on an emotional basis because he was tired of talking with Banks about perceived problems with the background investigation unit. That suggestion is supported by Morales' statement in his enclosed August 4, 2020 letter to the FPC that, at one point, he said he wanted to fire all of the investigators. Of course, as Williams and Roberts and Banks agreed, that was totally impractical. The background investigation work was ongoing and firing all of the investigators would have left MPD with no ability to get that work done. For his part, when interviewed, Morales stated that he realized that all of the investigators could not be fired at once but he had made this proposal as part of a possible revamping of the unit over time.

Morales also stated in the interview that his removal of the seven had been investigated by the City Ethics Commission. That was wrong. There is no record of that commission getting involved and Williams stated that the matter was never referred to that commission. It was referred to the City's Fraud Hotline but, as the interview of Ronda Kohlheim, who was a hotline employee, makes clear, that was only a cursory look at the situation that went no further because the hotline had no jurisdiction to look further into it.

In his August 4, 2020 letter to the FPC, which is enclosed with this report, Morales wrote that he eventually decided to fire the seven "main agitators". That appears to be a totally baseless accusation. The seven PSSIs removed all denied that that label could be fairly applied to any of them. Flock said he was incredulous at that allegation which was entitled to no weight. Poniewaz said she was dumbfounded by that accusation.

Every person from the unit who was interviewed rejected the idea that the seven removed could be characterized as "agitators". That included Kuhn, Roberts, Blakley, Hoover, Hendrix, and Williams.

In his interview, Morales conceded that "main agitators" was a poor choice of words on his part and that he really meant to refer to poor performers. Banks supported Morales on that.

### Chief Morales' Allegations

Morales' Aug. 4 letter contained a series of allegations he made to try to explain his decision to remove these PSSIs. Upon analysis, those allegations do not come close to justifying the removals and, if they are the best that Morales could come up with, they actually support the notion that these seven should not have been removed.

One basis to question the validity of Morales' decision to remove these seven PSSIs is the reliability of the information he relied upon to make his decision. A series of witnesses verified that Morales was seldom at the background investigation unit to see for himself what was happening. Morales conceded that in his interview.

Morales stated that he knew little about individuals in the unit and that his main source of information about this was Banks who provided the chief with daily briefings about the Administrative Bureau. Morales stated that he had to rely on his assistant chiefs for information about their respective bureaus and that he had no reason not to trust what he was told by Banks. However, there are questions about the reliability of information Banks provided, especially if that information is alleged to have justified the removals.

Witnesses state that Banks was also seldom at the unit to form an independent idea of how things were going. Banks conceded that in his interview but he countered that he already knew of some people in the unit, that he reviewed background investigation reports, and that he received information from Hoover and Hendrix.

However, Hoover and Hendrix both said that they did not think anyone should have been removed so they would hardly have been providing ammunition to justify firings. Similarly, Williams provided information to Banks about the unit but she normally emphasized positive points with Banks, bringing up negative ones only if they concerned a major issue. She states that the information she gave Banks would have been positive.

Considering questions about the reliability of information Morales would have received, it may not be surprising that the allegations in his August 4 letter are of questionable validity. Without going through every allegation to see what each witness said about it (the reader is free to do that by reviewing the various enclosed interview reports), some observations by the witnesses can be made:

- At least nine witnesses characterize allegations in Morales' letter as simply untrue.
- Several witnesses characterize the allegations as manageable matters that could be corrected by the unit without firing anyone.
- At least 11 witnesses describe Morales' allegations as pertaining only to extreme cases, not representing any persistent or chronic problem for the unit.
- According to five witnesses with administrative responsibilities, a number of the allegations relate to mistakes that were not the fault of the background investigators.

Perhaps the most troubling of Morales' allegations is the allegation that investigators in the unit were racially biased in their treatment of applicants. However, the factual basis for this allegation is not strong. It is not quite clear how this allegation could apply to this whole group of seven, considering that the group consisted of four whites, two blacks, and one Hispanic. All seven PSSIs removed deny racial bias on their parts. Kuhn stated that he saw no evidence of that and neither did Blakley, Hoover, or Williams, each of whom is black. Banks stated in his

enclosed undated letter to the FPC that he got information about race preference from whistleblowers, two of which he stated in his interview were Hoover and Hendrix. However, when Hoover and Hendrix were asked in their interviews what their basis for inferring racial bias on the part of members of the unit, they did not point to specific cases or actions. It was more of a feeling they got from remarks they overheard in the office. Those feelings may be valid but they do not prove much.

It is interesting to note that whenever any of the witnesses in this case were asked about racial bias in the unit, the case of Dennis Marlock came up. Marlock was a PSSI background investigator who was fired after an investigation unrelated to any of the seven PSSIs removed on February 22, 2019.

It is also important to note that Morales' allegations have almost no connection to the seven removed on Feb. 22. Six witnesses with administrative responsibilities (Kuhn, Roberts, Blakley, Banks, Hoover, and Williams) generally agreed that the allegations made by Morales did not necessarily relate to any of the seven removed. When interviewed, Morales admitted that.

The only two possible exceptions relate to allegations on the second page of the chief's letter. The letter refers to a PSSI leaving work to care for a sick family member. Witnesses have inferred that he referred to Hattie Nichols who sometimes left work to care for her ill husband. That is not the worst possible offense, especially since she was known to work from home. When considered in light of Nichols' overall record, it hardly seems a good reason to fire her much less fire anyone else unconnected to this issue.

The other allegation which might relate to one of the seven is the one about sporadic attendance which some witnesses believe was a reference to Sandy Poniewaz failing to keep a regular schedule. As discussed above, Poniewaz accepted the suggestion that she needed to keep more predictable hours and improved on that in 2018. As such, it was no reason to fire her or any other unconnected PSSI.

#### Mitigating Factors

To the extent that any of the seven removed had shortcomings and should have done better, it is significant to note mitigating factors. The main one is the extreme time pressure these people worked under. Every witness involved in the work of this unit agreed that the background investigations had to be completed under tight time deadlines and that to get the work done on time, the unit had to work many overtime hours. It is not shocking to learn that people with too much to do and too little time to do it would make occasional mistakes or oversights. Such mistakes or oversights would therefore be less likely to justify their removals.

It is also important to consider part time work versus full time. Williams preferred the unit to contain full time workers. That is generally understandable and led to some tension between her and a couple of the PSSIs removed. However, a couple of points should be considered before their part-time status is held against any of these seven. First, the part-timers committed to working 40 hours in each two week pay period. MPD agreed to employ them with that understanding. It is hard to criticize a part-time worker, much less propose to fire a person who is doing what they agreed to do and what their employer agreed to accept.

It is also significant to note, as all the witnesses asked about it did, that part-time workers often worked longer hours, at or near full-time when the workload required. They were

paid the same hourly rate for however many hours they worked. With that in mind, it is difficult to see how employing part-time PSSIs disadvantaged the unit. From that perspective, it would seem that any complaint about part-time workers largely misses the point.

#### Removals Abrogated any Possible Improvement Plans

The administrators of the unit had made plans to improve the unit and minimize the problems they had observed. Their plans did not contemplate firing anybody.

Banks stated that he wanted more time to address the issues he saw. He contemplated a progressive discipline plan over about six months.

Along those lines, Roberts said that she and Williams were developing a progressive plan for the unit and they had informed Banks of it. It was an alternative to needing to terminate anyone.

While she did not accept the progressive discipline label, Williams stated that she had worked on a four-step plan that would identify problems and seek to solve them without necessarily imposing any discipline.

Obviously, the removal of these seven PSSIs eliminated any opportunity for them to identify weaknesses and try to improve on them. An obvious example is the PD-30 given to Efrain Herrera less than a week before he was fired. The PD-30 identified problems in a particular report and was meant to find a way for him to improve on his flaws. With that process begun, it made no sense to fire him less than a week later. To the extent that removing these seven eliminated any opportunity for them to improve their performance, it was contrary to the wise administration of the unit.

#### Lack of Documentation

Any organization with employees has an interest in retaining good workers and removing bad employees. To do that reliably requires documentation. Likewise, employees have an interest in being reasonably assessed so they do not get unfairly evaluated. To do that reliably requires documentation. How can an organization fire someone without adequate, or any, documentation to establish their shortcomings, especially when existing documentation indicates that they are doing a good job? Unfortunately, that appears to be what happened in this matter.

Chief Morales made the decision to remove these seven PSSIs. He admitted in his interview that he did it on the basis of oral information. He admits he never checked any records on these individuals. He expected to get documentation after the fact but never did.

Assistant Chief Banks acknowledged the documentation problem in his letter to the FPC and in his interview. He stated that he instituted procedures to improve documentation after the Feb. 22 removals.

Blakley was aware of the lack of documentation as were his superiors who told him, a few weeks before Feb. 22, to start documenting problems he encountered in reports he was reviewing.

As discussed above, what documentation exists, in the form of evaluations, is overwhelmingly positive about the seven who were removed. There is very little negative documentation to contradict these evaluations. While a few critical observations are noted, they are on matters as to which the investigator involved had improved or was being given an

opportunity to improve. In a nutshell, there is essentially no documentation to support a decision to remove any or all of these seven PSSIs.

## SUGGESTED RESOLUTION

Based on the factors discussed in this section, it would be very hard to justify the decision to remove these seven PSSIs from the background investigation unit. All of them had established their dedication to public service with long and successful careers as sworn MPD officers. Their careers as civilian PSSIs had followed in those footsteps as they had all been favorably evaluated in that position, especially in the year previous to their firings.

Looking at their individual cases, there was little or nothing in the record which was negative about Thomas Flock, Jeff Hadrian, Richard Lesniewski, and Jeff Watts. Efrain Herrera and Sandy Poniewaz had encountered some problems but the evaluations indicated that they were working on the problems, improving, and meeting all the requirements of their jobs. Hattie Nichols also had displayed some flaws but they were outweighed by her positive factors in a way that demonstrated that there was no basis to fire her.

With the exception of Chief Morales, who made the removal decision, all those interviewed from the unit, including everyone with supervisory authority over the seven, agreed that there was no need to fire these people.

Chief Morales made a number of allegations in a letter to the FPC in an attempt to justify their removal. However, his factual basis for those allegations was questionable, the allegations were not necessarily true, some of them were of a minor nature that did not justify removal, some involved isolated cases not typical for the unit, some involved mistakes that were not the fault of any investigators, and the allegations were not of mistakes or flaws necessarily connected to the seven individuals removed..

To the extent that there were shortcomings attributable to the unit and perhaps to the seven removed on Feb. 22, 2019, their failings were mitigated by the tremendous time pressure under which they worked.

The decision to remove these seven was premature. That is, it came too early to allow the supervisors of the unit to implement and carry out improvement plans that they had developed.

Finally, to the extent that extreme decisions, like ending someone's employment, should be based on objective documentation, there was essentially none.

## V. WHO WAS RESPONSIBLE FOR THE REMOVAL DECISION AND ON WHAT BASIS?

If, as suggested above, the decision to remove the seven PSSIs was not justified, how did it happen and who was responsible? The people with supervisory authority over the background investigation unit were, in ascending order, HR Specialist Pam Roberts, HR Administrator Arvis Williams, Assistant Chief Ray Banks, and Chief AI Morales.

Pam Roberts was the direct supervisor of the unit but states, without contradiction in the record, that she did not know these seven were being removed until she was informed when she got to work on Feb. 22. Roberts states that she didn't think they should be fired.

Likewise, Williams says she was against discharging the seven and told Banks that that should not be done. Banks confirms that. There is no clear evidence that this was really her decision which she pressed upon her superiors. However, some of the removed PSSIs stated that in the weeks leading up to their removal, Blakley told them that Williams was looking to fire people.

There is considerable criticism of Williams' administrative style. Without going into great detail, nine witnesses from the unit (the seven removed plus Kuhn and Hoover) described her style in very negative terms. They alleged that Williams was ignorant of the nature of their work, that she was a bully who created a hostile work environment, that she regularly made threats to gain compliance, that she made inappropriate religious remarks in meetings, that she singled out Nichols in meetings, and that she required part-time PSSIs to do as many cases as full-timers. Also, she is reported to have told the PSSIs, who were all retired police officers, "You've got pensions, you don't need this job."

For her part, Williams denied those allegations. She described her style as approachable and said that she was trying to build a team atmosphere. Others supported Williams in that regard. Banks considered her to be an outstanding administrator. Roberts, Blakley, and Hendrix each stated that they considered her to be a fair administrator and denied the specific allegations made by others.

It would seem that there is no need to resolve this factual dispute. If, as appears to be true, the decision to remove these PSSIs was not hers and, in fact, she objected to it, the question of Williams' administrative style becomes irrelevant to the purpose of this investigation. Whoever else made the decision is responsible, regardless of whether Williams is a witch or an angel or something in between.

Of course, as he concedes, the person with the authority to discharge, who signed each of the discharge orders, who had to authorize these removals was Chief Morales. He is ultimately responsible.

However, considering that it is clear that he was not acting on the basis of his personal knowledge, or any documentation, it is significant to look at Morales' sources of information. He says that, consistent with MPD's chain of command, his source of information was Banks who would fulfill that function as assistant chief in charge of the Administrative Bureau. Morales held daily briefings with the assistant chiefs who would inform him of significant developments in their respective bureaus. So, the information Banks provided to Morales was an important part of what happened here.

When interviewed, Banks agreed that he had the real authority over the unit with Roberts and Williams having little discretion. According to Williams, Banks suggested firing all the background investigators and repeated that suggestion at a meeting in late 2018 she attended with various MPD officials at the Police Administrative Building. He insisted to her that the unit had problems but Williams told Banks that he saw things she did not.

Roberts had similar observations. She felt that the removal decision came from Banks. She said Banks was seldom around the unit but he alleged things about the unit that she did not know the basis for.

Malcolm Blakley also believed that Banks was responsible based on his experience with how decisions get made within MPD. When Blakley told him that PSSIs should not be fired, Banks told him that he was soft.

Banks states that he was not in favor of the decision to fire and, in fact, dragged his feet, hoping that Morales would change his mind. He says that, only at Morales' insistence, he asked Williams and Roberts to identify low performers or those who discouraged compliance with his announced standards. Banks says that he did not inform them that these people would be fired. However, Williams says she knew that a firing was coming. She told Banks not to fire anyone but he replied that Morales wanted some people to be fired.

#### SUGGESTED RESOLUTION

Obviously, Chief Morales was responsible. He had the ultimate authority and used it to remove seven people who, as explained above, no one else thought should be discharged. Morales made his very questionable decision on the basis of the information provided to him and that information came to him from Banks. Whether Banks did not effectively inform Morales of accurate information or perhaps advocated for removal in a way that he now denies, it seems fair that Banks share responsibility for the decision made by the chief he was responsible for keeping accurately informed.

Respectfully submitted this 29 day of September, 2020.



Mel S. Johnson  
Independent Investigator



Diana Perez  
FPC Investigator

## WITNESS STATEMENTS- TABLE OF CONTENTS

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## REPORT OF INTERVIEW OF RAYMOND BANKS

On September 3, 2020, Diana Perez and Mel Johnson interviewed Raymond Banks at his residence as part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) into issues raised by the removal, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background checks on applicants for positions with the Milwaukee Police Department (MPD).

Raymond Banks was a Wisconsin State Trooper before he became a sworn Milwaukee police officer on October 28, 1991. He gained promotions to Sergeant then Lieutenant then Captain and finally Assistant Chief in 2018. He was appointed to that last position by MPD Chief Alfonso Morales. Banks served as Assistant Chief until he retired in January, 2020.

Banks was assistant chief over the Administrative Bureau which oversaw the Human Resources (HR) Unit which included background investigations. Short of the chief, Banks had the final say so on Administrative Bureau matters. He left the day to day supervision of units within HR to HR Administrator Arvis Williams, who Banks thought was doing a good job. Williams and HR Specialist Pam Roberts had limited discretion and could at most make recommendations on matters to be decided by Banks.

Inspector Terrance Gordon also supervised the Bureau as Banks' second in command. The two of them reviewed background reports on applicants and passed them on to the Applicant Review Committee which passed qualified applicants on to the chief for final decision.

As Assistant Chief for the Administrative Bureau, Banks oversaw HR, training, internal affairs, open records, communications, the jail, MPD property, and building and administration. He was able to spend little time with the background investigation unit, although he would occasionally stop in there.

Banks' knowledge of and opinions about the unit came from various sources. He had reviewed many reports written by investigators in the unit. The investigators were civilian employees of MPD but were all retired MPD officers so he was familiar with them from their MPD careers. Banks talked with Williams, but not Roberts, about the unit. Williams spoke of disgruntled investigators but he did not press her for details.

A letter Banks submitted to the FPC referred to receiving information from "whistleblowers" in the unit. Those whistleblowers included Tony Hendrix and Jeff Hoover, who were both investigators. Earlier in his MPD career, Banks had worked with Hendrix and they had become social friends. Banks knew Hoover from various MPD jobs. Banks had other "whistleblowers" but he declined to name them in this interview because these other people had not provided Banks with any information about the seven PSSIs removed on Feb.22.

Morales was dependent on Banks for information about the unit. In daily briefings Morales held with all the assistant chiefs, Banks discussed problems with the unit, in an attempt to make changes in how the unit did its business.

Banks stated that Williams did a fantastic job as HR Administrator. Some of these retired officers did not want to be supervised by a civilian but they couldn't run over Williams. She was not warm and fuzzy but carried out what she was directed to do.

Banks was asked to comment about allegations made about the unit in a letter Morales sent to the FPC dated August 4, 2020.

- The person hired without completing a background investigation was hired out of the City Attorney's Office after being vouched for by Nick DeSiato, Chief Morales' Chief of Staff. Banks does not know which, if any, background investigator would have been assigned to the matter.
- Banks cannot recall specifics about reports in which there were gaps or unresolved discrepancies. He regarded that as a systemic problem not really focused on any individual investigator.
- Errors were found in reports but Banks did not necessarily associate them with any particular investigators.
- On the applicant with a domestic violence (DV) conviction, Banks cannot recall who the investigator was. Also, he does not know if the conviction was missed by the investigator or overlooked by the reviewers so Banks couldn't say who was at fault.
- Regarding allegations of differing treatment of applicants based on race, both Hendrix and Hoover reported that Investigator Dennis Marlock had tried to help an applicant avoid being disqualified due to marijuana use and they believed that Marlock's motivation was racial, based on his remarks in the office. Marlock was eventually fired over the matter but he was not one of the seven removed on Feb. 22. Banks stated that he had no reason to believe the unit had no racial bias but he was unable cite any other matter that involved racial discrimination.
- On the allegation that investigators in the unit did not want to work, Banks doesn't know where Morales got that. Banks never told Morales that.
- As for an investigator who would sometimes leave work to care for a sick family member, Banks is not sure but he thinks that may have been Hattie Nichols whose husband is sick.. To Banks' knowledge, this was not an issue for any other investigator.
- Morales' allegation about sporadic attendance did not come from Banks.
- Regarding Morales' allegation about investigators being unwilling to write objective reports, when Banks stressed to the unit that he wanted the reports to be more objective with fewer subjective observations, no investigator objected. However, Banks did feel that there was a general resistance to change within the unit and that resistance included Hendrix.

Morales' letter correctly stated that he had suggested firing all of the investigators over these alleged problems. Banks felt that that suggestion may have been the result of stress on Morales as chief fueled by Banks venting about problems with the unit.. At the time, MPD was considering privatizing background investigations by hiring a private company to do them. However, that was rejected as too expensive. Banks told Morales he should not fire all the investigators because it was not practical, some of the workers were doing a good job, and Banks was working to fix problems with the unit.

Banks suggested that instead of firings that he would try to identify low performers who would be given directives on what they needed to improve. That led to a January meeting at which Williams explained expectations for the investigators and a memo that explained the same thing in writing. Banks wanted to emphasize transparency in sources of information, uniformity on what to include in reports, and minimizing subjectivity.

However, something else happened. Banks could not remember what it was but did not think it was too serious. That made Morales decide that people would be fired, even though Banks said the investigators needed time to comply with his expectations. Banks had suggested that they use progressive discipline and would have allowed re-evaluation with documentation after six months, instead of firing. None of the fired investigators were given an opportunity to make adjustments. Banks does not really know what was considered by Morales in deciding on firing people.

The reference in Morales' letter to firing the "main agitators" was Morales' language. Banks had looked for low performers and asked Williams and Roberts to identify them as well as investigators who were discouraging compliance with Banks' standards. They provided such a list and Morales said those people were gone. Williams and Roberts did not know that the names they provided were going to be fired. Banks did not want them fired either. After Morales initially said that these people should be fired, Banks dragged his feet on providing him with names, hoping Morales would give up the idea but the next time they met, the chief still insisted so the firings occurred.

Banks' primary communication on this was with Williams. She did not want anyone fired and fought tooth and nail to avoid that. No one but Morales wanted investigators to be fired. Banks felt that Morales was tired of venting about the background investigators and made the decision to fire on an emotional basis.

There was a problem with documentation. None of the alleged shortcomings of any particular investigators was documented. That was a systemic issue for the unit.

Banks vaguely recalled that there may have been a meeting held with representatives of the City Attorney's Office to discuss firings but he does not think he was there and he could provide no details about that meeting.

From time to time, Hendrix and Hoover had provided Banks with information pertaining to specific investigators but neither of them ever suggested that anyone should be fired.

Banks is not sure of what process was used to carry out the Feb. 22 removals but believes that the procedure used was the protocol for at will exempt employees.

When asked about MPD SOP 870.25 which states that a civilian employee facing discharge has a due process right to notice of the charges and to an opportunity to respond to the charges through a memo to the chief, Banks said he was not aware that that was discussed before the firings.



## REPORT OF INTERVIEW OF MALCOLM BLAKLEY

On September 2, 2020, Diana Perez and Mel Johnson interviewed Malcolm Blakley at his residence as part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) regarding the termination, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background investigations on applicants for positions with the Milwaukee Police Department (MPD).

Malcolm Blakley is presently employed doing investigations of subrogation claims for Travelers' Insurance Company.

In 1991, Blakley began a career as a sworn officer with MPD. He fulfilled various assignments and, in 2009, he was promoted to sergeant. He retired from MPD in 2016. His only disciplinary infraction was a 3 day suspension in about 1993 for failing to investigate a complaint.

About one month after his retirement as a police officer, Blakley became a PSSI. That was a civilian position in which he did background investigations for MPD. Blakley became Lead Investigator in 2018, replacing James DeValkenaere who transferred out of the unit. Blakley believes that he may have been made Lead Investigator because none of the other investigators wanted the position. He resigned his PSSI position in March of 2019.

As Lead Investigator, Blakley assigned investigations to the other investigators and reviewed their reports, for both substance and form. If there were problems, Blakley sometimes gave the reports back to the investigators for clarification or additional work. Dan Kuhn, a veteran investigator also did reviews. Then the reports were passed on to HR Specialist Pam Roberts and/or HR Administrator Arvis Williams, who could also review them and sometimes kick them back for more work.

Blakley had no supervisory authority. That authority was Roberts' and Williams'. He was their subordinate, although they sometimes asked him for his opinion. His role was mainly to do as he was directed, not to collaborate with Roberts and Williams on their decisions.

The unit was under the authority of Assistant Chief Ray Banks who headed MPD's Administrative Bureau. Banks was seldom around the unit. When he became Asst. Chief, Banks met with Blakley and Tony Hendrix and Jeff Hoover, two PSSIs in the unit, to talk about the unit. Banks alleged problems with the unit but Blakley was not sure of where Banks got his information. Banks alleged problems with reports but was not clear on what those problems were. Blakley thought that Banks was getting information from Hendrix and Hoover. Blakley was unaware of any reason they would have had to lie about others in the unit.

After Banks got authority over the unit, Blakley felt that the whole process of approving reports became much more nitpicky. Williams spoke about Banks being unhappy with the unit. As far as Blakley was concerned, the unit was doing a good job but Banks seemed determined to be tyrannical about it.

Blakley did not object to Williams' style in administering the unit. She was stern and not used to police culture which all the investigators had long worked in so she had adjustments to make. However, Blakley regarded Williams as fair and businesslike. He did not agree that she was that difficult, although she did not get along with Nichols. Blakley did not recall Williams

using threats to gain compliance, shouting at Nichols, holding meetings at which only she could speak, or telling the unit they could not joke with Blakley.

On the other hand, Blakley did recall that Williams stated that the part-time workers would have to do as many investigations as the full-timers. Blakley objected to that and was overruled. He tried to ameliorate that situation by controlling the difficulty of the cases he assigned to part-time workers. Williams did refer to Bible passages but not as a justification for her policies. She did bring her granddaughter in to work on a snow day which was probably improper but, in Blakley's mind, not a big deal. Williams did tell the investigators that they all had their police pensions so did not really need the PSSI job. That was not appropriate.

MPD Chief Morales was seldom at the unit and had no independent basis to know what was happening in the unit. He would have been dependent on information he received from Banks.

Blakley was asked about allegations concerning the unit which were made in a letter from Morales to the FPC dated August 4, 2020. In general, while mistakes were sometimes made, he did not believe that any of them involved chronic problems for the unit. Blakley had the following reactions to the specific allegations made:

- Regarding a person who was hired without a background investigation, that was a woman hired in the chief's office whose background investigation was never assigned to the unit.
- Regarding the allegation about the failure to reconcile whether an applicant had been terminated or resigned from a previous job, the investigator reported the information the employer provided. In any event, that report was not done by any of the seven investigators fired.
- As for reports "littered with errors", that was not a chronic problem or necessarily typical of the seven individuals fired.
- Regarding missing a prior DV conviction, that report was not done by any of the fired seven.
- On allegations of racial bias, that was suspected to be true of PSSI Dennis Marlock but Marlock had been separately fired and Blakley was unaware of any reason to think that any of the investigators fired on Feb.22 was racially discriminating in their reports.
- Blakley rejected the allegation that any of the investigators in the unit did not want to work. They often faced unreasonable time deadlines but the work always got done, even if it took extra work hours.
- Blakley believed that the employee who allegedly left work early to care for a sick family member was Hattie Nichols who had an ill husband but Nichols always found a way to get her work done.
- Blakley believed that the PSSI who showed up to work sporadically was Poniewaz. The problem was not the total of hours worked but the failure to keep to a predictable schedule. Blakley believed that that problem was addressed with Poniewaz by Roberts.
- Blakley denied that any of the investigators were unwilling to file objective reports.

In late 2018, Blakley met with Roberts and Williams to discuss each of the investigators in the unit. In general, he felt that the unit was doing a good job. In the face of crazy deadlines, the unit found ways to get the work done.

At the meeting, they discussed all the investigators. Regarding the seven who were removed on Feb. 22, Blakley stated the following in that meeting:

- Efrain Herrera was slow on his reports and sometimes made mistakes but would correct them. He was the only Spanish speaker in the unit so was valuable in speaking with Hispanic witnesses and requesting records from Spanish-speaking countries. (Herrera had received a PD-30 form a few days before Feb. 22 which identified shortcomings he was directed to improve upon. Considering that, it was odd that he was fired a few days later.)
- Jeff Hadrian was a good worker who did good reports.
- Richard Lesniewski did not do much work out on the street but did a lot of work in the office obtaining records for other investigators so was valuable to the unit.
- Hattie Nichols worked quickly on her reports so completed a lot but her writing was not too clear and her reports could have been better organized.
- Sandy Poniewaz did good work but Roberts and Williams were uncomfortable with Poniewaz's schedule of work days.
- Jeff Watts was one of the better investigators. However, Williams and Roberts said Watts was a "pot stirrer" after he advised an unhappy police aide from the unit about the possibility of transferring.
- Tom Flock did good work but was less likely than some of the other investigators to work extra hours.

Blakley felt that all of them did their jobs. He did not see a good reason to fire any of them. Blakley made adjustments to try to effectively work with all of the investigators. Assistant Chief Banks told Blakley that he was too soft.

Blakley was aware that Williams and Roberts had decided in early 2019 to institute a progressive discipline plan for the unit, in which problems were identified and documented and the investigator in question would be expected to take steps to improve in that regard. Blakley had been asked to identify and document problems he noticed in the reports. The seven were fired before the progressive discipline plan had a chance to be carried out.

Blakley was aware of the idea of firing all the PSSI background investigators although he was unaware that Morales had suggested it. Blakley had seen a document on the office xerox machine about the possibility of hiring a private company to do backgrounds. He was present at a meeting in the Police Administration Building with Roberts, Williams, Banks, Assistant MPD Chief Regina Howard, and an attorney from the City Attorney's Office at which the idea of firing all the investigators was discussed. (The unit was very busy at the time so it would have been a particularly bad time to fire anyone, much less everyone.) Banks said he was dissatisfied with the unit and they were at will employees who could be let go. Both the attorney and Howard discouraged doing that. Roberts and Williams said little although Williams said she had a plan to address Banks' issues.

Based on his experience with MPD, Blakley believes that Banks made the decision to fire the seven PSSIs. Banks seemed to call the shots more than Williams, who often spoke of Banks wanting her to do this or that.

Blakley doesn't know why the seven were fired. He is not aware of any documentation which existed to justify the decision. Blakley was not aware of the decision to fire anyone until

he arrived at work on Feb. 22. Williams asked him to escort the people who were fired down to the basement one by one. Williams and Roberts were waiting there. After escorting them the individuals down, he did not stay. Blakley was unaware that the people fired were given notice of any charges against them or of any opportunity they had to respond to the chief about their firing. They were also not told that if they were terminated, they would lose any pay they were due for accrued vacation time.

Blakley did not know what factors were considered in deciding that these seven PSSIs should be removed.

Blakley was asked about the statement in Morales' letter that he had eventually decided to fire only the "main agitators". Blakley said that that label did not apply to the seven fired. They were not trouble makers and did their work. The members of the unit got along and socialized together. The chief's statement that there was turmoil in the unit was ridiculous.

Blakley was aware that other investigators who had problems in the unit were allowed to transfer. That included Tony Jones who had an altercation with a woman on the unit that he had been dating and another person whose name he doesn't recall who had underperformed.

While he may have told other investigators that something was going on, Blakley did not tell anyone that Williams was looking to fire people.

Blakley denied telling Watts that he was chosen for firing because he was black in order to avoid any racial discrimination claims by white investigators who were fired.

Blakley resigned in March of 2019. He was unhappy with the nitpicking by those in authority which he thought was a reflection on him. He did not agree with the firings in February and was angry about it. He feared that there would be more firings and that he would be among them.

When asked why these seven PSSIs would be chosen for firings, Blakley said that there would have to be a personal reason.

## REPORT OF INTERVIEW OF NICK DESIATO

On September 11, 2020, Mel Johnson and Diana Perez interviewed Nick DeSiato at his office in the Milwaukee Police Administration Building. The interview was part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) into the removal, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background investigations on applicants for positions with the Milwaukee Police Department (MPD).

Before questioning, DeSiato read and signed an FPC-21 explaining his rights and responsibilities as an MPD employee in an FPC investigation. He waived his right to five days notice before being interviewed and the interview proceeded.

Nick DeSiato is presently Chief of Staff for MPD Chief Brunson. In early 2019, DeSiato held the same position for then Chief Morales. His duties include dealing with other government agencies on behalf of MPD, especially on legal matters since DeSiato is an attorney. He formerly worked for the Milwaukee City Attorney's Office and he often deals with that office.

DeSiato attends daily morning briefings that the police chief holds with his assistant chiefs. Each Assistant Chief reports on any issues arising in their areas of responsibility. One of them was Ray Banks, now retired. In late 2018 and early 2019, Banks was Assistant Chief of the Administrative Bureau which includes the unit of PSSI background investigators. Banks was the primary source of information for Morales on issues in that unit during that time.

DeSiato was aware that there was concern on the part of the MPD command staff concerning the background investigation unit. However, he was not aware that anyone suggested firing all of the investigators. He was also unaware of any meeting with personnel from the City Attorney's Office to discuss that suggestion.

DeSiato was asked on a last minute basis to join a meeting in February, 2019 to discuss possible firings. Attendees included Miriam Horwitz and perhaps Jenny Yuan of the City Attorney's Office; Assistant MPD Chiefs Banks and Regina Howard; HR Administrator Arvis Williams; and perhaps HR Specialist Pam Roberts. The city's attorneys were aware of possible firings and were concerned over possible claims of discrimination. DeSiato is not sure but believes that they discussed the need for documentation of shortcomings for any investigator fired. He does not recall if any particular investigators were discussed in that meeting.

DeSiato was not involved in the decision to fire the seven investigators removed on Feb. 22. The only thing he remembers about it is the need for timely documentation.

DeSiato was asked about MPD SOP 870.25 which states that civilian employees of MPD facing discharge have due process rights to notice of charges and to respond to the chief by means of a departmental memo. He is not aware of that SOP being discussed or considered in connection with the Feb. 22 firings. He does not know why it was not followed in that case.



## REPORT OF INTERVIEW OF THOMAS FLOCK

On August 19, 2020 in a conference room in Milwaukee City Hall, Mel Johnson and Diana Perez interviewed Thomas Flock as part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) into the removal, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background investigations for the Milwaukee Police Department (MPD).

On December 26, 1978 Flock began his career with the MPD as a custodian. He became a sworn MPD officer on October 19, 1981. He fulfilled various assignments and became a detective in February, 1993. His personnel record contained no disciplinary infractions but includes several commendations. He made meritorious arrests for strongarm robbery in 1988; and burglary and first degree reckless homicide in 1989. In 1990, Flock received a Chief's Superior Achievement Award. He retired as a sworn officer for MPD in June, 2007.

In the same month, Flock began a new job as a civilian PSSI. While he worked in several other temporary assignments, the large majority of his time as a PSSI was spent doing background investigations on applicants for positions with MPD. Flock worked full-time his first five years as a PSSI but then switched to part-time work. His part-time status committed him to work 40 hours every two week pay period but he consistently worked longer hours than that as needed to finish work on time. That was typical of part-time investigators. Regardless of the number of hours worked, Flock was paid at the same hourly rate. Flock was more likely than some investigators to resist additional hours which may have displeased HR Administrator Arvis Williams who openly opposed part-time work.

In his PSSI career he had no disciplinary infractions. All of Flock's yearly evaluations were favorable, stating that he was doing a good job.

In January of 2019, a meeting was held by HR Administrator Arvis Williams, who came into that position perhaps a year before, with all the investigators to talk about expectations for investigators and their reports. Flock was off work that day but heard about it and received a memo he was asked to sign which described those expectations in writing. The standards were aimed at the entire unit. The points made in the memo were well known through earlier supervisors and neither Flock nor other investigators had any reason to object to them. No one in the unit objected to the requirement that all reports had to be objective. The investigative system was set up to minimize or eliminate subjectivity.

Flock had the impression that Williams was happy to point fingers and fire people. She gave the impression that violations of her expectations would result in termination. On several occasions, Lead Investigator Malcolm Blakley told investigators that Williams wanted to fire all of them. Blakley described a meeting he attended around Christmas of 2018 with a representative of the City Attorney's Office where Williams proposed that. Flock inferred that she wanted to do that so she could hire her own replacements that she could train.

Williams seemed to want to make the job terrible so people would leave. She had unrealistic ideas about how long background investigations should take and various investigators told her so. Time deadlines to complete investigations were often changed. Williams prohibited investigators from joking around with Blakley. She told Investigator Gaethke

he could not ask applicants about drug use even though that question was on the standard form listing questions to be asked of applicants. Williams told investigators they were disqualifying too many applicants, apparently not knowing that investigators did not have the authority to disqualify anyone. Prior to Williams' arrival, mistakes in reports were corrected and were not treated as a ground for discipline.

Other investigators also had a negative reaction to Williams' administrative style. Dan Kuhn had the most experience with background investigations and, earlier in his MPD career, he had helped to construct the system used for such investigations. So, he was regarded as the leading authority on the subject. Kuhn eventually resigned rather than work under Williams saying, "I don't deserve this and neither do you".

Flock had no prior relationship with any of the superiors with authority over the unit. He had met then MPD Chief Al Morales years before at a charity bike ride but had no other relationship with him. He had never previously worked with Asst. Chief Ray Banks or with Williams and no prior relationship, positive or negative, with either of them. HR Specialist Pam Roberts, who was Williams' assistant, had hired Flock as a PSSI in 2007 and he had not had any problems with her.

Flock was asked about allegations made by Morales about problems with the unit in a letter Morales sent to the FPC dated August 4, 2020. Flock did not think that any of Morales' allegations were generally true for the unit or represented chronic problems. If there had been mistakes or shortcomings like those described in Morales' letter, the people responsible would have been disciplined and a record would have been made but, to Flock's knowledge, there was no such record.

On February 22, 2019, Flock was in the office. That morning Williams asked the investigators how they were doing on the reports which were due on March 3. Later that morning, Efrain Herrera came up from the basement and told the group he had been fired. Then Blakley escorted Flock to the basement where Williams and Roberts were waiting. Flock was told that he could either resign or be terminated that day. Flock asked if he could transfer to another unit. Williams told him that transfer was not an option for him but didn't explain why. Flock asked why he was being terminated and Williams replied that the department was "going in a different direction". She did not define what that meant. Flock then signed the resignation form but wrote on it that he was "forced to sign". Williams asked Flock not to tell anyone in the unit what happened.

Flock received no notice of any charges of misconduct against him. He was not informed of any investigation of his performance. He was not told that he had any opportunity to respond to the decision to terminate his employment. Flock was aware that he could save pay for his accrued vacation time by resigning rather than being terminated. He stated that he resigned because he didn't want his 40 year career working with MPD to end with a termination.

Regarding other investigators who were terminated, Flock made the following observations. Sandra Poniewaz held two jobs so was sometimes unable to work more hours. Herrera and Hattie Nichols were not necessarily regarded as good report writers.

Flock was asked about the statement in Morales' letter to the FPC that when he realized that he couldn't fire all of the investigators he decided to fire the "main agitators" as identified by Banks. Flock stated that he was incredulous over that statement and thought it was entitled to

no weight. In his experience in the unit, investigators sometimes asked questions or made suggestions, especially when Williams was wrong about some aspect of their work. However, that was always done in a professional and respectful way and Flock did not regard any of his fellow investigators as agitators.

Flock later contacted the Equal Employment Opportunity Commission to see if they would investigate the removal of the seven PSSIs. However, the EEOC informed him that it had no jurisdiction over the matter since his complaint did not allege that the removals were based on any legally impermissible factors such as race, religion, or gender.



## REPORT OF INTERVIEW OF JEFFREY HADRIAN

On August 18, 2020, in a conference room at Milwaukee City Hall, Mel Johnson and Diana Perez interviewed Jeffrey Hadrian regarding issues related to the termination or resignation, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background checks on applicants for positions with the Milwaukee Police Department (MPD).

Hadrian also provided a twelve page narrative and an email containing his recollections about this situation. They are attached to this report and information from them has been included in this report.

Hadrian ( ) confirmed information from MPD records about his earlier career as a sworn officer with MPD. He was hired effective January 7, 1980. He fulfilled various assignments and became a detective on April 21, 1996. He retired July 26, 2008. His record included no disciplinary violations. On the plus side, Hadrian received a Chief's Superior Achievement Award in 1990 and was cited for a meritorious arrest in 2000 in a case involving homicide, cocaine possession, and a weapons violation.

Hadrian was appointed as a PSSI on November 6, 2009. He fulfilled various assignments, mainly in background investigations. His record includes no disciplinary violations before his February 22, 2019 termination. Hadrian was nominally a part-time employee but often worked full-time hours or more when there was work that had to get done. He was paid hourly for all hours worked, at the same hourly rate without overtime pay.

Hadrian generally described his duties as a background investigator. He would interview the applicant, verify that person's personal information, check prior employment, traffic record, criminal record, contact references, and check on drug use. Then, Hadrian would assemble all of the information found in a report he would submit.

Hadrian's reports were regularly reviewed by Lead Investigator James Devalkenaere, who was succeeded by Malcolm Blakley in that position in 2018. Dan Kuhn, who was not a supervisor but was very experienced and knowledgeable, was also asked to review reports. After Arvis Williams became HR Administrator for MPD, she also began reviewing the reports. Later in 2018, Asst. MPD Chief Ray Banks stated that he was going to start reviewing reports as well.

Devalkenaere often described Hadrian as one of his "go to guys" meaning that Hadrian was an investigator he could count on to complete assignments efficiently and effectively. Blakley also told Hadrian that he was doing a fine job.

Hadrian did not think that Williams was qualified to critique the reports. She had no prior experience in investigations or police work. She made statements and criticisms that indicated that she did not really understand the work of the office.

Hadrian's yearly evaluations were consistently favorable in indicating that he was doing well in satisfying the requirements of his job. His file contains a letter of commendation from former HR Administrator Valerie Williams commending Hadrian for his dedicated work.

Hadrian stated that there were about 17 background investigators in the unit. They were a mix of races and genders. They were retired police officers with an age range of about 58 to

75. The investigators got along well with each other with no turmoil. They sometimes socialized and shared lunches at work.

Before working in background investigations, Hadrian had no contact with or relationship with Banks, Williams, or Pam Roberts, who was Williams' assistant in HR. He had previously worked in vice control and the entry team with Al Morales, who was MPD Chief in February, 2019 and had had no problems with Morales.

In mid-January, 2019, Williams led a meeting for background investigators at which she emphasized the standards to be followed for their investigations. Hadrian did not feel that this meeting was aimed at him since he believed that he was doing a good job. No one at the meeting expressed any opposition to any of those standards. Regarding the requirement to file objective reports, Hadrian had no objection. After the meeting investigators had to sign a memo setting forth the standards discussed at the meeting. Hadrian did so.

Hadrian was asked to comment upon a series of allegations made by Chief Morales in a letter to the Fire and Police Commission (FPC) in early August, 2020. They included reports overlooking prior criminal record, unresolved factual issues, errors (unspecified) in reports, disparate treatment of applicants on the basis of race, laziness, and attendance issues. While conceding that no one is perfect in their work and mistakes certainly occur from time to time, Hadrian denied that his work suffered from any of these flaws. Also, he had no knowledge that these things were significant chronic problems for the unit. He was aware that one investigator had been removed from the unit and eventually terminated from the unit in 2018 due to allegations of racial bias but Hadrian was not aware of any other problems of that nature. As for attendance problems, Hadrian noted that he drove 35 miles to and from his home in Eagle, Wisconsin for each of his work days, regardless of the weather.

Hadrian was asked to describe Williams as an administrator. There had been a much more positive atmosphere in the unit when Val Williams was the HR Administrator. When Arvis Williams assumed that position, she created a hostile environment. It was her way or the highway. While Hadrian had no personal confrontations with her, group meetings with her were very uncomfortable. Williams treated the investigators as though she did not trust them. Meetings were held downstairs on an impromptu basis. The investigators were lined up against a wall and Williams challenged individuals on the propriety of their reports.

Hadrian recalled one such meeting where Williams held up a report and, without identifying the report or its alleged defect, asked the group if they thought the report was proper. When no one responded, she asked PSSI Hattie Nichols if she thought the report was proper, Nichols only replied that it wasn't her report. Williams insisted that Nichols answer her question, and when Nichols refused, Williams yelled at Nichols and demanded an answer which Nichols never provided.

Williams set unrealistic time deadlines for the completion of reports, which could only result in inadequate reports. She openly stated that she didn't want part-time employees, even though the part-timers were working full-time hours when the work demanded it.

Blakley stated to investigators that Williams was looking to fire people. He described a meeting he attended with Williams at the City Attorney's Office at which Williams suggested firing all of the background investigators. The City Attorneys involved told her she couldn't do that.

Hadrian also reported a visit by Morales to the unit in July, 2019. The chief swore at the employees and threatened to fire them all.

Hadrian was asked about the events of Friday, Feb. 22, 2019. He came in to the office just to wrap up a report and turn it in. Williams asked him and Curt Sutter, with whom Hadrian worked, to provide information on the status of certain cases. He and Sutter worked on that and then Hadrian told Blakley that he was leaving for the day. He had already worked 80 hours for that pay period (as a part-time worker) and he had to deal with his mother who suffers from dementia. Later that day, Sutter called Hadrian informing him that people were being fired from their unit.

Over the weekend, Hadrian ignored voicemail messages from numbers he did not recognize. On Monday, he emailed the office and said he was taking a sick day. Pam Roberts emailed him that he had been terminated. He was only told that in writing and had no oral discussion with anyone about it.

Hadrian was surprised because he thought he was doing well. He received no notice of any charges against him and was given no opportunity to contest his firing to the chief or anyone else. His MPD record of employment as a PSSI states that he was terminated for "Violation of Dept. Rules and Procedures". He has no idea of any rules or procedures that he violated. In his experience with MPD, it was unheard of for an employee of the department to be fired with no notice of their alleged violations and no opportunity to respond. Hadrian was not told that termination would result in loss of vacation time he had already earned. (Records indicate that Hadrian forfeited 176.57 hours of vacation time as a result of his termination.)

Hadrian is aware of other PSSI's who were alleged to have problems within the unit ( e.g., poor performance or discourtesy to other employees) who were not fired but were transferred to other units. Neither Hadrian nor the six others removed with him were given that option.

Hadrian does not understand why he and six other PSSI's were fired or forced to resign on February 22. He could theorize but has no knowledge of why. As far as his personal situation, Hadrian is not aware of any work issues which could have justified his removal.

Hadrian was asked to comment on the assertion made in then-Chief Morales' August letter to the FPC that the decision was made to fire the "main agitators" in the background investigation unit. Hadrian stated that that allegation is not true as the seven individuals removed were not agitators within the unit, collectively or as individuals.



## Investigators Timeline

In May or June of 2018, Chief Morales was at the Human Resources Office on 32nd and State St. It was mid morning. All Investigators along with HR Office personnel were at the meeting. The meeting took place in the basement hall. Arvis had personnel line up on both sides of the hall when the Chief arrived. The Chief arrived and greeted all of the HR personnel. He talked about the importance of getting backgrounds completed in a swift manner. He stated it was important to complete backgrounds on applicants applying for civilian positions within the MPD, such as Office Assistants. He stated by hiring Office Assistants to fill vacancies, that would allow full duty Police Officers to go back on patrol. The Chief informed Investigators at the meeting that he understood that we were all retired and maybe we did not want to work quite as hard. He indicated that Investigators may not be interested in working too many hours, but he was going to need Investigators to step up. Investigators once again did step up and complete the task at hand.

Summarized statement of Dennis Marlock: On 7/9/18, Police Service Specialist Investigator (PSSI) Dennis Marlock was called by Arvis, who is the Milwaukee Police Department Human Resources Administrator, while he was off on vacation. She informed Marlock that he had been transferred to Vehicle Services. She stated she could not tell him why he was transferred. PSSI James DeValkenaere was transferred and given no reason. Marlock had stated on 7/11/18, MPD Internal Affairs Division (IAD) Sergeants came to his house and told him he was under investigation for Untruthfulness and Integrity violations. On 8/21/18, DeValkenaere was transferred back to Backgrounds after speaking with Chief Alfonso Morales. He was not reassigned to the Lead position. On 2/15/19, PSSI Marlock was informed by Internal Affairs that he had been found guilty of the department charges against him and could respond to the Chief before he decides on punishment. Marlock noted, that much of the investigation by IAD was a search for racial profiling of applicants, which was never found. On 2/27/19, Chief Morales orders the immediate dismissal of Marlock.

Summarized statement of James Devalkenaere: On Wednesday, July 11, 2018, mid-morning, DeValkenaere was transferred immediately without notice or explanation. He was informed he was being transferred by Arvis Williams. DeValkenaere was transferred to Court Administration. He was escorted out of the building by Arvis Williams, from his office, at 3215 W. State St. Marlock subsequently was informed that he was the subject of an MPD Internal Investigation. During the duration of the Internal Investigation of Marlock, he was allowed to keep his job. Marlock was terminated on 2/27/19.

Within a few days of July 11, 2018, a meeting was held in the conference room at 3215 W. State St. Present at the meeting were PSSI Investigators, Assistant Chief Ray Banks, Human Resources Administrator Arvis Williams and Human Resources Specialist Pamela Roberts. Assistant Chief Ray Banks entered the conference room without identifying himself. He immediately stated, "I don't want to be an asshole. Let's get right to the point." During this meeting with Banks he used the phrase, "I don't want to be an asshole" a second time. I found this to be un-professional and unbecoming of an Assistant Chief of Police. Incidents like this should be reported, but fear of some sort of retribution is always looming. He stated it has come to his attention that there were possible integrity and or ethical



issues regarding background investigations within the Background Investigations Unit. He went on to state, there would be investigations and that any reports prepared by Background Investigators could and would be audited. He stated completed background cases would be looked at and if any investigator was found to have integrity or ethical issues they would be looking for a new job.

Within a few days, following the meeting with Banks, there was a meeting with Arvis in the conference room. Arvis informed Investigators that PSSI Malcolm Blakely would be the new Lead Investigator. During this meeting, Blakely was out of town on vacation. Arvis indicated that Blakely would be the Lead Investigator and that if any other Investigator would like to help they should see her. She made it clear that Blakely would be the Lead Investigator and if someone so wished, they could step forward to help him and be his Assistant. She further indicated that she was not happy having part-time Investigators and she was looking into the possibility of having only full-time Investigators. She indicated that part-time Investigators might have to consider going full-time to keep their jobs. She stated that part time Investigators should strongly consider putting in extra hours to meet due dates and deadlines set forth to complete background investigations. Arvis further went on to state that all Investigators were to assist and help Blakely whenever possible. She went on to state that if any Investigator intentionally hindered or was unwilling to help Blakely succeed, they could find themselves out of Backgrounds.

The night before the above meeting, Arvis was in the first floor office. She informed Investigators who were in that office, that Blakely would be the new Lead Investigator. She had stated that if she hears of anyone intentionally hindering or trying to sabotage what Blakely is doing, and is unwilling to help Blakely they will be out of Backgrounds.

It should be noted that Blakely was hired as a Background Investigator in mid August of 2016. Blakely by far had the least amount of experience of any PSSI in the Background Investigation Unit.

PSSI Mike McGuire was transferred from Backgrounds to Open Records on Order #2017-36 on 04/18/17, and it was effective 04/23/17. He was transferred for performance reasons. PSSI McGuire was NOT FIRED.

PSSI Tony Jones was transferred from Backgrounds to Fusion on Order #2015-002 on 01/13/15, and was effective 01/18/15. PSSI Jones was transferred regarding an MPD Internal Investigation, where he failed to be civil or courteous toward a department member. It is believed that when he was transferred he was told he would never work in Backgrounds again. Tony Jones was NOT FIRED. After Investigators were terminated or forced to resign on 2/22/19, PSSI Tony Jones was transferred back to Backgrounds on Order # 2019-42, which was effective 03/05/19.

PSSI's Marlock, DeValkenaere, Jones, and McGuire all were transferred from the Background Investigation Unit to other departments within the Milwaukee Police Department continuing to work as PSSI's. None were terminated or forced to resign. PSSI Marlock, within days of being transferred was told he was the subject of an Internal Investigation by the Milwaukee Police Department. The forced resignation or termination of seven Milwaukee Police Department employees on the same day is unheard of. What makes this more unsettling is the fact that there was no reason given other than that the department was going in a different direction.



On February 25, or 26, after the termination of seven PSSIs, Arvis held a meeting in the conference room with Background Investigators in attendance. Arvis spoke of background investigations needing to be done properly. She informed Investigators in attendance that all Investigators who were terminated knew why they were terminated. After speaking with the seven Investigators that were terminated or forced to resign, it was learned that none of them knew why they were terminated, and none of them were told why, other than the department was going in a different direction. She stated they would be hiring new PSSIs. She stated she was not looking to fire anyone else. I had no idea why I was fired. I followed each and every rule set down by Arvis. I had no performance issues. My Investigations were full and complete. I was working full-time hours, and as far back as I can remember, I had no negative issues on my performance reviews.

Since Arvis had been appointed as the Human Resource Administrator, she has made statements indicating that she knows that Background Investigators don't need the money. During her first meeting, introducing herself to Background Investigators, Arvis made a statement that she was aware that Background Investigators were retired sworn personnel. She indicated that all Background Investigators were now civilian employees. During this first meeting, she indicated that she had crossed paths with Mary Nell Regan during her employment with the City of Milwaukee. At the time of this meeting, Mary Nell was the Director of the Milwaukee Fire and Police Commission. Mary Nell Regan had made comments, that in her opinion, Background Investigators were looking for more ways to disqualify Police Officer applicants rather than just doing investigations. Mary Nell had made it known that she was looking to go in a different direction. She indicated that she was searching out new ways to do background investigations and was looking into the cost of an outside agency to do background investigations.

Prior to the latest background push, Blakely had informed Investigators that Arvis was looking into the possibility of using an outside agency to do background investigations. Each time they sought out outside agencies to do background investigations it was deemed to be too expensive. From time to time, Blakely informed Investigators Hadrian, Sutter and Lesniewski that they, referring to Arvis and Assistant Chief Ray Banks, were looking to fire PSSIs in the Background Investigation Unit. On one occasion, Blakely stated after a meeting with Arvis, "Dude, they were gonna fire people". These conditions were tough to work under. Blakely informed Investigators that sometime around the Christmas holiday members of the HR supervisory staff held a meeting with a City Attorney expressing their interest to fire all PSSIs. Blakely stated the City Attorney advised against that. There were constant sleepless nights. Sometimes going to bed and lying awake for hours, wondering if I would have a job the next day. Waking up in the middle of the night and being unable to fall back asleep. During these nights with a limited amount of sleep, I continued to turn in a good work product. Since my time as a Background Investigator, when needed, I was always willing to put in extra hours up to and including full time hours for the good of the service, realizing the importance of background investigations for the Milwaukee Police Department.

On 08/21/18, PSSI Bill Gaethke turned in a background investigation on a completed Office Assistant applicant, Samantha Anderson. She was a Non-Recommend by the Applicant Review Committee (ARC). Anderson called the City of Milwaukee Fraud Hotline to file a complaint. That complaint was forwarded to the Milwaukee City Attorney's office, who in turn sent it to Arvis to investigate. PSSI Gaethke had interviewed a reference about drug use, by the applicant. The reference called the applicant and told her what Gaethke had asked her.



In late September, Arvis called Gaethke into her office along with Blakely. She asked Gaethke why he was asking a reference about the applicant's drug use when we don't ask some civilian applicants about drug use. She was concerned that Gaethke was asking inappropriate or even illegal questions. Gaethke explained that it was a printed question on the reference form. She then said something like, "You mean its a question on the reference questionnaire?" She then said that she would have to look into that.

That was the end of the issue. Gaethke said he was never disciplined, counseled or admonished and he never heard about it again.

PSSI Dan Kuhn stated the following:

"Arvis does not have any understanding about what Investigators do."

There was the first meeting in the basement hallway, where Arvis stood her ground, threatening PSSI's regarding the disqualification of applicants. During the meeting she continually told PSSI's that in no way would PSSI's disqualify an applicant.

She was advised by PSSI's DeValkenaere and Kuhn, (the two most experienced and knowledgable Investigators in the Background unit), that PSSI's do not disqualify and have never disqualified applicants. She was advised that the disqualification process went through supervision. It was at that time that Arvis indicated there would be new disqualification procedures implemented.

On 2/5/2019 an impromptu meeting was held in the basement of Human Resources. This meeting was requested by Arvis. Background Investigators were notified last minute of the meeting by Blakely. Arvis began the meeting and was very agitated. She spoke of Investigators not filing reports properly. She further stated that investigations were incomplete and did not appear to have the necessary or pertinent information. She indicated that was a problem. She indicated that some Investigators were having problems filing proper reports. I had been informed in the past, by Blakely, that Arvis had indicated she did not like the way the reports were typed. She stated she wanted them typed so a civilian could understand them. During this meeting, Arvis indicated it might be time for some investigators to look for different work because this job was not the one for them.

In the past she has made statements at meetings, "I know you don't need this job".

During this meeting, Arvis was referring to a report, which she was holding in her hand. She asked Investigators as a whole, if we felt the report she was holding was done properly. She stated in a loud, stern and forceful voice, "Does anyone think this is proper?" There was no response. Arvis again stated, "Anyone?" Again no response. Arvis looked at PSSI Hattie Nichols, and stated, "Hattie, do you think this report is proper?" Hattie stated, "That's not my report". Arvis, in a loud stern and forceful voice shouted toward Hattie and stated, "I didn't ask you if this was your report. Is this proper?" During this meeting, Arvis had mentioned that Kuhn and Blakely would be reviewing background summaries for accuracy and content.

Information received from Kuhn was that Arvis wanted himself, along with Blakely, to review the background summaries, make corrections and then supply Arvis and Pam with copies of the summaries with the needed corrections. Blakely had been told by Arvis to change reports. She wanted the reports phrased for civilians to be able to understand them. Blakely set up twice weekly meetings with Pam and Arvis to go over summaries. Blakely would advise Kuhn of the information learned at the meetings and would also give Kuhn summaries to review. Blakely was keeping copies of corrected summaries. She wanted them phrased for civilians to understand. Blakely would give summaries to Investigators that needed corrections and have them make necessary corrections without



explaining why certain content would be needed. Kuhn stated he would use instruction to go over a summary with Investigators explaining grammatical errors and why certain content was either necessary or not necessary. Kuhn stated that Arvis was going to use the information regarding corrected summaries to take action against PSSI's. Kuhn was not a Lead Investigator, and he did not want to be put in the middle of Arvis and PSSI's that she was targeting.

On two separate occasions, within a week leading up to the above meeting, while I was seated in my office, Blakely showed Background Investigation summaries to PSSI's that were seated in the office. These summaries had been read and corrected by Kuhn, and the summaries were then given to Blakely. He indicated and emphasized all the red markings were errors within the summaries. On both occasions, he showed portions of the reports to me, indicating how bad the summaries were. These summaries belonged to PSSI Hattie Nichols. I felt bad for Hattie that a Lead Investigator would distribute other PSSI's summaries to Investigators to look at. I believe his intention was to embarrass another PSSI within the Background Unit. This incident showed the lack of character and compassion for co-workers from an Investigator that is in a Lead position.

On March 5, 2019, The following MPD Personnel were transferred to the Background Investigation Unit:

PSSI's Jeffery Padovano, Michael Braunreiter and Richard Thompson

Detective Lisa Colker ■ y.o.a.

Limited Duty Police Officers David Kritzeck, ■ y.o.a.; Daniel Meilicke, ■ y.o.a.; and Joseph Schanke, ■ y.o.a.

Padovano was hired in November of 2009. On several occasions Padovano was assigned to the Background Investigation Unit during his time as a PSSI. Early on, in his career as a Background Investigator, he was responsible for doing complete background investigations regarding Police Officer applicants, along with applicants who have applied for civilian positions within the Milwaukee Police Department. Over the past few years when Padovano was transferred to work at Backgrounds he was only assisting Investigators by following up with references and in some cases employers. PSSI Leonard Hodkiewicz was hired in November of 2009, and on several occasions had worked on or assisted Background Investigators on investigations in the Background Unit. Hodkiewicz, when working in the Background Unit had never done a complete background investigation, and had never been assigned to do a complete investigation. PSSI Mark Wagner was working in Vehicle Services and on several occasions had worked in Backgrounds assisting in background investigations of applicants. Wagner had never done a complete background investigation, and had never been assigned to do a complete investigation. PSSI Richard Thompson primarily worked in Open Records. From time to time, he was transferred to Backgrounds to assist in background investigations of new applicants. Thompson was never assigned his own applicant cases to investigate, but only assisted in reference and employee checks. Blakely was asked several times for more help, regarding the unrealistic dead lines set by Arvis. He was specifically asked several times why Padovano, Hodkiewicz and Wagner were not transferred back to Backgrounds to help with background investigations. Blakely stated they were useless and they didn't do anything when they were in Backgrounds. Blakely further alleged that Padovano, in the past, had talked badly about the Background Investigations Unit to members of his work location. PSSI Michael Braunreiter had never done a complete background



investigation, but had assisted Investigators in the past with reference checks and possibly some employer references. Why are seven PSSIs terminated or forced to resign, without having been given a reason, other than the Department was going in a different direction, but PSSIs, who were not productive in the past and were not transferred to backgrounds to assist, were not terminated or forced to resign.

In January of 2019, unrealistic goals were set by Arvis to complete background investigations on Police Officer applicants. From the time that Arvis became the Human Resources Administrator, she had set unrealistic goals for completion of cases. Each time a goal was met, and a new push for hires was started, she would set shorter and shorter unrealistic completion goals. Arvis indicated that all PSSIs either part-time or full-time would have the same amount of Police Officer applicants to work on. Because of the amount of work which was given out, I realized that I would have to work full time hours to complete these investigations.

Some full-time positions were considered at 64 hours. These investigations were to be completed by March 3, 2019. The thought was that PSSIs were being set up to fail. Arvis had been informed several times that deadlines regarding past investigations and future investigations were unrealistic. New background cases for Police Officer applicants were assigned on 1/18/19. I believe myself Sutter and Lesniewski, were given a total of 14 more background investigations on that date.

Sometime around the beginning of January, myself Sutter and Lesniewski, were given our first few Police Officer investigations. At the time, myself and Sutter each had been assigned a Community Service Officer applicant. On average, each Investigator was given seven cases to work on. It is a known fact that background investigations had a duration of 40 hours to 80 hours for completion. If an Investigator was given seven cases to complete in six weeks, with each case taking 40 hours to complete, that investigator would have to work a total of 46 hours per week. If each case happened to take 60 hours to complete, that investigator would have to work a total of 70 hours per week. If each case happened to take 80 hours to complete, that investigator would have to work a total of 93 hours per week. If an Investigator had eight weeks to complete seven cases, with each case taking 40 hours to complete, that investigator would have to work 35 hours a week. If each case took 60 hours to complete, that investigator would have to work a total of 52.5 hours per week. If each case took 80 hours to complete, that investigator would have to work 70 hours per week.

Arvis told Investigators in the past, that if we could not handle our cases or get them done in a timely manner, maybe this was not the job for us. Again she was setting unrealistic goals in the past and in the future. There have been several blocks of investigations for Police Officer and Fire Fighter positions that have been conducted. Each time, unrealistic goals have been set. Because of the dedication and Investigatory skills, along with the numerous amount of hours worked by Investigators, deadlines have always been met. Each time a subsequent deadline was set and met, the allotted time for completion was made shorter and shorter.

The most recent block of Police Officer applicants was started mid January 2019, with an expected completion date of March 3, 2019. Arvis was advised that this completion goal was unrealistic. Arvis stated at a meeting that 40 to 80 hours was unacceptable to her. It should be noted that Arvis has never worked for the Milwaukee Police Department prior to becoming the Human Resources Administrator. I believe she lacks the knowledge of what goes into a full, complete, and accurate investigation. She failed to listen to experienced Investigators as to what goes into an Investigation, and why an Investigation takes the amount of time it does. The problem with unrealistic expectations could and will lead to improper or incomplete investigations which is something the Milwaukee Police Department should never engage in. Deadlines were set within deadlines to complete



investigations sooner than the original deadline. Reminders were sent via email for status updates on cases and Investigators would have to explain why the case was not finished. Blakely was asked how we should respond, because we were working on cases, and my self along with my partners Sutter and Lesniewski, were working on 8 to 10 cases simultaneously. Malcolm told us not to worry about the memo and that he would take care of it.

Since February 22, 2019, information has been learned that a Payroll Supervisor, with the Milwaukee Police Department, by the name of Alba, may have been ordered to back date "At Will" status for terminated PSSI's.

The breakdown of PSSI's terminated are as follows: A 75 year old part-time white male; a 72 year old full-time black female; a 69 year old, 64 hour, full time hispanic male; a 64 year old part-time white male; a 62 year old part-time white female; a 59 year old part-time black male; a 58 year old part-time white male.

On 1/23/2019, the Police Aide written test was held at Pulaski high school. PSSI's Hadrian, Poniewaz, Dawson, Sutter, and Lesniewski were assisting at the venue.

While there, I spoke with Katrina Whitley, who is currently employed with the Milwaukee Fire and Police Commission as a Human Resources Analyst Senior.

Katrina Whitley was in charge of the Police Aide exam. Katrina Whitley, prior to being employed with the Milwaukee Fire and Police Commission, was employed with the Milwaukee Police Department as a Human Resources Analyst Senior.

Katrina Whitley informed me that after working under Arvis for four months, at the Milwaukee Police Department, she could not take it any longer. She talked about Arvis being a "Bully". She resigned from the Milwaukee Police Department and began employment with the Milwaukee Fire and Police Commission.

Information has been learned that PSSI's Poniewaz and Flock were targeted simply because they were not available enough. Poniewaz and Flock were hired as part-time Investigators. Investigator Herrera was targeted because he took too long on reports. Investigator Nichols was targeted regarding her reports, and Investigator Lesniewski was targeted for performance.

Investigators Hadrian and Lesniewski were part of a three Investigator team, with Investigator Sutter being the third member of the team. All Investigations were worked on together even though each one of the three were assigned individual cases. This had been the norm for four years. Originally Hadrian and Sutter were teamed up making two part-time bodies a full-time body. Investigator Lesniewski was assigned to be part of our team by then PSSI Lead, James DeValkenaere.

When Blakely became the Lead Investigator, he continued the practice of the three of us working together. He stated he was not going to break us up because what we were doing was working. Blakely knew and approved, that when he would assign a case to each one of us individually, that all three Investigators would be working on it. He continually told us he was happy with our work. At times he stated he wished all the files were turned in as organized as our files were, referring to myself, Sutter and Lesniewski. The week of February 18th, or the prior week, Blakely informed me that a person by the name of Ted Jansen, who is a member of ARC, complimented us, meaning Hadrian, Sutter and Lesniewski on our good reports. He stated that Jansen does not hand out compliments very often. The ARC committee determines whether an applicant would be a recommend or non-recommend for the Milwaukee Police Department. Time and time again we were complimented on our reports and the organization of our case files. From time to time, Blakely would reach out to either myself, or Investigator's Sutter or Lesniewski when he would have questions regarding content in another



Investigators report. He would ask for our input, relating to subject matter, within another investigators reports. Days prior, to the February 22, termination date, case files had been turned into Blakely. Blakely's office was an extension of the office I was in. After turning in a case file, he would ask if there were any issues that he should know about. After either explaining a brief issue, or informing him that there were no issues, he would have me sign the summary that I typed. It was clear that he could have not completely read the summary, but it was most likely read by someone else within the department. PSSI Kuhn was reviewing a good number of the reports. During the typing of a summary and at its completion, it was put into a folder on the desktop that many department members had access to.

On January 18, 2019, I was in an interview room and present were Arvis, Pamela Roberts, and Blakely. Arvis read a Milwaukee Police Department Memorandum verbatim to me, which described work expectations that had to be adhered to at all times. She read 12 rules and or expectations that she expected to be followed. She also read that if the expectations were not followed it could result in disciplinary action up to and including termination. She then advised me to sign the memorandum, which I did. Arvis then stated that she had nothing further. She then asked Blakely if he had anything to add. Blakely stated just what he had talked to me about a few days earlier, which was a few areas of a summary regarding structure of the summary. I informed him I have always turned in reports with that type of structure. Blakely put his head down and looked toward me in a quiet soft spoken voice and stated, "that is why we will be making copies". It should be noted that every summary that is typed would be proof read by Investigator Sutter, and sometimes Investigator Lesniewski. This was standard practice between myself, Sutter and Lesniewski. We had been doing this since before it was requested that Investigators have other Investigators review their summaries before turning them in. I was excused from the meeting after Blakely had left the meeting. In the hall I saw Blakely. I asked to talk to him. He stated that he was in a hurry because he had to get another Investigator. I walked with him into a stairwell which was visible from the hall. He again stated that Arvis was going to be looking for him. I asked him regarding what he had said about my reports during the meeting with Arvis. He stated, it's no big deal. Your reports are fine. Don't worry about it. He stated he had to say something negative. Just as I turned to walk away, Arvis walked into the hallway and observed myself and Blakely together in the hallway. Days later I was told that Arvis had warned Blakely about being a snitch, meaning she did not want him to talk to Investigators regarding information that is talked about at meetings that he was involved in.

A White male PSSI, who was recently assigned to the Background Investigation Unit, had called in sick following department rules and procedures. A Sergeant was sent to check to make sure this PSSI was at their residence while on sick leave. Checking on a sick employee is a practice that is rarely carried out by the Milwaukee Police Department. PSSI Kuhn, a retired Milwaukee Police Department Sergeant for 20 years, stated he had only done a sick check one time in his 20 years as a Sergeant. A Black male PSSI, who had recently called in sick, and was currently working in the Background Investigation Unit, did not have Sergeants come to his house to check on his sick status.

PSSI Bob Simons turned in a Police Officer applicant summary on 11/01/18.

This applicant was a Non-Recommend by the ARC Committee. The applicant appealed the decision by ARC. His appeal was overturned and the applicant was placed in the December 2018, Police Officer Recruit Class. After the applicant was placed in the Recruit Class, the Milwaukee Police Department was contacted by an unknown person who indicated that this applicant was not a good Police Officer



candidate. Assistant Chief Banks got involved. In late January of 2019, Arvis, Roberts, and Blakely met with Simons in Arvis's office. Assistant Chief Banks was on the phone. The point that was being made was that all the information about the applicants criminal history was not clearly reported in the summary. The applicant had an extensive record. In 2008 he had a conviction for Disorderly Conduct, which was amended from Battery DV. He was placed on probation.

While on probation, he had a Probation Violation, and the applicant served the final 30 days of his sentence at the House of Correction. During the appeal at the Fire and Police Commission, Simons was asked for his opinion and he vehemently recommended that he not be overturned, citing the problem areas and the results that could come from a bad hire. The Appeal Board overturned the Non-Recommend status. Per Kuhn: This is a case of looking for a scapegoat. Arvis did not raise any issues when she reviewed the case prior to it going to ARC. Part of the issue was that when the applicant was on probation there was a no "firearm" stipulation while on probation. He was no longer on probation. Blakely had brought this case to the attention of Hadrian, Sutter and Lesniewski in the lower office. He asked about checking back ten years with probation and parole to determine that the applicant no longer had any issues with carrying a firearm.

Blakely was informed by Investigators that he was no longer on probation and the firearm was no longer an issue. Blakely was further advised that the Battery DV had been amended to Disorderly Conduct.

The week of March 18, 2019, information was learned that a female, by the name of Deborah Centano, had been previously hired and was currently a Milwaukee Police Department employee. Her position was an Administrative Assistant III. Centano was hired without a completed Background Investigation, which means she was not properly vetted. Sometime, possibly early March of 2019, a background investigation was started on Centano. It was at that time that Investigators learned that Centano was already hired and had been working in the Chiefs office at the request of Chief Alfonso Morales. It appears this female was hired in mid-January. Information has been received that an Internal Investigation had been started by Assistant Chief Banks regarding the hiring of this applicant without a completed background. Arvis, quite possibly may be the target of the Internal. Blakely had been heard to say in the presence of PSSIS that this issue was not his fault. He was not going to get fired and lose his job over this. He further indicated, he had talked to his wife and he could leave anytime. Arvis had been heard to say that she would take a rap or suspension over this, but she did not deserve to be fired. It appeared that whenever the Milwaukee Police Department was hiring, there was always a time crunch. There was no planing ahead. It was always, "push push push". For these reasons you will end up hiring applicants who have not been properly vetted or quite possibly that if the Chiefs office wants to make a certain hire they decide to not follow the rules.

During several meetings, which were led by Arvis, from time to time she would start off statements, while addressing PSSIS with, "I'm a good Christian woman".

I felt bringing religion into any meeting was uncalled for. During one meeting, while we were experiencing record cold temperatures, Arvis had her nine to twelve year old Grand Daughter at work, most likely because of the Milwaukee Public school closings. This was not very professional to have a very young person sitting in on meetings with PSSIS discussing department business. It should be noted that another Investigator had seen Arvis's granddaughter with her at work on a total of three occasions.

During these record setting weather days in the winter of 2019, on one day Arvis had called two impromptu meetings of PSSIS. The first meeting she indicated that PSSIS were essential employees and were expected to be at work when City



of Milwaukee non-essential employees were not expected to be at work. A short while later, Arvis held a second impromptu meeting and at that time changed her stance and stated that PSSIS were non-essential employees. Again she had no clue about department policy. I made it a point to be at work as requested to complete my work by the March 3, deadline. Arvis indicated that she would not be into work on some of the days when non-essential employees were not required to be at work. Blakely took it on his own to take advantage of the non-essential employee option to take off, even though he lived within a few miles of the office. I was a non-essential employee, therefore I had the option to take off. It should be noted that I drove 70 miles round trip in sub zero temperatures and or heavy snow. I felt I had no choice, because had I not met my deadlines, I could have been disciplined, and or terminated.

All PSSIS would talk and describe how they would most likely not make the deadlines set by Arvis. It should be noted that the March 3, deadline was not met.

There were inconsistencies in Background Investigations. There were times when DeValkenaere was the Lead Investigator. He would inform Investigators of the time constraints and deadlines that we were under as Investigators. There were times when we may not have completed each part of an investigation and he would inform Investigators to finish up and whatever is done is done. These were direct orders given to him, I believe, by either Roberts or Arvis. We would have to turn them in sometimes incomplete. This would be an issue, because applicants were not being treated the same, meaning that earlier applicant investigations were complete and they would have been properly vetted.

On or around December 10, 2018, I turned in a completed Investigation on a Community Service Officer applicant by the name of Angelo King. In mid-January of 2019, while seated in my office, I received a telephone call on my desk phone from Arvis. She stated she had a question for me and wanted me to go to her office. I walked into her office and she was seated at her desk. She was highlighting parts of a report. She informed me she was reviewing a summary of a Community Service Officer applicant that I had turned in. While she was looking down at the summary, she asked why I would have listed his employment status with Columbia St. Mary's hospital as "Termination", when Supervision had nothing but good things to say about his employment. I informed Arvis that in parentheses, after the word termination, was the word "voluntary". I informed Arvis that this termination was not a negative, but that I was just listing his status as how the employer had carried him. I then informed Arvis, that further in the report, regarding the employment with the Milwaukee School of Engineering, (MSOE) his employment status there was "Terminated". I began informing Arvis as to his disciplinary issues with that employer and how I arrived at the status of "Terminated", and she stated, "I didn't get that far". I informed her, that when I contacted MSOE HR, I was told that there was no further information other than he was terminated. She then told me, that was all, and I left her office. I thought why would you call me into your office with questions, without reading the entire summary. I felt that she thought after reading the Columbia St. Mary's employer comments, that I used the word termination as a negative and her thoughts may have been that I was using some sort of racial bias toward the applicant. I then informed her, that our department codes separations the same way. They list a person as terminated but then will use a code as to why.

Because of this contact with Arvis and relating back to the Banks meeting in July of 2018, I began to wonder if my reports were being scrutinized. I believed, from that time on, my reports were being screened for ethical or integrity issues. Just how



long has this been going on. Were there reports from Black PSSIS being scrutinized also. Who was reviewing the reports? Which reports or summaries have been pulled and looked at?

Sometime in 2018, Captain Paul Felician had been transferred from his position in Internal Affairs to Court Administration. Information has been received that Felician had been approached by Assistant Chief Banks and was asked why more white officers were not being charged. Captain Felician apparently had told Chief Banks that his unit did not operate that way. This is an issue that should be looked at.

Information from a completed IAD Investigation, revealed that PSSIS Tony Hendricks, and Jeffery Hoover, both B/M Investigators, alleged that there were issues with White Investigators treating White applicants different then Black applicants. Both Hoover and Hendricks indicated, they started some of their own investigation by pulling past completed backgrounds. Who authorized Hoover and Hendricks to start pulling and looking through completed applicant files? Hoover and Hendricks alleged that White Investigators were favoring White applicants over Black applicants. At some point they contacted Assistant Chief Ray Banks, informing him that there may be ethical or integrity issues with White Investigators.

An Office Assistant in payroll for the Milwaukee Police Department, stated the following: Shortly after Arvis had become the Human Resources Administrator, she had an unusual contact with her. It was early one morning, shortly after she had started her work day. She was seated at her computer. Arvis walked into the office to get to her office. Arvis walked by her, while she was seated, at her desk and her back would have been facing Arvis. Arvis apparently had greeted everyone. The office Assistant, either did not hear her or had not responded to Arvis. Arvis called her into the Payroll Supervisors office. Cindy Ratliff was the Payroll Supervisor at the time. Arvis was upset apparently because she felt that the Office Assistant did not greet her or acknowledge her. Arvis went on to berate both Cindy and the Office Assistant.

It should be noted that Milwaukee Police Department past practices indicate a disciplinary process, regarding employees, is usually carried out. Employees are verbally warned, maybe coached, and there are documented warnings. Some PSSIS because of performance were transferred. Having seven City of Milwaukee Police Department employees terminated on one day at the same time is unheard of. Terminated with no warning and no reasons given as to why we were terminated. This has never been done by the Milwaukee Police Department. There is a Code of Conduct policy within the Milwaukee Police Department, which has been ignored. It appears this Code of Conduct policy was meant for the entire department.

No other PSSIS, within the department, had to sign the above memorandum, which was read to PSSIS of the Background Investigations Unit. PSSIS, along with other department members, who were transferred into the Background Investigations Unit after the termination of PSSIS, did not have to sign the memorandum authored by Arvis.

Information had been received that during the course of background investigations, Inspector Gordon had generated emails praising Background Investigators for a good and timely work product.



On February 22, 2019, the day that PSSI Jeff Watts was terminated, he was seated in an office with Pam and Arvis. Arvis had left the office to check to see if and how sick time hours would be paid out. Pam told Jeff that she was not feeling well and that she did not like what was going on. Pam told Jeff that she had nothing to do with what was going on.

Jeffrey Hadman 8/18/2020





Mel Johnson &lt;[REDACTED]&gt;

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**PSSI TERMINATIONS**

2 messages

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**Jeff Hadrian** <[REDACTED]>  
To: Mel Johnson <[REDACTED]>  
Cc: Diana Perez <[REDACTED]>

Thu, Aug 20, 2020 at 1:22 AM

Mr. Johnson and Miss Perez

I have never been one to toot my own horn. I just went along and did my job, but I do have what I feel is some more pertinent information. While working as a Background Investigator, myself along with PSSI Kurt Sutter were referred to as "go to guys", by James DeValkanere. As I explained at our meeting there was a time when James DeValkanere was the Lead Investigator-and could possibly be the Lead Investigator at this time. James had mentioned that there were a few Investigators that he could count on when he needed something completed in a swift and timely manner. Myself along with Kurt Sutter were two of the Investigators James had stated he could count on. I know that Jim had also informed Pamela Roberts that he definitely had some PSSI's that he could count on more than others.

If you find the time to read the 16 page memo I turned over to you at our meeting, you will read the interaction where Assistant Chief Ray Banks addressed the Background Investigation unit a few days after PSSI's Dennis Marlock and James DeValkanere were transferred. He indicated that he would be auditing and or reviewing background investigations. In the fall of 2018, myself and PSSI Kurt Sutter were notified by PSSI Malcolm Blakely that a completed background file which was completed by myself along with PSSI's Sutter and Lesniewski was missing from his drawer. The three of us along with Blakely checked our office along with Blakely's office and the file was not found. We also checked the main office where completed files are kept to no avail. Our first thought was that the file was probably pulled and was being scrutinized by Banks, IAD or both. A few months later and a short while prior to the terminations the file reappeared in Blakely's desk drawer where Blakely originally indicated it was before disappearing. Blakely played it off as we never checked that drawer, which was totally untrue. I know for a fact that drawer was checked. The reason I bring this up is because of the allegations made by PSSI Tony Hendrix to IAD during the Internal on PSSI Dennis Marlock. False allegations I may add. Approximately three weeks ago, I emailed an Open Records request to MPD requesting any and all records relating to allegations that were made by PSSI Tony Hendrix regarding the above stated Internal investigation. At the time of this email I have not received an answer to my request.

Thanks

Jeff Hadrian

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**Mel Johnson** <[REDACTED]>  
To: Jeff Hadrian <[REDACTED]>  
Cc: Diana Perez <[REDACTED]>

Fri, Aug 21, 2020 at 7:45 AM

Thanks for the information. It's certainly relevant and I'll add it to our report on your statement.

Sent from my iPhone

&gt; On Aug 20, 2020, at 1:22 AM, Jeff Hadrian &lt;[REDACTED]&gt; wrote:

&gt;

&gt; Mr. Johnson and Miss Perez

[Quoted text hidden]

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## REPORT OF INTERVIEW OF TONY HENDRIX

On September 17, 2020, in a conference room in Milwaukee City Hall, Mel Johnson and Diana Perez interviewed Tony Hendrix as part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) regarding the removal, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background investigations on applicants for positions with the Milwaukee Police Department (MPD). Ms. Perez was unable to attend in person so participated through Face Time.

On June 7, 1982, began his career as a sworn Milwaukee police officer. He completed various assignments and was promoted to Sergeant in 1998 or 1999. He retired from that position on July 7, 2011.

In March, 2013, Hendrix began work as a civilian PSSI for MPD. He is still employed in that position. His entire career as a PSSI has been spent in the unit which does background investigations on applicants for positions with MPD.

During his career as a police officer, Hendrix worked in the same station as Raymond Banks at District 5. They never worked directly with each other but came to know each other. They eventually became good friends through a group they both worked with which tried to help new black police officers learn how to survive and succeed to make it to retirement in the MPD. (Both Hendrix and Banks are black.)

In 2018, Alfonso Morales was Chief of MPD. Morales did not often appear at the unit that did background investigations. Hendrix only recalls seeing him there twice. Once was soon after Morales' appointment as chief. At that time, Morales spoke to the unit about his vision for MPD. Hendrix recalls one other visit by Morales, although it is possible there were other visits when Hendrix was not present. Hendrix does not know where Morales got his information about the unit.

At times when the unit was under time pressure with time crunches over deadlines, PSSIs from other units would be transferred in temporarily to help out. Hendrix recalls that those PSSIs included men named Braunreiter, Padovano, and Hadkiewicz. They did not like background investigation work and it was rumored that they were talking about the unit. Perhaps they were speaking to Morales.

In 2018, Banks was appointed by Morales to the position of Assistant Chief of the Administrative Bureau, of which the background investigation unit was a part. It was part of Banks' responsibilities to deal with concerns of the FPC. Banks told Hendrix he was getting some negative feedback about the unit from the FPC. Banks was reviewing some background reports done by the unit and thought that they were not thorough or complete. Hendrix disagreed and told Banks so but Banks did not change his view.

Banks did not come to Hendrix for information about the unit and Hendrix did not usually provide any. Others within MPD complained about the unit but Hendrix disagreed with them. Hendrix did speak up about an investigator named Dennis Marlock who was eventually fired for inducing an applicant to lie about drug use in order to help the applicant avoid disqualification. Hendrix believed that Marlock did that because the applicant was white and would not have done the same for a black applicant.

Hendrix did speak to Banks about other individuals in the unit. Hendrix overheard remarks by other investigators in the office that, to Hendrix, implied a racial bias on the part of

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those investigators. Hendrix probably discussed that with Banks but he is not sure if he identified any of the speakers.

Hendrix was asked his reaction to allegations about the unit made by Morales in a letter dated August 4, 2020 to the FPC.

- The first allegation concerned a person hired by MPD without a background investigation being done. Hendrix was unfamiliar with that case but noted that, if it happened, that would not have been the fault of any investigator.
- Hendrix was also unfamiliar with Morales' allegations regarding gaps in information in reports, errors in reports, and an applicant who passed his background despite a domestic violence conviction which would have disqualified him from possessing a firearm.
- As noted above, Hendrix did feel that there was a concern about racial bias in the unit but he is unable to cite specific cases. He knows that some applicants felt that Jeff Hadrian was not fair to them. Hendrix thought that some of Sandy Poniewaz's remarks about cases implied some bias against minority applicants.
- Morales' allegation about investigators lacking a desire to work was not true. Members of the unit got the necessary work done despite facing crazy deadlines.
- Hendrix was not familiar with any investigator leaving work to care for a sick family member.
- As for an investigator showing up for work sporadically, Hendrix believes that may have been a reference to Poniewaz. He knows that the supervisors were frustrated that she did not keep to a predictable work schedule.
- As for the alleged unwillingness to file objective reports, he did not see the reports of others but he heard remarks in the office which gave him pause about the subject.

As to all these allegations, with the exception of his mention of Poniewaz, Hendrix was aware of no basis to connect any of these alleged problems to any of the seven investigators removed on Feb. 22, 2019.

Hendrix did not think any of those seven should have been fired. Hendrix told Williams that after the firing. There was a lot of time pressure on the unit. It was unfair pressure in his mind but they got the work done. The seven people removed did the work required in a timely manner and then helped others finish up their cases.

When told that Morales' August 4 letter stated that he had fired the "main agitators", Hendrix replied, "I'm at a loss for words". These seven were not agitators and he doesn't know who would have decided that they were.

Hendrix was asked about negative statements by other witnesses from the unit about Arvis Williams' administrative style. He said he did not necessarily agree with those statements. He did not feel that the investigators disrespected her.

## REPORT OF INTERVIEW OF EFRAIN HERRERA

On August 20, 2020, in a conference room in Milwaukee City Hall, Diana Perez and Mel Johnson interviewed Efrain "Frank" Herrera as part of an investigation authorized by the Milwaukee Fire and Police Commission into the removal, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background investigations for the Milwaukee Police Department (MPD).

On October 19, 1981, Efrain Herrera was appointed as a sworn officer with MPD. He worked in several districts and eventually retired on November 5, 2006. His only disciplinary infraction as an officer was a 1984 reprimand for consuming alcohol while off duty while armed. Herrera discussed the matter with then MPD Chief Harold Breier who told him that the sergeant involved was wrong to discipline Herrera.

After retiring from MPD, Herrera worked seven and a half years as an officer for the University of Wisconsin-Milwaukee police.

On August 15, 2016, Herrera was appointed to be a civilian PSSI for MPD. He worked full-time in that position until he was terminated on February 22, 2019. As a full-time worker, he was committed to work 80 hours in each two-week pay period but he sometimes worked longer hours when there was a heavy workload for the unit. He spent the bulk of his time doing background investigations of applicants for positions with MPD. Beyond his own investigations, he spent time helping other investigators with theirs because he was the only investigator who spoke Spanish. Accordingly, he was helpful in talking to witnesses and obtaining records in Spanish regarding Hispanic applicants.

During his PSSI career, Herrera had no disciplinary infractions. In the first few months after his appointment as a PSSI, he was informed that he needed to improve, especially with regard to the timeliness of his reports. However, his yearly evaluations for 2017 and 2018 were both favorable. Herrera recalled that in early January of 2019, his direct supervisor HR Specialist Pam Roberts told him he was doing well and was in line for a raise. Roberts would sometimes ask for his advice on certain applicants.

Within the background investigators' unit, Herrera was the only Hispanic. The rest of the investigators were racially mixed and the unit included two women. The atmosphere between the investigators was generally good. Sometimes there was some tension between individuals but that did not create problems with the work. Herrera was too busy to pay much attention to that.

In January, 2019, MPD HR Administrator Arvis Williams held a meeting for all of the investigators in the office that day at which she explained her expectations for background investigators. Herrera was not at that meeting but later discussed it with Williams. He did not feel that Williams' concerns were aimed at him. He had no objection to any of the rules she announced and he did not argue with her.

The chain of command above Herrera was, in ascending order, Roberts, Williams, Assistant MPD Chief Ray Banks, and Chief Al Morales. He had never previously worked with Roberts, Williams, or Banks and had no preexisting relationship with any of them. Herrera had contact with Morales during his career as an MPD officer but they had always got along and there were no prior problems between them.

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Lead Investigator Malcolm Blakley was not really a supervisor but assigned investigations and reviewed reports. He was sometimes angry and Herrera had the impression that he was under pressure from the supervisors above him. He spoke about resigning.

Roberts played a passive role in the office as Williams' assistant. Herrera had no issues with Roberts.

There was talk in the unit that Williams wanted to get rid of investigators. Herrera had heard that a meeting was held with a representative of the City Attorney's Office about whether she could fire all of the investigators. Williams complained about untimely reports, incomplete reports, and carelessness in constructing reports. Herrera believes those complaints were fabricated.

Herrera felt that Williams created a toxic and uncomfortable work environment. He felt she was a hostile bully who undervalued the investigators. She commonly reacted to alleged shortcomings with threats of negative consequences. In his years working for MPD, Herrera had never seen any supervisor act like that.

Williams seemed not to understand what she was doing. She did not seem to realize how long it took to do a proper background investigation so set unreasonable deadlines. Herrera recalled an investigative report he had completed on a female applying to become a Court Security Officer. His report had been reviewed and approved by Blakley, Roberts, and Dan Kuhn, a veteran investigator who sometimes reviewed reports. However, Williams reviewed it and criticized Herrera for including negative information in it.

Herrera, along with some other investigators, thought that Williams acted as though she was afraid and stressed, perhaps because she was under pressure, perhaps from above.

As for Banks, Herrera recalled a meeting where he complained about the unit's work and threatened to fire them all.

Allegations about problems with the unit contained in a letter from then Chief Morales to the FPC in a letter dated August 4, 2020 were read to Herrera who was asked for comment. As far as Herrera knew, those allegations were not true of him or the unit in general. They were completely false as far as he was concerned. That was especially true regarding allegations of laziness and bad attendance since he regarded the unit as a very hard working group.

On February 22, 2019, Herrera was in the office. Blakley asked him to go down into the basement. Williams and Roberts were down there in a small conference room. They told Herrera he had the choice to resign or be terminated that day. He would not sign the resignation form so he was handed a termination notice. He received no notice of any charges against him and was only told that the department was going in a "different direction". There was no talk about transfer and he was not told that his termination would result in the loss of all of his accrued vacation time. Herrera was not told he had any right to respond to the chief regarding the termination. Herrera was asked not to tell others about his termination.

The personnel summary for Herrera says that he was terminated for "Violation of Dept. Rules & Procedures. He has no idea of what rules or procedures he violated.

Herrera was asked about the statement in Morales' August 4, 2020 letter that he had decided to fire the "main agitators" as identified by Banks. Herrera described that statement as completely false. The unit was busy and no one had time to be an agitator. Sometimes the

supervisors asked for suggestions and investigators made them but that was always done and discussed in a professional manner.

When asked for his view on why he and the other six PSSIs were removed on February 22, 2019, Herrera could not answer. There was no reason for the dismissals and no warning. Herrera stated that the office got rid of some of the best investigators who loved to do the job.

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## REPORT OF INTERVIEW OF JEFFERY HOOVER

On September 16, 2020, Diana Perez and Mel Johnson interviewed Jeffery Hoover at his home in Arizona through a Zoom call. The interview was part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) into the removal, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background investigations on applicants for positions with the Milwaukee Police Department (MPD).

Jeffery Hoover had a long career as a sworn Milwaukee police officer. He began in that position in 1981. He was promoted to Detective in 1989 and retired from that position in October, 2009.

Two weeks later, he began a new career as a civilian PSSI doing background investigations for MPD. While he had occasional short transfers to other divisions when the need for backgrounds slowed down, the large majority of his career as a PSSI was spent in the background investigation unit. During 2018, Hoover backed up James DeValkenaere as lead investigator. That meant Hoover sometimes had responsibility for reviewing background reports by the investigators, especially when DeValkenaere was on vacation or otherwise unavailable. He retired from that PSSI position in November, 2018.

Although Hoover did not work directly with Raymond Banks in his time as an MPD officer, he generally knew Banks through the job. They were friends on the job and may have seen each other at parties but did not otherwise socialize.

In 2018, Alfonso Morales was MPD Chief. Morales rarely had contact with the background investigation unit. Hoover believes that Morales would have got his information about the unit from Banks who, by that time, had become Assistant Chief over the Administrative Bureau, which included the unit.

Banks would appear at the unit occasionally, sometimes at unit meetings. Banks would receive input from people at those meetings. Banks sometimes asked Hoover how things were going in the unit. Hoover would complain to Banks about tight deadlines and their need for help to get all the work done timely. It is possible that Hoover talked with Banks about individuals in the unit but he doesn't really recall those conversations. Hoover considered the investigators removed on Feb. 22 to be his friends. Hoover never heard conversations about those seven people between Tony Hendrix and Banks.

Banks was a close friend of Hendrix who was another PSSI background investigator. Hoover thinks that they talked about the unit although Hoover is not aware of the details Hendrix may have communicated.

Hoover was asked about allegations made by then Chief Morales about the unit in a letter Morales sent to FPC dated August 4, 2020.

- Hoover was unaware of anyone being hired by MPD without a background investigation. That shouldn't have happened.
- As for gaps in reports or failures to resolve factual discrepancies in reports, Hoover sometimes found such flaws in reports but they would then be resolved by the investigator involved. The main cause of such problems was the need to rush to complete reports by unreasonable deadlines, under threats of firing made by HR Administrator Arvis Williams. Due to high volume, gaps in information became a greater problem during Hoover's last 18 months with the unit.

- Errors did sometimes appear in reports but that was caused, in Hoover's view, by time crunches which led to rush jobs.
- On Morales' allegation about the individual hired despite a DV conviction, Hoover does not recall the case and something like that would have been rare.
- On race bias in the unit, Hoover (who is black) did see inconsistencies in some reports that implied to him that some investigators may have treated applicants differently based on race. It was nothing blatant but some reports did contain subjective statements that would be made about applicants from minority groups but not about white applicants. An example was Dennis Marlock who was eventually fired. While Hoover would sometimes notice these problems, he did not think any of the seven PSSIs removed on Feb. 22 were racially biased in their reporting.
- Morales' statement that some investigators did not desire to work was unfair and Hoover couldn't believe that Morales said that. The seven PSSIs who were removed all worked hard when they had to in order to meet deadlines. Some of the part-time PSSIs had other issues in their lives which sometimes affected their ability to work additional hours but some part-time workers ended up working more hours than other full-time investigators.
- Hoover was not aware that any investigators caused a problem by leaving work to care for sick family members. As far as he was concerned, throughout his MPD career, if any MPD personnel had a family emergency, they left work to take care of it.
- Hoover believes that Morales' complaint about a PSSIs showing up to work sporadically was a reference to Sandy Poniewaz who sometimes did not keep to a set schedule. However, Poniewaz got her required work done.
- As for willingness to do objective reports, the investigators strove to be fair and impartial and Hoover does not agree with this allegation by Morales.
- Morales alleged that he ended up firing the "main agitators". Hoover did not believe that the seven PSSIs removed were agitators. As far as he was concerned, none of them were problems within the unit. Jeff Watts sometimes spoke up to question certain policies but he did it in a respectful way.

Watts may have irritated Williams by speaking to others about their problems but Hoover felt that Williams was a bad leader for the unit, especially since the unit was working hard and doing its best. Williams wanted to show that she was in charge and did not like being questioned. Although she did not know much about the police department she acted as though it was her way or the highway. She didn't seem to care about any of the investigators' personal problems. Williams attacked individuals at meetings. She couched her statements in religious references. Williams wanted the part-time investigators to do as many cases as the full-timers. Before Williams came to the unit, Hoover was paid extra for reviewing reports but Williams cut that off. Hoover thought that Williams had never worked with this many men and may have been intimidated by men, which may have caused her to be more aggressive.

When it came to the seven individuals removed around Feb. 22, Hoover would not have fired any of them. Others in the unit were less competent and/or lazier and deserved removal more than the seven did. Morales' allegations were not necessarily linked to the seven and did

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not justify firing any of them. Hoover was shocked that they were fired. They were not troublemakers. They were workers who had dedicated their careers to public service. Specifically as to each:

- Jeff Hadrian wrote consistently good reports.
- Hattie Nichols was dedicated and fast on her reports. She could have been more thorough but the flaws were correctable.
- Richard Lesniewski did not do much work out on the street but did a lot of work in the office acquiring records for the reports of others, especially Hadrian and Kurt Sutter, who worked as partners.
- Sandy Poniewaz wrote good quality reports with attention to detail.
- Tom Flock had family issues which limited his ability to take on extra hours but he completed his work.
- Efrain Herrera sometimes had difficulties managing his cases but got his work done.
- Jeff Watts did the work and was very detail oriented.



## REPORT OF INTERVIEW OF RONDA KOHLHEIM

On September 9, 2020, Mel Johnson and Diana Perez interviewed Ronda Kohlheim in her office as part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) of the removal, on or about February 22, 2019 of seven Police Services Specialist Investigators (PSSIs) doing background investigations on applicants for positions with the Milwaukee Police Department (MPS).

Presently, Ronda Kohlheim serves as Inspector General for the City of Milwaukee doing audits and investigating alleged wrongdoing by city employees.

In early 2019, Ronda Kohlheim was an Auditor Lead for the Fraud Hotline of the City of Milwaukee. In that role, she was responsible for investigating complaints regarding city departments to determine if those complaints had to be further investigated by the city department in question.

In her role with the hotline, Kohlheim received more than one complaint from PSSIs terminated by MPD on or about Feb. 22, 2019. Under Hotline regulations she was required to keep their identities confidential.

Along with Audit Manager Adam Figon, who was her supervisor, Kohlheim met on March 29, 2019 with MPD personnel including HR Administrator Arvis Williams, HR Specialist Pam Roberts, and Assistant Chief Ray Banks to discuss the complaints. Williams and Banks did most of the talking. Roberts said little. They told Kohlheim that the PSSIs were "exempt" "at will" employees with no appeal rights. They were told that they were being terminated because the department was going in a "different direction". The PSSIs were given a choice between resigning immediately or being terminated that day. For the PSSIs to be terminated who were not at work that day, MPD officers from the Internal Affairs Division went to their houses to give them the same choice. Part of the complaint was that the PSSIs were not told that pay for their accrued vacation time would be lost if they were terminated. Kohlheim is not sure if she discussed that aspect of the complaint with the MPD personnel. Kohlheim and Figon looked into city regulations and concluded that the PSSIs were not covered by civil service so the procedure described by Williams, Banks, and Roberts seemed correct.

Kohlheim was asked about MPD SOP 870.25 which states that civilian employees facing discharge had due process rights to notice of the charges against them and to an opportunity to respond to the chief of police through a departmental memo. That SOP was not discussed in the March 29 meeting. Before that meeting, Figon had told Kohlheim that it wasn't necessary to discuss the SOP. He didn't say why and she didn't ask.

Kohlheim's report on the meeting says that, "... the affected individuals weren't randomly selected, over time, there was something that they did, which helped to determine which Police Service Specialist Investigators positions would be eliminated." That was what MPD personnel told Kohlheim when they met. She doesn't recall who said it. They never said what that thing they referred to was but the discussion implied it was a disciplinary issue. She asked what that issue was but the MPD representatives only said it was an HR issue. The Fraud Hotline had no authority to address HR issues or review HR records so Kohlheim dropped the subject.

Kohlheim concluded that she could not determine why these PSSIs were terminated so she had no basis to determine that their terminations were wrongful.

Kohlheim concluded that, in any event, it was not a matter for the Fraud Hotline. The complainants alleged that they should not have been fired but they did not really allege fraud.

Kohlheim said that she had the discretion to refer the matter to the city's Department of Employee Relations but did not. She is not sure why she did not.

## REPORT OF INTERVIEW OF DANIEL KUHN

On August 18, 2020, in a conference room at Milwaukee City Hall, Mel Johnson and Diana Perez interviewed Daniel Kuhn as part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) regarding issues surrounding the termination or resignation of seven Police Services Special Investigators (PSSI) background investigators for the Milwaukee Police Department (MPD) on or about February 22, 2019.

Kuhn was a member of the background investigation unit who resigned less than a month before Feb. 22, 2019. He had earlier had a long career as a sworn MPD officer. He began with MPD in October, 1975 and eventually resigned in April, 2006. During that time, sworn officers did background investigations for MPD and Kuhn spent ten years doing such investigations. He served as the sergeant in charge of background investigations. In that position, Kuhn helped to create the investigative format which is still in use. It is designed to try to evaluate applicants as fairly and objectively as possible. This was done as part of the settlement of a hiring discrimination suit in the 1990s.

Kuhn later became a civilian PSSI in the background investigation unit. He worked part-time in that unit from November, 2009 through February 5, 2019. In that unit, Kuhn never had formal supervisory authority but, due to his long experience in these investigations and his willingness to accept responsibility, he served as an informal supervisor in the unit. In that role, Kuhn reviewed investigators' reports. Kuhn would catch errors and give the reports back to the investigators for corrections or additions.

For some years, the background investigation unit was overseen by HR Administrator Valerie Williams. Through those years, there were few problems within the unit which Kuhn called a "smooth running machine".

Kuhn resigned because of the stress of working in the unit. Kuhn had some medical problems and felt he didn't need the stress of working in a chaotic environment with undue pressure to complete background investigations too quickly. Kuhn believed that such time pressure would result in incomplete reports.

Time pressure came from Arvis Williams who was MPD's HR Administrator, Pam Roberts who was Williams' assistant, and Lead Investigator Malcolm Blakley.

Williams should not have had authority over the substance of reports because she didn't seem to really understand the investigators' work. For example, Williams complained about investigators disqualifying too many applicants. She didn't realize that investigators only submitted reports with factual information and recommendations but made no decisions about hiring any applicant and did not have the ability to disqualify any applicant. Of the investigators, only Kuhn challenged her on that point.

Arvis Williams was difficult to work with. She spoke poorly to the investigators about their work. Kuhn recalled a meeting in which Williams complained about a particular report to the group, without specifying the report or its defects. She asked investigator Hattie Nichols if it was a good report and Nichols said she couldn't say because it wasn't her report. Williams insisted and when Nichols continued to refuse to comment, Williams yelled at her.

Many of the PSSI investigators worked part-time. Williams did not like that and told them that they would have to work full-time. Kuhn told her that he regularly worked full-time hours anyway when the work load required it but did not wish to commit to full-time.

Since he had already resigned, Kuhn was not in the office on Feb. 22 but he heard about it from investigators he knew. He heard that the only reason investigators were given for their firings was that the department wanted to go in a different direction. Kuhn has no idea what that means and Kuhn has no experience during his years with MPD with employees being terminated without being told what the reason was.

Kuhn is aware that concerns were expressed about the writing proficiency of investigator Efrain Herrera who was one of the investigators terminated on Feb. 22. However, shortly before his firing, Herrera was given a PD-30 which is a warning of a need to improve and is treated as the first step of a process to give the employee a chance to do better or be disciplined. Yet, Herrera was terminated a few days later without a chance to go through that process.

Kuhn is aware that complaints were made in 2018 that Investigator Dennis Marlock treated applicants differently based upon their race and that Marlock was eventually terminated. Kuhn reviewed reports and discussed investigations with investigators. He saw no indication that any of the other investigators were racially biased in their work. The investigatory process was set up to try to be as objective as possible and that would have made it difficult for an investigator to try to influence the process because of the applicant's race.

The FPC approved the Feb.22 terminations in a meeting on March 21, 2019. However, that was done as part of a consent agenda and there was no discussion or vote on these firings.

Kuhn was asked about why these particular seven investigators (Jeff Hadrian, Jeff Watts, Hattie Nichols, Richard Lesniewski, Sandra Poniewaz, Efrain Herrera, and Tom Flock) were terminated or resigned under pressure. Kuhn recalled that each crossed Arvis Williams in some way but did not understand how that resulted in their removals. Some of them worked part-time which Williams didn't like. Hadrian had a dispute with Williams over whether it could be determined why an applicant was terminated from a previous job. Herrera had a need to improve his writing. Nichols and Williams seemed to have personality conflict but Nichols completed a high number of investigations, more than a number of the retained investigators. Poniewaz had multiple jobs so could not put in all the hours Williams wanted. Flock had various family problems which prevented him from working as many hours as Williams wanted, but Flock completed more investigations than some of the retained investigators. Williams was unhappy that Watts had advised an unhappy police aide that she had a right to ask for a transfer. While Kuhn was aware of these disputes, he does not understand why that resulted in the removal of these investigators.

Kuhn was questioned about allegations made in an August 4, 2020 letter submitted to the FPC by then MPD Chief Alfonso Morales. The basis for all of these allegations was not clear to Kuhn but he made the following observations. There were times when there were gaps in the information included in the reports and he would send the reports back for further investigation. There would sometimes be errors of various types in the reports but, if there were errors that were not caught, the responsibility for them was shared between the writers and reviewers. Morales' complaint about a person hired despite a prior DV conviction was a case Kuhn remembered. The report was written by Robert Simons who has retired. It was reviewed by

Pam Roberts and Arvis Williams. As noted above, Kuhn was unaware of racial discrimination by any investigator except for Dennis Marlock who had been removed from the unit over the issue in 2018 and then terminated. Kuhn was unaware of any information that would otherwise support the general allegations in Morales' letter, especially as to the seven investigators removed on Feb. 22, 2019.

Morales' letter also alleged that investigators were unwilling to file objective reports. Kuhn is unaware of any basis for that statement and the investigative method established for these cases would have made it difficult for investigators to report subjectively.

Chief Morales referred in his letter to his suggestion that all of the investigators be fired. Blakley told investigators that Williams wanted to fire all of them but then the City Attorney's Office told her she couldn't do that.

Morales wrote that he eventually decided to discharge the "main agitators" as identified by Assistant Chief Ray Banks. Kuhn recalled that Banks was almost never present at the unit and had no basis to identify anyone as an agitator. If anyone did that, it would have been Arvis Williams. Blakley would not have done it and Roberts did not have the "mean streak" to do it. According to Kuhn, none of the seven investigators removed on Feb. 22 were agitators, individually or collectively.

At an FPC meeting held on April 16, 2019, Assistant MPD Chief Regina Howard alleged that the removed investigators had refused to do their duty. Kuhn stated that that was false.

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## REPORT OF INTERVIEW OF RICHARD LESNIEWSKI

On August 19, 2020 in a conference room in Milwaukee City Hall, Mel Johnson and Diana Perez interviewed Richard Lesniewski regarding an investigation authorized by the Milwaukee Fire and Police Commission (FPC) concerning the termination or resignation of seven Police Services Special Investigators (PSSIs) doing background investigations for the Milwaukee Police Department (MPD) on or about February 22, 2019.

Lesniewski ( ) formerly worked as a sworn MPD officer. He began in March of 1968 and worked his way through various assignments, ending his career as an officer doing accident reconstruction work for MPD. He retired on February 15, 1997 with no disciplinary violations on his record.

Ten years later, in January of 2007 Lesniewski was hired as a civilian PSSI. While he fulfilled several other brief assignments, the bulk of his PSSI career was spent doing background investigations. He worked full-time for seven and a half years and then switched to part-time. As a part-time worker he sometimes worked longer hours with the flexibility to do what was needed to get the work done. He was terminated from his PSSI position on February 22, 2019.

As a background investigator, Lesniewski was responsible for compiling background information on applicants for positions with MPD. He often worked with other investigators, doing office work (obtaining records and communicating with sources of information by fax or phone) while the other investigators were out on the street contacting witnesses. Then the information compiled was put into a report that was used to decide if that applicant would be hired.

During his career as a PSSI, Lesniewski had no disciplinary violations. MPD HR Administrator Arvis Williams confirmed that in a letter dated March 15, 2019 which stated that his record contained no disciplinary infractions.

All of Lesniewski's employee evaluations as a PSSI were favorable stating that he was doing a good job.

Lesniewski estimates that there were about 20 PSSIs in the background investigation unit. He recalls about 6 or 7 black investigators, one Hispanic, 2 women, and the rest white males, which would include him. Since the PSSIs were retired MPD officers, they ranged in age from the 50s into the 70s. That was approximately the age range of the seven PSSIs removed on Feb. 22, 2019.

The pay of background investigators began at about \$17-18/hour and went up to \$22-23/hour within four to five years so there was not a large discrepancy in the pay rate between investigators. They were paid hourly regardless of whether they were considered full or part-time.

Lesniewski stated that the investigators got along fine with each other. He thought the atmosphere between them was cooperative and comfortable.

In January, 2019, Arvis Williams held a meeting with the investigators to emphasize the standards she wanted to maintain. Lesniewski was not at the meeting because it was on his day off. He later saw a memo Williams had investigators sign stating these standards in writing.

Lesniewski had no problems with what Williams said she wanted. Regular attendance and scheduling of work hours were never problems for him and he was not aware that they were problems for others. He saw no chronic problems with the quality of the reports. He was not aware of non-objective reports being written as it was understood that the reports were to be factual, not opinionated. Lesniewski does not recall any investigators objecting to being required to write objective reports. While he saw no problems with requiring reports to be timely, Lesniewski knew that some reports did not comply with time deadlines set by Williams and Assistant Chief Ray Banks. He believed that their deadlines were unrealistic because they had no experience in background investigations. Overall, Lesniewski believed that all of Williams' rules were aimed at reducing investigators' flexibility.

Lesniewski knew MPD Chief Al Morales but had never worked with him and had never had any problems with him. Previous to 2018, Lesniewski had never worked with Banks or Williams and he had no prior relationship with either of them. He had known HR Specialist Pam Roberts for years as she was involved with the background investigation unit before him. His relationship with her was professional and there had never been any problems between them.

Lesniewski believed that any turmoil in the unit was caused by Williams and Banks. Banks began his first meeting with the investigators by saying, "I don't want to be an asshole", which set an unfortunate tone. Williams created a hostile work environment through attempted intimidation and threats of repercussions for any shortcomings. She became more overbearing once her probationary period as HR Administrator ended. Lesniewski recalled a group meeting in which Williams hollered at PSSI Hattie Nichols because Nichols refused to comment on the quality of a report she had not written.

Lesniewski was asked about allegations of problems within the unit alleged by then Chief Morales in an August 4, 2020 letter submitted to the FPC. They included missed criminal records, unresolved factual issues, errors in reports, disparate racial treatment, laziness, and attendance issues. While conceding that mistakes may well have occurred, as far as he was concerned, these were not significant or chronic problems for him or the unit. The investigative method used by the investigators contained fail safes meant to prevent racial bias.

On February 22, 2019, Lesniewski was off of work. Officers from MPD's Internal Affairs Division (IAD) came to Lesniewski's house and told him he had a choice to resign or be terminated. No reason was given and Lesniewski had the impression that the officers did not know why he was being removed. He had questions but they had no answers. He did not agree to resign so they gave him a termination letter signed by Morales.

Lesniewski was not given any notice of charges against him. He was not told of any investigation of his performance. He was not told that his earned vacation time would be forfeited if he was terminated. He later tried to change his termination to a resignation in order to save his vacation time but the captain of IAD told him it was too late. (An MPD form indicated that Lesniewski had earned 207.52 hours of vacation time.) Lesniewski was aware that other investigators who had disciplinary infractions were allowed to transfer out of the unit but no transfer option was offered to him.

The personnel summary of his career as a PSSI stated that he had been terminated for "Violation of Dept. Rules and Procedures" but Lesniewski said that that had never been explained to him and he had no idea of what rule or procedure he allegedly violated.

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Beyond speculation, Lesniewski has no idea of why he was removed from his position and it was a total surprise to him. When asked about the assertion by Morales in his August 4, 2020 letter to the FPC that Morales had fired the "main agitators", Lesniewski denied he was an agitator and stated that he did not even ask questions when new policies were announced. As for the other six PSSIs removed with him on or about February 22, 2019 (Sandy Poniewaz, Hattie Nichols, Tom Flock, Jeff Hadrian, Jeff Watts, and Efrain Herrera), Lesniewski did not see them as agitators. They may have asked questions at meetings but their tone was not heated and was always respectful.



## REPORT OF INTERVIEW OF ALFONSO MORALES

On September 1, 2020, Mel Johnson and Diana Perez interviewed Alfonso Morales as part of an investigation authorized by the Milwaukee Fire and Police Commission regarding the termination or resignation of seven Police Services Specialist Investigators (PSSIs) doing background investigations on applicants for positions with the Milwaukee Police Department (MPD). The interview was held in the office of Attorney Franklyn Gimbel, who was present to represent Morales.

Al Morales was sworn in as chief of MPD on February 16, 2018. He did not interact much with the unit that did background investigations for positions with MPD. Those investigations were done by PSSIs. Morales came to the unit once within two months after he was sworn in as chief to meet with the group. He recalls being there once later for a birthday or retirement party. Morales had a big department to run which did not revolve around the PSSIs.

When Morales met with the unit, he did not threaten to fire any or all of the investigators. He knew that their caseload was heavy so he emphasized the need for them to work hard. Morales is not sure but he thinks he may have talked with the unit after the Feb. 22 firings and told them that they were all accountable.

Morales' knowledge of the unit came from Assistant MPD Chief Ray Banks. Banks had authority over MPD's Administrative Bureau, which included the background investigation unit. Morales had daily briefings with the Assistant Chiefs about their respective bureaus. That gave Banks an opportunity to report about the background investigation unit as needed. Banks was the official source of information about the unit. Unofficially, he could also receive information from HR Administrator Arvis Williams but the usual flow of information was Williams to Banks to Morales. Morales knew little about individuals in the unit and any names brought to his attention would have come from Banks.

Authority to fire any employee of MPD belonged to Morales as chief.

Morales was asked about the allegations of problems in the unit he made in his letter to FPC about this situation dated August 4, 2020. The allegations were all based on information he received from Banks. Those allegations were general, not necessarily linked to any individual investigator. The allegations were oral. Morales expected documentation on them but received none.

As for the employee who was hired without a background investigation, that was an administrative assistant in his office. The fault for that was HR's not the investigators.

The allegation about failing to note a DV conviction in a background report did not relate to any of the investigators fired on Feb.22.

Regarding the allegation of racial bias, Banks had specific information about it. This area was a concern of Morales' because the percentage of blacks and women working for MPD was declining.

Regarding the alleged unwillingness to write objective reports, Morales recalls no link from that allegation to any of the PSSIs fired.

As chief, Morales felt that he had to trust his assistant chiefs to provide him with reliable information. He had no reason to believe that Banks was providing him with false information.

Morales did not recall that Inspector Terrance Gordon had any involvement in the process of evaluating the unit.

Morales had a good relationship with Williams but did not see her interact with her subordinates. Morales had no negative information about her.

Morales' August 4 letter referred to his suggestion that MPD fire all of the investigators. Practically, it would not have been possible to fire all of them at once. That was a reference to revamping the unit. New investigators would be hired to replace the old. Morales knew that the PSSIs were retired MPD officers. He hoped to hire retirees from a newer era which would change the culture of the unit.

His letter later stated that he eventually decided to fire only the "main agitators" as identified by Banks. The phrase main agitators may have been a poor choice of words. Morales meant poor employees. Choosing those poor performers was up to Banks. Morales assumes Banks relied on information from Williams to make those selections. Morales recalls that Banks mentioned that Hattie Nichols, one of those fired, had problems with leaving work to go home and not accomplishing much. Complaints about the other six had to do with work performance.

Morales had no knowledge or input about the process used to actually terminate the removed employees. When asked about MPD SOP 870.25 which states that civilian members of MPD facing discharge are entitled to due process including notice of charges and an opportunity to respond in writing to the chief, Morales stated that responsibility for ensuring that any firing comports with MPD procedures lies with his Chief of Staff, Nick DeSiato. Morales said he was aware of this SOP at the time from DeSiato. He would also have expected HR personnel involved to be familiar with the SOP requirements. As Chief, he had to rely on others.

Morales was asked if certain factors had been considered in making the decision to fire these seven individuals. He stated that these factors were generally not considered because he was relying on Banks. The PSSIs' prior history as MPD officers was not necessarily relevant because past performance does not guarantee future performance. Their records as PSSIs were not considered as he relied on Banks so did not check evaluations or statistics on investigations completed. Morales' experience was that evaluations can be unduly favorable. Morales did not consider the lack of documentation of supposed flaws until after the firings.

Morales suggested the PSSIs Braunreiter and Padovano be interviewed. Earlier, they had temporarily worked in the background investigation unit and they had complained that people in that unit did not want to work.

## REPORT OF INTERVIEW OF HATTIE NICHOLS

On August 18, 2020 in a conference room in Milwaukee City Hall, Diana Perez and Mel Johnson interviewed Hattie Nichols regarding an investigation authorized by the Milwaukee Fire and Police Commission into the termination or forced resignation on or about February 22, 2019 of seven Police Services Specialist Investigators (PSSIs) doing background investigations for the Milwaukee Police Department (MPD).

Hattie Nichols is a former MPD officer. She joined the department on October 13, 1975. On December 23, 1990 she was promoted to detective. She retired from the force on November 22, 2000. Her personnel record included no disciplinary violations.

On January 2, 2007 she was hired as a civilian PSSI for MPD. While she performed other functions from time to time, her career as a PSSI was mainly spent doing background investigations. She worked full time which included anything from 32 to 40 hours a week. Nichols was terminated from her position as a PSSI on February 22, 2019.

As a background investigator, Nichols was required to do investigations of applicants for positions with MPD looking into such things as personal background, employment history, traffic record, criminal record, and references. Her employment evaluations throughout her PSSI career were consistently good stating that she was performing her job well.

Nichols recalled that there were approximately 15 to 20 investigators in the background investigators unit. She believes that there was one Hispanic investigator, one black female (her), four black males, one white female, and the rest were white males. Since they were all retired police officers, their age range was 50s to 70s. She felt she had a good relationship with the other investigators and the only problems in the unit related to Arvis Williams, the MPD HR Administrator.

The Lead Investigator for the unit beginning in 2018 was Malcolm Blakley. In Nichols' view, Blakley was the least productive investigator in the unit but was named as Lead Investigator by Williams. Nichols felt that Blakley was Williams' puppet.

In January, 2019, Williams called a meeting of all investigators at which she discussed standards that all investigators had to meet. That was followed by a memo describing those standards in writing dated January 16, 2019 that all investigators were required to sign. Nichols did not feel that the announcement of these standards was aimed at her since she was already doing the things required. She signed the memo without objection or even discussion. Nichols does not recall any of the investigators objecting to any of the standards in the meeting and none of them objected to the notion that the background reports being done had to be objective.

Nichols had not previously worked with Al Morales, who was then MPD Chief, or Williams and had no prior relationship with either. Nichols had known Pam Roberts, Williams' HR Assistant, for years and never had any problems with her. Nichols knew Assistant MPD Chief Ray Banks and recalled that he used to come up to Human Resources to flirt with a female employee who later accused him of sexual harassment.

Williams exercised supervisory authority over the unit. Nichols did not care for Williams' administrative style. Williams was a bully, abrasive and demeaning. Nichols felt that Williams became more difficult after her probationary period as HR BAdministrator ended. Williams was unreasonably tough in critiquing investigator reports. Nichols recounted a couple of encounters

with Williams in group meetings. In one, Williams stopped the meeting to demand that Nichols look at her when she was talking. In another, Williams held up an unidentified report and asked the group if it was a good report. When no one answered, Williams asked that question of Nichols who refused to answer because it wasn't her report. Williams insisted and became quite angry with Nichols for not answering.

Nichols said that others agreed with her and left the unit as a result. They included Katrina Whitley, a payroll administrator whose name Nichols couldn't recall, and Dan Kuhn who resigned because he had character.

Nichols did not hold Roberts responsible for Williams' actions. Blakley ended up in a position where he felt obligated to support Williams' actions but he seemed upset by that and eventually resigned. Blakley gave as many investigations to part-timers as to full-timers. He was unhappy to do that but stated that Williams wanted to get people out of there. Nichols heard that Blakley was so uncomfortable with the situation that he would sometimes vomit before entering the building where they worked.

None of the turmoil caused by Arvis Williams was present in the unit under her predecessor as HR Administrator, Valerie Williams.

Nichols was asked about allegations of problems with the unit included by Chief Morales in an August 4, 2020 letter to the FPC. They included missed criminal records, unresolved factual issues, errors in reports, racial discrimination, laziness, and attendance issues. Nichols acknowledged that mistakes were made as they would be in any line of work but she did not believe that any of those things were significant recurring problems in the unit.

February 22, 2019 was an off day for Nichols. Officers from MPD's Internal Affairs Division came to her house and presented her with papers stating that she could resign or be terminated that day. She asked why but their only response was that she was an at will employee so they did not have to give her a reason. Nichols was given no notice of the reason or any investigation conducted of any alleged violations. She was not told that she was entitled to contest this action with the chief. She was not told that she would forfeit her accrued vacation time if she was terminated. Nichols refused to resign and was terminated that day. The personnel record of Nichols' PSSI career says that she was terminated for "Violation of Department Rules & Procedures" She has no idea of what rule or procedure she may have violated.

When asked to explain why she had been terminated, Nichols could only chalk it up to bullying by Williams. She said, "A bully don't have to have a reason". As for the other six investigators terminated or forced to resign on or about Feb. 22, Nichols could not really say why that happened.

When asked about the statement in Morales' letter to the FPC that he had fired the "main agitators", Nichols stated that she did not consider herself or any of the other six to be agitators. None of them agitated within the unit and two of them, Efrain Herrera and Richard Lesniewski, were two of the quieter investigators.

Neither Banks nor Morales really knew what was happening in the unit. Morales made no attempt to contact the unit to see what the truth was.

Nichols attended a community meeting with Chief Morales on January 27, 2020. She spoke up about what she thought was the wrongful handling of this matter by Arvis Williams.

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Assistant MPD Chief Regina Howard was there and said the matter could not have been handled like Nichols alleged. Howard promised to look into it but never contacted Nichols or returned her calls. FPC Commissioner Robakowski was present at that meeting.

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## REPORT OF INTERVIEW OF SANDRA PONIEWAZ

On August 19, 2020, Diana Perez and Mel Johnson interviewed Sandra Poniewaz in a conference room in Milwaukee City Hall as part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) regarding the termination or resignation on or about February 22, 2019 of seven Police Services Special Investigators (PSSIs) doing background investigations for the Milwaukee Police Department (MPD).

Sandra Poniewaz was appointed as an MPD officer on July 20, 1981. She completed various assignments and was promoted to detective in January of 1995. She resigned from the MPD as a sworn officer on July 21, 2006. Her personnel record listed no disciplinary infractions but she volunteered that she was reprimanded in the late 1990s after her badge was stolen.

On November 16, 2009, Poniewaz was appointed to the civilian position of PSSI. In that position, the majority of her time was spent in the unit that did background investigations on applicants for positions with MPD. She worked part-time. Her evaluations were generally favorable but she admitted that the administration of the unit wanted her to work more hours and establish more of a set schedule. She thought that was fair and didn't object to that.

Poniewaz estimated that there were 17 or 18 background investigators in the unit. They represented an assortment of race, gender, and age. She felt that the investigators got along well. They socialized and cooperated on their work.

However, Poniewaz felt that in her last six months in the unit, relations were negative and uncomfortable with the administration of the unit. Poniewaz got along fine with Lead Investigator Malcolm Blakley but was not comfortable with HR Specialist Pam Roberts, who she regarded as a second guesser who did not respect the investigators.

As for HR Administrator Arvis Williams, Poniewaz regarded her as a tyrant. Williams shouted at the investigators with no regard for decorum. Williams made it clear that she was the boss in a way that deterred others from speaking up in meetings. She seemed to single out Investigator Hattie Nichols in order to humiliate her. Williams also spoke of privatizing background investigations, which would result in all the PSSI investigators losing their jobs.

In January of 2019, Williams held a meeting with the investigators in which she explained her expectations for investigators. Williams followed that with a memo, which all investigators were instructed to sign, which explained those expectations in writing. Poniewaz did not feel that these expectations were aimed at her as she believed she was already meeting them in her work. She saw no problems with them and does not recall any investigators objecting to them because they seemed obvious. Because they were obvious, there was some concern among investigators that they were being announced to set up investigators for discipline.

None of the investigators objected to the notion that their reports had to be objective. The reporting system had been set up to minimize subjectivity. All reports were reviewed by Blakley, Roberts, and sometimes Williams.

Although Poniewaz was a part-time worker, meaning that she was committed to 20 hours a week, she often worked more. There was often a heavy workload for the unit and she wanted to do her share. She was paid at the same hourly rate for the total of hours she worked.

Assistant MPD Chief Ray Banks had authority over the background investigation unit. Poniewaz had never worked with him in her MPD career so had no relationship with him, positive or negative. Banks was not held in high regard by MPD officers and was seen as lazy and not that capable. He did have friends in the unit who may have provided him with information about how things were going in the unit.

Poniewaz had worked with MPD Chief Al Morales in her MPD career. They got along and she had no problems with him. Morales seldom appeared at the unit and it was hard to know how much he knew about their work.

Poniewaz was asked about allegations made by Morales about the unit in a letter he sent to the FPC dated August 4, 2020 which addressed the removal of seven PSSIs from the unit on February 22, 2019. While Poniewaz conceded that members of the unit sometimes had shortcomings, she did not believe that Morales' allegations were true of her or of the unit in general. The problems cited by Morales were not chronic problems for the unit. She found the allegations of racial bias in investigations especially upsetting because she believes that they were baseless.

On February 22, 2019, Poniewaz was in the office. One by one, investigators who were to be terminated were called down to an office in the basement. They would then come back up angry because they had been fired or pressured to resign. When it was her turn, Poniewaz was escorted down by Blakley, who did not stay. Present were Williams, Roberts, and MPD Inspector Terrance Gordon. Williams did the talking. She told Poniewaz that the department was going in a "different direction" but did not explain what that meant. Poniewaz was told she could resign or be terminated that day. She was not told that she would lose all of her accrued vacation time if she was terminated. She did not resign so was terminated on the spot by a termination letter signed by Morales.

Poniewaz received no notice of the charges against her. Her personnel summary as a PSSI states that she was terminated for "Violation of Dept. Rules & Procedures" She has no knowledge of any rules or procedures she violated. She also was never notified of her right to an opportunity to respond to the chief about her termination.

Poniewaz knows Gordon. On her way out of the basement office, Gordon told her that they were only the messengers.

When asked why the seven background investigators (Jeff Watts, Richard Lesniewski, Tom Flock, Hattie Nichols, Efrain Herrera, Jeff Hadrian, and Poniewaz) were terminated or pressured to resign, Poniewaz had no explanation. She worked part-time but worked extra hours when necessary so she didn't think that was a compelling reason to fire her. Investigators sometimes had problems with their work but the investigators worked together to help solve the problems and finish the work. None of those removed were incapable of doing the work.

Poniewaz was asked about the statement in Morales' August 4 letter that he had fired the "main agitators". She was dumbfounded by that since she did not consider any of the seven PSSIs who were removed to be agitators or even people who questioned announced policies.

## REPORT OF INTERVIEW OF PAMELA ROBERTS

On September 1, 2020, in a conference room in Milwaukee City Hall, Diana Perez and Mel Johnson interviewed Pamela Roberts as part of an investigation authorized by the Milwaukee Fire and Police Commission into the removal of seven Police Services Specialist Investigators (PSSIs) who were doing background investigations on applicants for positions with the Milwaukee Police Department (MPD).

Before any questioning, Roberts was advised of the subject matter of the investigation and was advised of her rights and responsibilities in an FPC investigation as an employee of MPD. She was informed that she had an obligation to cooperate with the investigation and provide truthful answers to questions asked of her. However, the answers she gave could not be used against her in a criminal proceeding. She also had a right to appear with a representative of her choice. Roberts stated that she understood and was willing to proceed with the interview.

Roberts has worked for the City of Milwaukee since 1996. She was hired to work for MPD in 1997 and has worked there in various civilian HR positions, with the exception of 1999 through 2004 when she was the city's Safety Director. Then she returned to MPD as a Personnel Officer. She was later promoted to HR Specialist and in March, 2020, she succeeded Arvis Williams as MPD's HR Administrator.

HR Administrator is the highest HR position within MPD and the HR Specialist is the administrator's assistant. The HR Administrator oversees all personnel functions within MPD. That included authority over the PSSIs who did background investigations for MPD. As HR Specialist, Roberts was the direct supervisor of the investigators but then Roberts reported to Williams. In turn, Williams was subordinate to Inspector Terrance Gordon, Assistant Chief Ray Banks, and Chief Al Morales. On some matters, Williams acted on her own authority but she often consulted with those above her in the chain of command and sometimes was directed by them on how to handle some matters. Roberts was only in a position to make recommendations to Williams.

Roberts felt that Williams' administrative style was direct and blunt but Williams meant to try to create a team environment among the PSSI investigators. She did call out their inadequacies but that wasn't necessarily out of place. Roberts was surprised to hear that various PSSIs had criticized Williams for creating a hostile work environment for the investigators. Roberts did not recall Williams requiring part-time investigators being required to do as many investigations as full-timers. Williams did threaten repercussions for those who failed to do what was expected. Roberts did not recall confrontations between Williams and PSSI Hattie Nichols. Williams did sometimes make religious comments at meetings and did seem to want to act on her faith. Roberts did not recall meetings where Williams said only she could speak. Williams did call PSSI Jeff Watts a "pot stirrer" because she felt he talked with people about things that were not his business. Williams initially may not have understood how much time was needed to complete a background investigation but Roberts and the Lead Investigator, who both had more experience in the unit, shared information on that with Williams. Roberts did not recall Williams telling investigators they could not ask questions about drug use. (That question was not allowed for civilian positions with MPD.) She did not recall Williams saying that the investigators that they were disqualifying too many applicants. (They didn't have

such authority.) Roberts did not recall Williams saying that the investigators already had pensions so didn't need the PSSI job.

HR personnel were, in Roberts' view, qualified to review investigators' background reports for completeness and bias. That was part of their HR training. The investigators could learn from the HR reviewers and vice versa.

Seven PSSI's were removed from their jobs on or about February 22, 2019. (Jeff Hadrian, Jeff Watts, Sandra Poniewaz, Tom Flock, Richard Lesniewski, Efrain Herrera, and Hattie Nichols.) That decision was made at some higher level of authority. Roberts guesses that it was decided at the chief's office since only the chief had the authority to terminate any employee.

Roberts did not know of the plan to fire anyone until she came to work on February 22 and it came as a surprise to her. Roberts and Williams had a plan to address the need for improvement within the background investigation unit through progressive discipline for the whole unit. The progressive discipline was meant to identify shortcomings, document them, and come up with improvements to minimize them. If that was successful, there would be no reason to discipline any investigators. They discussed their plan with Banks so he was aware of it.

Herrera had some shortcomings in his completion of background reports. Roberts did not recall telling Herrera in early February of 2019 that he was doing well in his work. She may have told him he was improving. Also, he may have been eligible for a raise at that time based on a favorable evaluation. She recalled that Herrera was given a PD-30 a few days before February 22. A PD-30 is a form identifying particular problems with an employee's work that he should work to correct. Herrera's problems may have related to the completeness and timeliness of his reports. It is an early step in progressive discipline. Roberts would not fire an employee who had received a PD-30 before that employee had had a chance to improve.

Roberts has no knowledge of why the seven PSSI's were removed on February 22 and does not recall ever being told. She assumes they must have had problems.

When asked what those problems may have been for each of the seven she provided the information stated above for Herrera. As for Poniewaz, Roberts believed she had some problems with productivity and attendance. Roberts thought that the problems for Herrera and Poniewaz may have been documented. Nichols was not a good writer and the Lead Investigator had been making corrections in her reports. Williams had counseled Nichols about that. Also, Roberts recalled that Nichols sometimes may have offended people in the office with her jokes but Roberts agreed that that was normally not a reason to fire someone, unless the situation became outlandish.

As for Flock, Lesniewski, Watts, and Hadrian, Roberts was not aware of any problems with their work. Roberts was unaware of any reason which would justify firing any of these seven PSSI's.

Roberts is not aware of the factors considered by whoever made the decision to remove these seven PSSI's. So she does not know if they considered the individuals' history with MPD, their records as PSSI's, their statistics of cases completed in 2018 (Roberts did not necessarily trust the validity of those statistics), or their yearly evaluations.

Roberts was asked about the problems with the unit alleged in a letter to the FPC from former Chief Morales dated August 4, 2020. The individual hired with no background

investigation was a slip up not having anything to do with any background investigator. There were occasional problems with a lack of follow up to resolve factual discrepancies but she didn't think such problems were necessarily associated with any particular investigator. She doesn't understand what Morales meant by littered with errors. Roberts vaguely recalled the applicant with the DV conviction but can't say which investigator was involved and recalls it as an isolated problem. While she noticed some disparities, Roberts is not able to say that the unit had a problem with racial bias and, in any event, she can't associate any such problems with any particular investigator. Roberts rejected the idea that the investigators lacked a desire to work since the unit got a lot of work done. Roberts did recall that Hattie Nichols sometimes left work to care for her sick husband and that Poniewaz did not work as many hours as HR wanted her to. Roberts rejected the idea that there was turmoil on the unit. She did not notice hostility and felt the unit got along well. Finally, Roberts was not aware of any investigators being unwilling to file objective reports.

The investigators wrote background reports. The reports were then reviewed by the Lead Investigator, Roberts, and sometimes Williams and/or Dan Kuhn, a veteran investigator. So, to the degree that there was a deficiency in any given report, the responsibility for that would have to be shared between the investigator and the reviewers.

Morales stated that Morales would have had to depend on information from others about the unit. To the extent that he would have received reports from Williams and her, they would have been positive about the unit.

Likewise, Banks was seldom around the unit, seldom attended meetings, and would not have had an independent basis to evaluate the unit.

Roberts had earlier heard rumors, perhaps from Williams, about firing all the investigators. Williams never told Roberts she was in favor of such a plan. Roberts was unaware of a meeting between Williams, Lead Investigator Malcolm Blakley, and personnel from the City Attorney's Office about firing them all. In any event, such a move would have been unwise since it would have left the unit with no one to do the ongoing work.

Roberts was asked about the statement in Morales' August 4 letter that after he was dissuaded from firing all the investigators, he decided to fire only the "main agitators". That was never discussed with her. She does not understand that. The seven fired were not agitators in her mind.

On February 22, 2019, she and Williams met with the employees present in the building that day. Inspector Gordon and Internal Affairs (IAD) Captain Kavanagh were in the building. Individuals were brought down one by one to a separate room in the basement where she and Williams were waiting. Williams did the talking. Each PSSI to be removed was told they could immediately resign or be terminated that day. They were told they were at will exempt employees and that the department was "moving in a different direction". That phrase was never defined. There was no waiting period. Each employee had to decide what to do on the spot. No one was told that any pay for accrued vacation time would be forfeited upon termination.

Roberts did not talk to any of the investigators being removed. She did not tell Watts that "this wasn't right."

The removed employees were not given any notice of charges against them or that they had a right to have an opportunity to respond to the chief about their removal. When asked

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about MPD SOP 870.25 which seems to grant civilian employees facing discharge a due process right to those things, Roberts thought that those rights were not applicable to at will exempt employees. In any event, to Robert's knowledge, those rights were not discussed with anyone in the chain of command.

IAD officers went to the homes of investigators who were to be removed and gave them the same resign or be terminated choice. The IAD officers had no information about the basis for removal so had no information to impart about the reason.

In March, 2019, Roberts was present at a meeting with Ronda Kohlheim of the City's Fraud Hotline. She is not sure if this SOP was discussed. It was an informal meeting and Kohlheim just asked for background about what had happened.

When asked why these seven PSSIs were terminated or pressured into resigning, Roberts said she did not know. She and Williams felt that the unit was solid. She feels that this all came from Banks. It was not based on any information of which she is aware. Banks made allegations she did not know any basis for. Roberts was especially concerned over this matter because discharge is such a stiff punishment.

## REPORT OF INTERVIEW OF JEFFREY WATTS

On August 18, 2020 in a conference room in Milwaukee City Hall, Mel Johnson and Diana Perez interviewed Jeffrey Watts regarding the termination or resignation of seven Police Services Specialist Investigators (PSSIs) background investigators of the Milwaukee Police Department (MPD) on or about February 22, 2019.

Watts had earlier served as a sworn officer for MPD. He was appointed on August 15, 1977 as a Police Aide and became an officer on November 2, 1980. Watts fulfilled various assignments as an officer, including approximately six months doing background investigations, which were done by police officers at that time. He retired as an officer on February 16, 2006. Watts' police records reflect no disciplinary violations but include a series of awards:

- A meritorious arrest in 1983 for sexual assault, armed robbery, and murder;
- A meritorious arrest in 1984 for burglary;
- A Chief's Superior Achievement Award in 1990;
- A meritorious arrest for theft from person in 1991;
- Meritorious arrests for armed robbery in 1992, 1993, and 1995;
- A meritorious arrest for kidnapping, armed robbery, sexual assault, OAWOC, and substantial battery in 1998.

Watts was appointed as a civilian PSSI in May of 2007. He fulfilled various assignments but spent the bulk of his PSSI career doing background investigations. Watts began as a part-time worker, switched to full-time but then switched back to part-time with the consent of his supervisors. His record as a PSSI includes no disciplinary violations. He resigned effective Feb. 22, 2019.

As a background investigator Watts' duties were to interview the applicant and then follow up to verify information about the applicant's background including employment, references, education, employment, traffic record, and criminal record. He would then assemble all that information into a report that was reviewed by the lead investigator and Assistant HR Director before going to the applicant review committee which made the decision on whether to hire that applicant.

Watts was evaluated on a yearly basis during his PSSI career. His evaluations were consistently favorable, concluding that he was doing a good job. Watts recalled that, in his last evaluation, HR Administrator Arvis Williams told him his investigations were on point.

Watts estimated that the investigators in his unit ranged in age from the 50s to the early 70s. The investigators were paid by the hour. The top pay was about \$21/hour and it would take about 4 to 5 years on the job to get to that level. There were a number of white and black investigators and one Hispanic male, Efrain Herrera. The only female investigators were Hattie Nichols and Sandy Poniewaz.

The atmosphere between investigators was fair to good, without any unusual turmoil. Occasionally, investigators had conflicts over cases but the relationships were professional.

In January of 2019, a meeting was held in which Williams told the investigators that they had to satisfy certain standards. That was followed by a memo from Williams putting those standards in writing which all investigators were required to sign. Although it was unusual to use

a memo like that, Watts saw no reason to object as the standards only stated what everyone already knew about their job obligations. Watts did not believe that these announcements were aimed at him. A few negative comments may have been made at the meeting but Watts recalled them as respectful. To the extent that the announced standards required objective reports, no one objected because they all understood that had always been the proper procedure.

Williams did not like to have part-time investigators. For example, she was not happy with the hours worked by Poniewaz and Tom Flock. At a meeting, Williams announced that part-time investigators had to do as many investigations as full-time investigators or face consequences including possible termination. Watts asked her if it would be possible to get some help to accomplish that but Williams said no. Regardless, Watts was able to accomplish that goal before he was forced out of the office.

Watts had not worked with or had any prior relationship with MPD Chief Al Morales, Williams, or Pam Roberts who was Williams' HR assistant. Watts had worked with Assistant Chief Ray Banks at District 5 but had no other relationship with him.

Watts did not like Williams' administrative style. He described her as hostile, toxic, harsh, unreasonable, and unfair. Williams talked down to people and in meetings told others that only she would be allowed to speak. She bullied the office assistants. Williams backed her statements with references to God or the Bible which offended Watts and others.

When Watts questioned Williams' directive that investigators had to complete 5 cases in 4 weeks, because each case normally took anywhere from 40 to 60 hours to finish, Williams told Watts that his objection did not compute to a civilian supervisor.

Watts also recalled that Williams would bring her granddaughter into the office on snow days when school was closed, but she expected everybody else to follow the rules.

Once, Watts spoke to an unhappy police aide in the background investigation unit and advised her who she could talk to if she wanted to transfer. Williams was angry over that and called Watts a "pot stirrer" because he had given this young woman advice.

Watts was asked about allegations made by then Chief Morales about the investigators in an August 4, 2020 letter submitted to the FPC. Watts recalled one report by a Robert Simons that caused a controversy about whether a prior conviction by the applicant prohibited him from possessing a firearm but that was a good faith dispute and was not typical. Watts could only recall one report of his that caused disagreement. That was over a small discrepancy regarding an applicant's statement. Watts did not believe that the problems alleged in Morales' letter represented significant or chronic problems for the unit. That included the allegations about errors in reports, racial bias, attendance, and laziness.

Feb. 22, 2019 was an off day for Watts but he was in the office to finalize a report. He received an email instructing him to see Williams in the basement. He went down there. Williams and Roberts were down there but Williams said that she alone would speak. Williams presented him with a resignation letter and told him to sign it or he would be terminated. She said that the department was "going in a different direction" but did not explain what that meant. Watts asked her if this was performance related but she only repeated that they were going in a different direction.

Watts was given no notice of any violation or basis for his removal. He received no advice that he had the right to contact the chief to object to his removal. Watts signed the

resignation letter but felt forced to resign. He had not been considering leaving his job. When he left Williams asked him not to discuss his removal with his colleagues. On the way out, Roberts whispered to him that what happened wasn't right.

Watts was aware of other background investigators who had disciplinary problems but were transferred out of the unit and then back into it, but not fired or forced to resign. So, he asked Williams if he could transfer. She told him that was not an option for him.

When asked why he was chosen for removal, Watts did not really know. Lead Investigator Malcolm Blakley later told him that Banks, who is black, and two black investigators, Jeff Hoover and Tony Hendrix, had met and decided that the unit needed to remove a black investigator (Watts is black) in order to avoid discrimination claims by white investigators who were removed.

Watts was asked to comment on Morales' allegation in his letter that he'd agreed to fire the "main agitators". While Watts stated that he sometimes spoke up when he thought something wrong was happening, he denied that he was an "agitator". As for the other six investigators removed along with him on Feb. 22 (Hadrian, Lesniewski, Poniewaz, Flock, Nichols, and Herrera) Watts stated that they were not agitators, as individuals or as a group. Watts stated that they were all solid workers.



## REPORT OF INTERVIEW OF ARVIS WILLIAMS

On September 17, 2020, Mel Johnson and Diana Perez interviewed Arvis Williams in the office of her attorney, Walter Kelly, who was present during the interview. The interview was part of an investigation authorized by the Milwaukee Fire and Police Commission (FPC) into the removal, on or about February 22, 2019, of seven Police Services Specialist Investigators (PSSIs) doing background investigations on applicants for positions with the Milwaukee Police Department (MPD). Ms. Perez was unable to be physically present but participated by Face Time and conference call.

Arvis Williams has worked in Human Resources (HR) positions with the City of Milwaukee since 2010. That year she began work as a HR Representative with the Milwaukee Department of Public Works. In 2015, she transferred to a position as HR Officer with the City Library. On April 9, 2017 she took over as HR Administrator for MPD, which was the top HR position for that department. She began that job under then MPD Chief Edward Flynn. In that position, Williams oversaw the HR Division which was part of the Administrative Bureau. The HR Division included background investigations, payroll, medical, and administration. Each of those units had its own manager. HR Specialist Pam Roberts was manager for the background investigation unit.

On March 9, 2020, Williams left MPD to take the position of Staffing Services Manager for the FPC. In that position she is responsible for recruitment and testing for entry level positions with MPD and the Milwaukee Fire Department, as well as promotions. She is presently on medical leave from this position due to workplace stress.

Before becoming MPD HR Administrator, Williams had no experience with background investigations. However, she sometimes reviewed such reports in that position and felt qualified to review those reports substantively. She felt competent to identify discrepancies, gaps, and inconsistencies, and seek clarification of those matters.

The process of reviewing those reports was looser under Chief Flynn but tightened under his successor, Alfonso Morales. Before Williams did any review, background reports were reviewed by the lead investigator, Roberts, and the Applicant Review Committee (ARC). Williams would then refer the report on to Assistant Chief for the Administrative Bureau Ray Banks or Inspector Terrance Gordon who worked for Banks. In this process, Williams tried to push for improved documentation on sources of information.

Williams described her administrative style as approachable. She tried to clarify expectations for the employees under her. She had an open door and tried to be supportive while building a team atmosphere. She tried to take responsibility on issues.

When told that others from the background investigations unit described her negatively as tyrannical or bullying, fostering a hostile working environment, Williams felt there was no truth to that and did not know why anyone would say that. She would often talk privately with members of the unit. She provided copies of cards she had received from members of the unit complimenting her on her work. The unit was entirely composed of retired police officers and almost all of them were male and there may have been some resentment of her female civilian leadership.

Chief Morales had no independent basis to know what was happening in the unit. Williams only recalled two times that he had appeared there. One was shortly after he became

chief in early 2018 when he spoke to the unit about his vision for the department. The second was after the Feb. 22 firings when he spoke to the unit with Banks to explain their vision for the unit. Williams believed that Morales' information about the unit came from Banks, to whom Williams reported. It was Banks' role to communicate with the chief on matters within his bureau.

Williams knew that Banks had long experience with MPD so was familiar with the background investigation function. He had served on the ARC. However, Banks was seldom around the unit. Williams provided him with information about the unit and they sometimes reviewed background reports together.

There were approximately 22 or 23 investigators in the unit. When they were especially busy they would occasionally pull in PSSIs from other units to help. Williams generally had no major concerns about the quality of the background investigations. While she had some concerns over some of the investigators, she felt that the unit was doing a generally good job. She was supportive of the investigators in the face of high expectations for the unit. They would meet over problems and sometimes deadlines to complete investigations could be changed.

Williams did not set those deadlines. The FPC did, on the basis of scheduling classes for new hires. Then she would establish timelines to get the reports done on time. The unit was generally successful in completing the work on time but that often required a boatload of overtime. When she transferred to the FPC, Williams hoped that she could help to set more reasonable deadlines.

Roberts agreed with Williams' assessment of the unit. Roberts prepared evaluations of the investigators and Williams would review those and sign off.

Williams would communicate her favorable opinions of the unit to Banks, and sometimes to Morales. Unless there was a major issue, she was less likely to communicate negative observations to Banks. She would try to work out problems within the unit. She believed that that made her look better.

Williams was asked for her reaction to allegations about the unit made in a letter dated August 4, 2020 from then Chief Morales to the FPC.

- The person without a background investigation was Deb Centeno, hired as an Administrative Assistant to Chief Morales. Somehow, the background was missed completely. The fault was the HR department's, not any investigator. Centeno's case was very exceptional.
- Gaps in information in the reports did happen but they were generally caught by the review process. Some investigators were more careful than others but mistakes were generally caught in the review process. These mistakes were occasional, not frequent.
- Errors in reports were not a chronic problem but would be noted by the lead investigator.
- Williams found it hard to accept Morales' allegation about the case involving the domestic violence conviction. Such a case would be a "not recommend" after the review process, which would normally prevent hiring. The ARC should have picked this up. There may have been a case of this nature investigated by PSSI Tony Hendrix but this sort of thing would have been a real exception, not a chronic problem.

- As for the allegation that certain investigators were racially biased in conducting investigations, Williams, who is black, did not see any indication of that.
- Morales alleged that investigators did not desire to work. Williams felt that a few investigators did not work as hard as others but that allegation was not true of the whole group. They worked under time pressure which ramped up over time. Part-timers sometimes had to work longer hours, with a boatload of overtime, but nobody was forced to work if they could not. For example, Tom Flock had family responsibilities to care for his mother-in-law. Sandy Poniewaz and Efrain Herrera were not eager to work overtime but did when necessary. Williams did not think the unit did not want to work. They were a hard working group.
- The investigator leaving work early to care for a family member was, according to what Roberts reported to Williams, Hattie Nichols. Williams offered Nichols FMLA leave for this purpose but Nichols refused. This problem would occasionally flare up.
- Williams was not familiar with the sporadic attendance allegation but thought it might relate to Poniewaz who would ebb and flow in maintaining a predictable schedule.
- The need for objective reports was emphasized by Banks, who understood how retired cops wrote. Sometimes during the review process Williams would notice subjective statements in reports, which she would refer to as spin or creative writing. She would talk with the investigators involved to correct that. Williams did not believe that this was a problem for any of the seven PSSIs removed on Feb. 22.

Banks had suggested to Williams that they fire all of the investigators. She never discussed that with Morales. That was not a practical suggestion. Williams attended a meeting at the Police Administration Building in late 2018 or early 2019 to discuss the idea. Present were Roberts, Lead Investigator Malcolm Blakley, Banks, Nick DeSiato (the Chief's Chief of Staff), and Assistant Chief Regina Howard. No one from the City Attorney's Office was present. Banks proposed firing all the investigators but it was a busy time for the unit, there was no documentation to support such a step, and no one at the meeting agreed with Banks.

Instead, they agreed on a series of steps. Step one was a meeting with the investigators in January, 2019 to explain expectations followed by a memo spelling those expectations out in writing. Step two was to meet with each investigator individually to discuss any issues. Step three was to implement a performance improvement plan (PIP) to work on ongoing problems. Step four was to fire any PSSIs who had not made sufficient progress. Williams denied that she and Roberts had developed a plan for progressive discipline.

A few days before the Feb. 22 firings, Efrain Herrera, one of the investigators terminated, was given a PD-30 which detailed a shortcoming of his and directed him to work on improving in that regard. Williams was not sure but thinks that Herrera had missed something important in a report. It made no sense to fire someone a few days after giving that person a PD-30 directive to improve but, when she gave it to him, Williams did not know that Herrera would soon be fired.

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Williams had communicated with Deputy City Attorney Miriam Horwitz about possible firings. Horwitz sent Williams an email that emphasized the importance of documenting the basis for any firing.

Williams was asked for her view of the performance of the seven investigators removed on Feb. 22.

- Richard Lesniewski did a lot of support work for other investigators which was of value to the office. A letter Williams later sent to him in response to a request for records stated that the records contained no evidence of poor performance by him.
- Sandy Poniewaz needed to improve the thoroughness and accuracy of her reports.
- Jeff Watts had no problems with his work but Williams thought that he should not get involved, as he tended to, in the personnel issues of others.
- Jeff Hadrian's reports needed to be double checked and he seemed to have a negative attitude about the department, especially Chief Morales.
- Tom Flock produced good and thorough reports.
- Hattie Nichols produced a high number of reports but needed to improve her writing.
- Efrain "Frank" Herrera had more problems than any other investigator in the unit.

The problems of these PSSIs could all have been talked through and Williams would not have fired any of them.

Morales' August 4 letter stated that he eventually decided to fire the "main agitators". It is not clear to Williams what Morales meant by that. She would not describe any of the people removed as agitators.

Banks told her that Morales wanted people fired. Banks directed that Williams, Roberts, and Blakley pick out people who were low performers or were problems. They picked the seven removed shortly thereafter. They knew that the intention was to fire these seven PSSIs. Williams told Banks that they could not be fired because the unit needed to stick to the four-point improvement plan she had developed. Obviously, she was overruled.

The process used on Feb. 22 to remove these seven people was determined by Williams. She decided that the employees to be removed would be told in the basement of their building to avoid the embarrassment of being fired in front of their colleagues. The PSSIs to be removed were brought down to the basement one by one where Williams and Roberts were waiting. Each person was told that they had a choice of resigning immediately by signing a resignation form or being terminated that day. They were told that the department was "going in a different direction". That was not defined and Williams admitted that that was just something to say.

Williams was asked about MPD SOP 870.25 which states that civilian employees (like PSSIs) facing discharge had due process rights to notice of the charges against them and to respond to the Chief through a departmental memo. None of the people removed were told of those rights. Williams stated that SOP was not considered or discussed in this situation. She had never relied on it before and the only consideration was that the people being removed were exempt at will employees.

Williams was asked why she thought that these seven were removed when everyone involved in the chain of command above them, at least below Chief Morales, thought they should not go. She said she couldn't explain it. Banks told her that Morales wanted people to go

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so they had to pick somebody. Banks was convinced that the unit had problems but Williams told him he saw things that she did not.

Williams was asked if an opinion was ever sought from the City's Ethics Board on this matter. She said no, although she and others had met with someone from the City's Fraud Hotline about it.

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## ENCLOSED DOCUMENTS- TABLE OF CONTENTS

Enclosed are various documents which are significant to the investigation of the removal of seven PSSIs by MPD on or about February 22, 2019. The pages are numbered.

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# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 870 – SUSPENSIONS / OFFICIAL DISCIPLINE

**GENERAL ORDER:** 2017-25  
**ISSUED:** April 25, 2017

**EFFECTIVE:** April 25, 2017

**REVIEWED/APPROVED BY:**  
Assistant Chief Carianne Yerkes  
**DATE:** April 6, 2017

**ACTION:** Amends General Order 2014-106 (July 30, 2014)

**WILEAG STANDARD(S):** 4.2.1, 4.2.2, 4.2.3, 4.2.4

#### 870.00 PURPOSE

The purpose of this standard operating procedure is to provide procedures and guidelines pertaining to suspensions and official discipline regarding department members.

#### 870.05 POLICY

It is the policy of the Milwaukee Police Department that any suspension or discipline administered to an employee shall be based on fairness and complies with all standard operating procedures, the Code of Conduct and Wisconsin state statutes.

#### 870.10 FORMAL DISCIPLINE (WILEAG 4.2.1)

##### A. CRITERIA

Formal discipline may be used to correct employee behavior that has not been corrected by counseling or was a more serious violation of a standard operating procedure or Code of Conduct.

##### B. TYPES OF DISCIPLINE

1. District level written reprimand.
2. Official reprimand.
3. Suspension without pay.
4. Demotion.
5. Termination.

##### C. RECOGNITION OF EMPLOYMENT RIGHTS AND PROCEDURAL SAFEGUARDS

1. The department recognizes employee rights as afforded by the federal and state constitution, Wis. Stat. § 164, state law, case law and contractual language.
2. All supervisors shall adhere to all applicable employee rights when conducting internal investigations. The chief of police shall also abide by all applicable

employee rights while imposing discipline.  
(WILEAG 4.2.1.2, 4.2.1.3)

**870.15 SUSPENSION PROCEDURES (WILEAG 4.2.1, 4.2.2)**

**A. SUSPENSION AUTHORITY**

1. A captain of police or higher rank may suspend a department member from duty for any violation of department standard operating procedures and/or Code of Conduct. A lieutenant assigned to the Internal Affairs Division shall have the same authority for purposes of suspension. Only the Chief of Police may suspend a department member holding the rank of captain or above.
2. A suspended department member shall not be restored to duty while the investigation or hearing of the charges is pending, except as directed by the Chief of Police or designee.

**B. NOTIFICATION AND TEMPORARY SUSPENSION OF MEMBER REPORT (PD-41E)**

1. The supervisory officer who suspended the member shall notify the Internal Affairs Division (IAD) as soon as practicable. The supervisory officer shall also submit a *Temporary Suspension of Member Report* (form PD-41E) to IAD.
2. Whenever a supervisory officer suspends any department member assigned to a different work location, the supervisory officer shall promptly notify the commanding officer of the suspended member as well as the assistant chief or inspector of police.

**C. EQUIPMENT**

1. Any department member under suspension shall immediately surrender the following items of department-issued equipment, if applicable, to the suspending supervisory officer or designee. The surrendered equipment shall be retained in a secure place at the member's assigned work location and returned to the member by their commanding officer or designee upon returning to duty. The equipment shall not be inventoried. In extraordinary cases, the equipment may be stored at another work location as determined by the Chief of Police or designee.
  - a. Handgun;
  - b. Regulation/second metal badge;
  - c. Cap shield;
  - d. Identification card;
  - e. Call box key (if applicable);
  - f. Oleoresin capsicum;

- g. Expandable and long baton;
  - h. Handcuffs;
  - i. Police radio;
  - j. Body armor.
2. If only the member's police powers are suspended, the member may retain their identification card and call box key, if applicable.
  3. Police members shall not wear their uniforms during any period of suspension.

#### D. REPORTING TO COMMANDING OFFICER

Any department member whose suspension with pay exceeds seven (7) consecutive calendar days shall report to their commanding officer, or shift commander if the commanding officer is unavailable, on at least a weekly basis (or more often as determined necessary by the commanding officer) during the member's normal duty hours. Such meetings allow for the service of departmental correspondence and the exchange of any other information that may be important for the member during an extended period of leave.

#### E. MEMBER RESPONSIBILITIES

1. Department members who are suspended or discharged pending appeal shall conform to and abide by department standard operating procedures and/or Code of Conduct. Failure to comply with department standard operating procedures and/or Code of Conduct during the period of suspension or discharge pending appeal shall subject the member to additional charges of misconduct.
2. Police members who are suspended or discharged pending appeal are relieved of the responsibility to perform those tasks requiring the exercise of official police power. Such police members are not deemed to be peace officers and shall not go armed with a concealed or dangerous weapon (as defined by state statutes), in an official capacity.  
(WILEAG 4.2.1.2)

### **870.20 FORMAL DISCIPLINARY CHARGES (WILEAG 4.2.1; 4.2.2)**

#### A. AUTHORIZATION

Formal disciplinary charges may be preferred with the approval of the Chief of Police against any department member for any violation of the department standard operating procedures and/or Code of Conduct. Only a command officer assigned to the Internal Affairs Division may prefer formal disciplinary charges.

**B. CHARGE SPECIFICATION**

1. A charge specification is a statement of facts which constitute the offense charged. Charge specifications shall contain clear and concise language, shall state the name and rank of the accused, and the time and place of the alleged offense.
2. Charge specifications shall be prepared and signed by a commanding officer of the Internal Affairs Division.

**C. NOTIFICATION LETTER**

If formal disciplinary charges are preferred against a department member, either sworn or civilian, the Internal Affairs Division shall personally serve the notification letter on the accused member along with a copy of the formal disciplinary charges and a copy of the investigating supervisor's summary of the investigation. This notification letter shall provide an opportunity for the accused department member to file a *Department Memorandum* (form PM-9E) to the Chief of Police explaining the member's conduct. A copy of the notification letter, formal disciplinary charges and the investigating supervisor's summary of the investigation shall also be sent to the accused member's labor organization, if applicable, via U.S. mail, which may be certified.

**D. DEPARTMENT MEMORANDUM (PM-9E) REPORT SUBMITTED BY MEMBER**

1. The accused department member may consult with a representative of their choice in the preparation of the *Department Memorandum* (form PM-9E). If the department member chooses to submit this report, it must be received by the Internal Affairs Division no later than 4:00 p.m. on or before the 7th day following the date the member received the notification letter. If the 7th day falls on a weekend or a holiday, this report may be submitted on the next regular business day.
2. The department member's *Department Memorandum* (form PM-9E) may include a statement of the accused member's side of the story, including any mitigating factors or circumstances, and the name, address, telephone number, and nature of information possessed by any additional witnesses whom the member wishes department investigators to interview.
3. The Chief of Police shall consider the accused member's *Department Memorandum* (form PM-9E) before making any decision regarding guilt or innocence or imposition of discipline. If the department member chooses not to provide a report, the Chief of Police shall base his/her disciplinary decisions solely upon the information possessed by the department.

**Note:** Nothing contained herein shall preclude the Chief of Police from requiring a written statement if deemed necessary.

**E. DISPOSITION**

Charges preferred against any department member shall be heard and disposed of

directly by the Chief of Police.  
(WILEAG 4.2.1.2)

**870.25 CIVILIAN MEMBERS FACING POSSIBLE DISCHARGE (WILEAG 4.2.1)**

Civilian members facing possible discharge shall follow a due process procedure including notice of charges and an opportunity to respond in writing in the form the *Department Memorandum* (form PM-9E) to the Chief of Police.  
(WILEAG 4.2.1.2)

**870.30 NO FORMAL CHARGES BROUGHT**

When no charges result against a member from an investigation, the Internal Affairs Division shall so inform the member as soon as practicable, or within 120 consecutive calendar days. The member shall also be informed that if new information on the matter subsequently comes to the attention of the department, the department may still bring charges against the member. If a new investigation is authorized based on new information, the member shall be notified of this fact by the Internal Affairs Division as soon as practicable. Nothing herein shall limit or otherwise impair the department's right to conduct a criminal investigation without notice to a department member except as it may be required under applicable law. Notifications under this section shall be made by the Internal Affairs Division.

**870.35 OFFICIAL DISCIPLINE FORM (PD-40)**

An *Official Discipline Form* (form PD-40) shall be used in all cases when a department member receives official discipline, other than a PD-30E, or discharge as the result of a department order.

**870.40 OFFICIAL DISCIPLINE PROCEDURES (WILEAG 4.2.1, 4.2.2, 4.2.3, 4.2.4)**

**A. INTERNAL AFFAIRS DIVISION RESPONSIBILITIES**

The Internal Affairs Division shall:

1. Distribute the PD-40.
2. Complete the top portion of the PD-40 and deliver the PD-40 to the commanding officer of the member receiving official discipline.
3. Retain the original PD-40 after completion by the member's commanding officer.

**B. COMMANDING OFFICER'S RESPONSIBILITIES**

1. Upon receipt of the PD-40, the commanding officer of the member involved shall in a timely manner:
  - a. Provide a copy of the PD-40 to the member.

- b. Ensure the member understands the specific infraction of the department's standard operating procedures and/or Code of Conduct that was committed to include the reason, scope and effective date of discipline.  
(WILEAG 4.2.3.1)
- c. Advise the member of his/her appeal and/or hearing rights.  
(WILEAG 4.2.3.2)
- d. Explain to the member the principles of progressive discipline and that any future incident(s), whether related to the current incident or not, may result in a more severe penalty.
- e. Require the member to read those sections of department standard operating procedures and/or Code of Conduct that apply.
- f. Sign and date the PD-40 and return the original to the commanding officer of the Internal Affairs Division.

2. Notify the Human Resources Division that the above was accomplished.

#### C. PD-40 RETENTION

The original PD-40 shall be retained at the Internal Affairs Division, and a copy shall be retained in the member's personnel file at the respective work location according to the current record retention schedule.

#### **870.45 NON-DISCIPLINARY CORRECTIVE ACTION**

- A. The purpose of non-disciplinary corrective action is to resolve a conduct problem or proactively address an area of concern regarding a member's conduct by providing guidance in a timely manner. The employee does not experience any loss of rights, remuneration, or benefits. Providing non-disciplinary corrective action does not preclude the rights of the department to initiate an internal investigation into the same conduct. When an officer or employee repeatedly violates the same component of the Code of Conduct, Standard Operating Procedures, Standard Operating Instructions or training, the minor violation/infraction may not be resolved through non-disciplinary corrective action. In such circumstances, formal investigation is recommended.
- B. Supervisors may contact the Internal Affairs Division to determine if the action should result in non-disciplinary corrective action or a formal investigation.
- C. Non-disciplinary corrective action may include:

1. Counseling

Counseling is a non-punitive component of the MPD disciplinary process intended to correct minor acts of employee misconduct and/or address potential concerns. Counseling affords supervisors the opportunity to proactively discuss improvement

strategies with the employee in relation to work performance deficiencies, minor acts of misconduct and/or personal matters. Supervisors shall document the counseling on a *Department Memorandum* (form PM-9E), in the AIM system if the conduct relates to a specific reported incident (use of force, pursuit, squad accident), or in their official memorandum book.

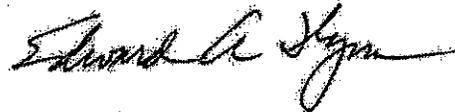
- a. In circumstances where a supervisor elects to document the counseling in their official memorandum book, they shall be prepared to attest to those circumstances at a later date.

## 2. Policy Review

Policy review is a non-punitive component of the MPD disciplinary process intended to correct minor violations of the Code of Conduct, Standard Operating Procedures or Standard Operating Instructions. Supervisors will conduct a policy review related to the violation, instructing the member to read and acknowledge the specific policy they violated. Supervisors shall document the policy review on a *Department Memorandum* (form PM-9E) or in the AIM system if the conduct relates to a specific reported incident (use of force, pursuit, squad accident).

## 3. Remedial Training

Remedial training is intended to correct or improve deficiencies in performance. Remedial training is not discipline and shall not be presented as such. It is intended to improve members' abilities and confidence in the performance of their duties. See SOP 082.15 (Training and Career Development) for further information regarding remedial training.



EDWARD A. FLYNN  
CHIEF OF POLICE

EAF:mfk



Count of Incident number by Investigator and Position Applied for Closed in 2018

Count of Incident number	Applying For	Director of Planning	Emer. Veh Equip Instal	EmergencyCommOper2	FireCadet	Firefighter	IT Support	Specialist Senior	Office Assistant	Police Aide	Police Dispatcher	Police Officer	(blank)	Grand Total
Employee Assigned To	Crime Analyst	1		4						5		18		28
BLAKLEY, MALCOLM D												7		7
BRAUNREITER, MICHAEL												1		1
DAWSON, ANDREA D												23		23
DE BRASKA JR, BARRY J												6		6
DEVALKENAERE, JAMES D												12		12
FLOCK, THOMAS												13		13
GAETHE, WILLIAM M												24		24
HADRIAN, JEFFERY S												2		2
HENDRIX, FRANK M												14		14
HENDRIX, TONY L												17		17
HERRERA, EFRAIN												16		16
HOOVER, JEFFERY L												9		9
JACKSON, GREGORY												2		2
JONES, FREDERICK												14		14
KUHN, DANIEL J												9		9
KUROWSKI, MICHAEL J												17		17
LESNIEWSKI, RICHARD F												16		16
MARLOCK, DENNIS M												2		2
NICHOLS, HATTIE M												11		11
OTZELBERGER, BRIAN G												15		15
PONIEWAZ, SANDRA J												2		2
SIMONS, ROBERT G												18		18
SUTTER, KURT J												17		17
ULICKEY, CHESTER R												4		4
WATTS, JEFFREYA												9		9
Grand Total		1	2	44	1	21	2	21	61	4	1	273	1	433









**August 4, 2020**

## **Termination of 5 Background Investigators**

**Milwaukee Police Department**  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

**Alfonso Morales**  
Chief of Police

(414) 933-4444

In 2018, when Assistant Chief Banks was newly appointed to his position (AC Administration Bureau), he, AC BANKS, called a meeting of all Background Investigators assigned to Human Resources. Also in attendance at the meeting were Inspector Terrance Gordon and the Human Resources Manager Arvis Williams. During that meeting, Assistant Chief BANKS expressed to the background investigators his concern about the way backgrounds had been completed in the past and he made it clear that he would be changing things now that he had the power and position to do so. Specifically, he addressed the subjective nature of background investigation reports and his desire to shift to reports that were strictly objective.

Assistant Chief Raymond Banks' role as AC of the Administration Bureau required him or Inspector Gordon (the Deputy Commander of the Administration Bureau) to review backgrounds that were either going to be Applicant Review Committee non-recommends or Chief's objections. It was during this process that AC Banks noticed that background investigations submitted to him for review contained a host of errors and/or omissions to include the following:

- Individual hired and no background was completed. It was "lost" in the shuffle. Review of the individual's background revealed criminal offenses and omissions. The employee resigned.
- Gaps contained in information provided on numerous backgrounds (e.g. employer stating employee was terminated and employee stating he/she resigned and had no work issues and numerous criminal issues listed and verified via criminal records but applicant provided a version contrary to reports). No additional work was completed to verify the information or discrepancy provided by the applicant. This occurred with several backgrounds that were subsequently returned to HR for correction.
- Background investigation reports littered with errors
- An applicant with a DV conviction passed through the background process and was an active police recruit in the academy. The applicant was not legally able to possess a firearm due to his DV conviction. Hence, the applicant should have been an automatic disqualification. The chief discharged the applicant.



In addition, investigators (PSSI's) assigned to Backgrounds complained to Assistant Chief Banks that other investigators were unfairly disqualifying African Americans for various issues to include the following:

- Drug use
- Omitting items on the PHQ

Caucasian applicants were allegedly openly advised and coached on how to respond to questions regarding drug use and omissions on the PHQ by other PSSIs.

An investigation was conducted regarding a specific allegation where the whistleblower indicated he had proof that the incident occurred. A member was transferred (at the direction of AC Banks) and another member resigned. This created turmoil and a racial divide in the unit.

During this period of time, Assistant Chief Banks, while attending the executive briefing, would share a host of complaints to include:

- Background Investigators lack of desire to work (other background investigators complained)
- A PSSI disappearing from work to care for a sick family member during duty hours (this PSSI's reports were always late, incomplete and other investigators completed the PSSI's work)
- A PSSI showing up to work sporadically when there were clear deadlines for completion of work
- Disparate treatment of minorities and the inner turmoil of the unit
- Unwillingness to abide by his directive to file purely objective reports

Assistant Chief Banks was directed to ensure that all employees were advised of the expectation to perform their duties. He was also advised to cease talking about personnel matters for which he decidedly took no action to remedy. Assistant Chief Banks was directed to handle his area of command and take the appropriate executive action to fix the personnel issues.

Shortly after being directed to solve the personnel issues in Backgrounds, AC Banks again complained that the investigators were still having several issues with work product and internal strife. I made the determination that all of the investigators should all be relieved of their duties; however, after additional conversation with AC Banks, I agreed to discharge the main agitators as identified by AC Banks.

To be clear, there were five investigators who were terminated and two resigned.

It should be noted, that under FPC rules and definitions, PSSIs are exempt employees who have no appeal or trial rights (please see the attached documents). The issue is a personnel matter which was investigated by the City's Ethics Commission.



ALFONSO MORALES  
CHIEF OF POLICE



Honorable Commissioners:

I am writing this communication to address the sub-committee inquiry into the firing of the PSSI civilian background investigators. I watched the meeting (July 28, 2020) and there is background that I can share, which should provide context and perhaps address some of your questions. I am also available to come before you in person if you desire.

I was the captain over the Office of Community Outreach and Education from February 2016 – February 2018, during which time I worked closely with Clifton Crump, Fire and Police Commission Operation Manager; we worked to improve minority recruiting and address the higher background failure rate of minorities applying for the Milwaukee Police and Fire Departments. I was a member of the Applicant Review Committee (ARC) and I recognized built in systemic discriminatory issues, that needed to be addressed. Clifton and I hosted numerous recruiting events and organized meetings with community stake holders to discuss the community's overwhelming request that both departments more accurately reflect the community being served. Marynell Regan was informed and aware of our efforts, which was focused on enhancing collaboration and transparency between the departments and community.

Upon being first appointed to Acting Assistant Chief and later promoted into the position, I immediately continued my quest to recruit more minorities from the Milwaukee Community. I was the Assistant Chief over the Administration Bureau, which included the Human Resource division and the Training Bureau. I immediately continued to address my concerns regarding our (MPD) hiring practice which was now under my command.

The recruit classes continued to have low percentage rates of minority participants, that didn't come close to mirroring the percentage of minorities that applied for the MPD or the percentage of minorities in the City of Milwaukee. I began my inquiry with the hiring process, which was the application. As a member of the Applicant Review Committee, I was familiar with the hiring and evaluation process. Applicants are assessed points for negative behaviors (e.g. traffic violations, credit, employment, etc.) and if an applicant reaches the maximum points allowed, they are disqualified (DQ). I identified a systemic problem with points added for traffic violations; essentially, applicants were being assessed points for moving violations that are considered equipment violation by state statute. For example, if an applicant received citations for speeding, expired registration, broken tail lamp, cracked windshield, and seat belt violation, it would constitute (5) moving violations, when in fact (4) of them are considered equipment violations by state statute. I recall earlier in my career receiving a call from a now retired Inspector of Police regarding an officer assigned to me. The Inspector advised me that the Municipal Court Judges were complaining about the number of tickets being issued to a single individual by the same officer. The judges advised that the officer either stop issuing so many tickets to one person or they would dismiss any citation he wrote. This practice by the officer is known as "piling on" and the recipients were mainly minorities living in the inner city of Milwaukee. This practice was addressed by the previous administration and supervisors were dismissing tickets that appeared to be "piling on". Another example relates to marijuana use. Applicants that admitted to marijuana usage within the last (2) years of application were automatically DQ. However, applicants who lied or were given a "heads up" were not DQ based on marijuana use, resulting in the honest applicants (minorities) being penalized (i.e. DQ).

I met with Deputy City Attorney Miriam Horwitz to discuss the aforementioned application process. Miriam agreed with me that equipment violations should not be considered moving violations, at which time that practice was immediately adjusted with the ARC committee. We started to discuss the marijuana question and the resulting outcomes. I advised Miriam that marijuana is legal in many states now and that we have a drug screening process at the start of employment, the end of probation and randomly, that will capture negative behavior of this nature. I then suggested that we allow for a yes answer to the marijuana question and instead of an automatic DQ, score it as negative behavior in the ARC committee. Deputy City Attorney Miriam agreed with this suggestion and the necessary adjustments were made with the ARC committee.

The psychological evaluation was the next issue that appeared to have systemic racial biases with police applicants, as there were a large percentage of minorities failing the psychological exam without the benefit of an appeal. An African American female who held a B.A. in Criminal Justice and worked as a Corrections Officer at the House of Correction applied for MPD. The applicant was given strong references from her superiors, scored well on the written exam, but was disqualified in her psychological exam. The applicant had no history of mental health challenges. The applicant applied again (2) years later and passed, and has been an outstanding MPD officer. I came before you all regarding my concern with this process and requested an appeal process. Our discussion did not yield any finalities; however, it was decided that a proposal would go out for a new Psychologist to administer the evaluations.

Finally, I would like to address the systemic issues in the Human Resource Division, which were in place long before the current administration took over. Arvis Williams did an outstanding job as the HR Administrator and was frequently carrying out directives coming from her superiors. During my review of the background investigators reports it was apparent to me and others, as to whether the background investigator supported the applicant joining MPD or felt the applicant was not a good fit. The investigators position was subjective and obvious based on how the report was written and what background information was included in the report. My preference was to move from subjective writing to objective (i.e. stick to the facts, and remove subjectivity with respect to what is highlighted and what is downplayed in the report). In addition, on several occasions following my review of the investigators reports, I had to send reports back, as information was missing. Furthermore, I was consistently receiving feedback from whistleblower's with first-hand knowledge of the work environment, as well as operations regarding what they (the whistleblower's) perceived as despaired treatment between people of color and white applicants. I was advised that there were employees attempting to create a hostile work environment by actively resisting the changes being made and attempting to negatively impact the moral of others. There was an applicant that was convicted of a domestic violence related offense, which makes him ineligible to be a police officer. However, this applicant was not DQ as the assigned investigator did not thoroughly investigate the matter, and was negligent in leaving out critical information that would have substantiated the applicant being DQ. On another occasion, there was an applicant for a high-profile civilian position that was passed thru and hired before the completion of the background. This applicant did not pass the background and employment had to be rescinded.

I was advised that PSSI Dennis Marlock had committed two unethical acts 1) told an applicant to be untruthful on his application, and 2) filed a false report regarding the applicant's background. I

immediately had an internal investigation started. During the applicants' background interview, he admitted to Marlock that he used marijuana at a party; Marlock should have disqualified the applicant immediately. However, Marlock was overheard stating that this was a good Catholic kid and he will make a good cop and he was going to assist him with changing his story. Upon the applicant being interviewed by an internal affairs Sergeant, the applicant who benefitted from the untruthfulness, admitted that Marlock told him to change his story to accidentally smoking marijuana at the party, because if he didn't he would be disqualified because it was less than (2) years ago (something the applicant would have never known). Lead PSSI John Devalkaneer's job was to supervise and review completed backgrounds for accuracy. Although Devalkaneer and Marlock carpooled daily, Devalkaneer stated that he did not know about Marlock's unethical behavior. Due to the unethical allegations Marlock and Devalkaneer were temporarily transferred out of HR. The allegations against Marlock were substantiated and Marlock terminated. The allegations against Devalkaneer were not substantiated. However, I was able to determine that the lack of action by Devalkaneer contributed to the systemic racial inequalities that applicants and the whistleblowers have complained about. As such, when Devalkaneer transferred back to HR all supervisory authority was moved under Pamela Roberts, and we issued a mandate requiring all DQ designations to be made by myself or Inspector Terrence Gordon. I did meet with the staff and I was very direct with my message, there was an allegation of unethical behavior and it was not going to be tolerated.

During the course of addressing the issues in HR, I updated the executive command in our daily briefings. Chief Morales was very direct with me addressing the problems with the PSSI personnel, and he wanted their quality of work to improve. I advised Arvis Williams to identify the low performers and create a document that addressed performance expectations for everyone, which was done. Systemic problems continued to occur and were being addressed as they were discovered, however, Chief Morales advised that he wanted to go in a different direction with the low performers. As such, I was directed by Chief Morales to terminate low performers. I advised Arvis William of this directive which she carried out. Historically, law enforcement members have been allowed to resign in lieu of termination, thus allowing the member to protect their professional reputation. The terminated employees filed a complaint with the City of Milwaukee Ethics board. Members of the Ethics Board met with Inspector Gordon, Arvis Williams, and myself to discuss the terminations and the Ethics Board deemed no ethical violations occurred.

In closing I want to encourage you to remember that whistleblowers are not the problem, the entire country is looking for police reform to include members coming forward to report wrong doings. We have an opportunity to ensure that coming forward is the right thing to do, and others will not be allowed to attack their character or intelligence. I know there was a request for performance documentation, however, most of what I did was correct systemic problems by changing procedures. We recognized and have acknowledged that limited documentation exists regarding the PSSI performance and have established processes to improve documentation and more effectively monitor PSSI performance.

Respectfully Submitted,

Raymond E. Banks

Retired Assistant Chief

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Milwaukee Police Department  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

Alfonso Morales  
Chief of Police  
(414) 933-4444

PERSONNEL ORDER [REDACTED]

February 22, 2019

RE: PERSONNEL ACTION

POLICE SERVICES SPECIALIST INVESTIGATOR EFRAIN HERRERA, ([REDACTED])  
Human Resources Division, (Backgrounds Section), Days, is hereby terminated effective  
immediately. MR. HERRERA is a non-sworn, exempted, at-will employee; therefore, he does not  
have an appellate right with the Board of Fire and Police Commission.

A handwritten signature in cursive script, appearing to read "Alfonso Morales".

ALFONSO MORALES  
CHIEF OF POLICE

AM:mx

