

February 6, 2020

To: FPC Commissioners and Executive Director
From: Paul Mozina
Re: FPC20041 Resolution authorizing an independent investigation into the MPD for the unauthorized disclosure of the investigatory file with Mr. Kalan Haywood, Sr., and whether the disclosure violated any department rules

I appreciated the statement that Commissioner MacKenzie made at the January 27th UMOS Town Hall meeting with Chief Morales in response to repeated questions about whether or not any investigation was being made into the leaked video:

“At this time there is not. The Commission will be looking into it. And right now, we’re making a determination as to the body that will be doing the investigation so that it is — neutral.”

I appreciate the fact that the Board of FPC Commissioners took the lead in this matter — as it should — and this was before any request from the Mayor or Common Council.

In a statement he made to the Journal Sentinel on December 17, Chief Morales said FPC Board Chair DeVougas' presence at the interview was a problem:

“When a member of our oversight commission provides criminal defense in a matter being investigated by our department, it places our members in an extremely difficult position and risks compromising the integrity of that investigation.”

No one had, *or has*, been charged with a crime in this case, Mr. Haywood was merely “alleged to be a suspect”. It was an overstatement by the Chief to describe Commissioner DeVougas’ mere presence during the interview as providing “criminal defense”.

In the same story, Mayor Barrett chimed in, again focusing only on DeVougas and not on the fact that the MPD did not secure access to the video.

"I think there are common sense rules that an individual who is a member of the (Fire and Police Commission) should be very careful to avoid a conflict of interest,"

But the really important issue was the leaking of the video itself. In the same December 17 Journal Sentinel article Milwaukee County Deputy District Attorney Kent Lovern said:

“The release of evidence like this video while our case review is pending is entirely inappropriate. It is unfair to the victim, unfair to the person who is the subject of the investigation, and can negatively impact the integrity of the investigation.”

Alderman Nik Kovac echoed the Deputy DA:

“It’s problematic, regardless, that confidentiality would be breached in sensitive investigations, but especially when it overlaps with the kinds of issues this overlaps with,”.

Yet, it wasn’t until the Chief’s Town Hall Meeting at UMOS on January 27, 40 days later, in response to my question about the leaked video, that he finally made an *audible* public

statement acknowledging they were “looking into it”. But the first thing he said was, “I didn’t leak any video.” After paternalistically scolding his audience at the North Side Town Hall meeting on January 22 saying: “Let’s Grow Up”, he delivers this childish response to a serious question about the leak of a sensitive video that should have been secured by **HIS** Department. No one has accused the Chief of personally leaking the video. Rather, we were hoping he would demonstrate his leadership of the department and communicate his concern about the fact that this sensitive video somehow escaped the possession of the MPD ***under his watch***.

On January 30, the Chief finally released a statement claiming that the MPD had immediately begun an investigation:

"The department’s silence on a recent incident should not be interpreted as participating in or condoning this behavior. Once we became aware of a news story involving the release of a video of an out-of-custody interview, the Department immediately began to investigate whether the release came from within MPD. That investigation is ongoing."

Again, nobody is accusing “the department” as a whole of participating in or condoning this behavior. We were concerned that the Chief’s silence was reflecting badly on the whole department. Again, the Chief’s press release expresses no concern about the victim or the alleged suspect – no, the main concern is to avoid any embarrassment to “the department”.

I hope the FPC will diligently and expeditiously pursue this investigation — wherever it leads.