

To: Attorney General Josh Kaul
From: Sarah E. Harebo and Quinn Williams
Re: Investigation Report – Brian O’Keefe
Date: May 22, 2020

INVESTIGATION REPORT – Brian O’Keefe

This report addresses allegations that Brian O’Keefe engaged in conduct that led to multiple reports of use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees. It is asserted that these allegations occurred at various points. For purposes of this investigation, the focus was predominately on allegations of conduct that occurred from 2018 to December 2019. Brian O’Keefe was given notice of the allegations and subsequent investigation on December 16, 2019.¹

The Wisconsin Department of Justice (DOJ) obtained the services of the University of Wisconsin System Administration’s Title IX and Clery Administrator Sarah E. Harebo and General Counsel Quinn Williams as external investigators to conduct the fact-finding portion of the investigation. This report is limited only to determining whether it is more likely than not that an allegation occurred. DOJ will conduct a review of the fact-finding report for purposes of determining policy violations, if any, and appropriate next steps.

During the course of the investigation, the following individuals, in no particular order, were interviewed:

Witnesses	Interview Date(s)
Brian O’Keefe	1/14/20; 2/26/20
Eric Wilson	1/17/20; 2/26/20; 5/4/20
Jayne Swingen	1/15/20; 2/11/20; 2/25/20
██████████	2/19/20; 3/24/20
██████████ ██████████	1/17/20; 2/25/20
██████████ ██████████	1/22/20
Ashley Viste	1/29/20
██████████ ██████████	2/19/20
██████████ ██████████	1/31/20
██████████ ██████████	2/18/20
██████████ ██████████	1/27/20
Dan Lennington	2/11/20
██████████ ██████████	1/21/20

In addition, Sarah E. Harebo reviewed emails provided by Brian and human resource materials/documents as well as emails provided by several witnesses. Brian provided a list of witnesses or individuals to speak with regarding his response to the allegation or issues being raised as part of the investigation. The witnesses interviewed were limited to those that could provide specific information as to the allegations. There were suggested witnesses that were not interviewed. In some cases, multiple witnesses were listed for specific issues or information. Individuals were not interviewed, if after thorough review and consideration, there was not a need for further information or if sufficient clarification was achieved through the interviews that were conducted or reviewed evidence.

¹ A copy of the Notice is attached hereto as Exhibit A.

The witnesses that were interviewed had the opportunity to review their statement and make proposed changes or clarifications. Due to the restrictions of the COVID-19 response, the reviews were done via videoconferencing. Each witness, including Brian, had the ability to review their statement via screenshare. The individuals were not permitted to download or take screenshots of the statements. All proposed changes or clarifications were reviewed by the external investigators to determine whether an adjustment would be made.

I. BACKGROUND

Brian O'Keefe is the Division Administrator (DA) that oversees the Division of Criminal Investigation (DCI). Brian was appointed to that position on May 1, 2017. Brian joined the DOJ in 2011 and previously served as the Division of Law Enforcement Services Division Administrator. At the time he served as the Division of Law Enforcement Services (DLES) DA, he was responsible for overseeing the State crime labs. Subsequently, the State crime labs have been separated and elevated into its own division titled the Division of Forensic Science (DFS).

On January 7, 2019, Attorney General (AG) Josh Kaul was sworn into office. This led to changes in leadership and reporting structure. Under AG Josh Kaul, Brian reports to Deputy Attorney General (DAG) Eric Wilson. The allegations of misconduct occurred at various points, but for purposes of this investigation the timeframe is limited to January 2018 to December 2019.

II. STATEMENT SUMMARIES

Each witness was individually interviewed by the two external investigators. The following are summaries of the interviews, not factual findings, limited to the information related to the allegations:

a. Brian O'Keefe

Brian O'Keefe is the DCI DA. Brian was appointed to that position on May 1, 2017. Brian joined the DOJ in 2011 and previously served as the DLES DA. At the time he served as the DLES DA, he was responsible for overseeing the State crime labs. Subsequently, the State crime labs have been separated and elevated into its own division titled DFS. Brian reports to DAG Eric Wilson.

Brian described his management style as inclusive and collaborative. Brian said that when there are conflicts, he tries to get all relevant team members' perspectives on the matter. Brian respects the chain of command. Brian stated that when he needs to get tasks done, he talks about it with members of his team and assigns it. Brian said generally he does not raise his voice at his team or in meetings but has at certain points. Brian asserted that he does not treat female identifying and male identifying individuals differently in the workplace. Brian indicated that at times he allows his employees and other DOJ employees to use his parking spaces or use his office. Brian said that his assistant handles those types of requests. Brian commented that it was not uncommon for others to request to use his parking space.

Brian stated that he worked with [REDACTED] prior to [REDACTED]. Brian said that they didn't have a good working relationship before she went [REDACTED] and noted that their working relationship deteriorated over time. Brian said that [REDACTED] is nice, but he had concerns with her [REDACTED]. Brian commented that there were times that [REDACTED] did not complete tasks and became evasive when she was called out for it. Brian stated that after [REDACTED] moved to [REDACTED] Deputy Division Administrator (DDA) and Directors [REDACTED] reported to him instances where [REDACTED] was alleged to have been [REDACTED]. Brian recalls raising concerns to DAG

Wilson that were brought to his attention by the [REDACTED]
[REDACTED] Brian serves as an advisor to the [REDACTED] and has many good relationships with [REDACTED] Brian indicated that he told [REDACTED] to give her a chance. Brian noted that he tried speaking with her about what he was hearing, but [REDACTED] would not meet with him. Brian stated that he also attends the [REDACTED] meetings and at one of the last meetings he attended members [REDACTED]

[REDACTED] Brian indicated that he does not speak negatively about [REDACTED] to any members of the [REDACTED] community. Brian said that when [REDACTED] wouldn't talk to him, he told members of [REDACTED] to contact her directly. Brian will tell [REDACTED] to contact [REDACTED] if their inquiry is regarding programs or assistance that falls within [REDACTED] Brian indicated that if there are individuals that are talking about [REDACTED], they are doing it on their own as she has a long history working with [REDACTED] Brian said that he tries to be an ambassador for DOJ to [REDACTED] and that he wouldn't try and hurt other DOJ divisions' or employees' relationships with [REDACTED]

Brian brought an employee complaint against [REDACTED] to the attention of DAG Wilson and human resources (HR). The employee alleged that [REDACTED] created a hostile work environment. Brian said that there was an internal investigation. Brian indicated that he is workplace friends with this employee and denied any favoritism towards this employee. Brian stated that he has never been approached by HR regarding allegations of favoritism and he has never made allegations of favoritism to HR regarding other employees. Brian indicated that there have been times that it would have been good for DCI and [REDACTED] to work together, but [REDACTED] will not talk to DCI leadership. Brian noted that there have been times that he has tried to set-up meetings with [REDACTED] by his own volition as well as at the direction of DAG Wilson and COS Viste where [REDACTED] will not meet with him.

Brian indicated that when he was DLES DA [REDACTED] that they had a good working relationship. Brian worked to get additional positions for [REDACTED] Brian recalled wanting to do performance improvement plans with some but not all the [REDACTED] Brian did want to have reasonable work standards instituted regarding performance for [REDACTED] Brian recalled that one [REDACTED] quit over that. Brian said that he brought his view of chain of command [REDACTED] and remembered an instance when he said to an employee "can a major question a private, can a private question a major?". Brian asked that question in response to questions from a supervisor regarding Brian contacting [REDACTED] at home after hours. Brian commented that he called [REDACTED] from the scene of a homicide of an officer.

Brian stated that he first worked with the [REDACTED] [REDACTED] [REDACTED], when he was the [REDACTED] and the [REDACTED] [REDACTED] Brian recalled promoting [REDACTED] [REDACTED] After he moved into the role of DCI DA, Brian said there was an issue with a [REDACTED] on a case getting international attention. Brian recalls being pulled into a phone call on this matter with the former DLES DDA and a Director in DCI. Brian said that the FBI Special Agent in Charge for Wisconsin wanted the [REDACTED] and asked them to [REDACTED] that [REDACTED] right away. Brian stated that [REDACTED] did not want to have the [REDACTED] that night and wanted to do it the next day. Brian said that was too late, and he told a Director in DCI and the former DLES DDA, [REDACTED] [REDACTED] to order [REDACTED] Brian stated that [REDACTED] did not want to do it and a [REDACTED]

[REDACTED] Brian said eventually the [REDACTED] that night. Brian recalled the [REDACTED] at the time not being happy with [REDACTED] not wanting to entire [REDACTED] that night. Brian suggested that if [REDACTED] was that uncomfortable, they could bump it up to the AG.

Brian recalled another issue with the [REDACTED] that involved an officer involved shooting and the presence of [REDACTED]. Brian stated that a car was taken to the [REDACTED] and [REDACTED]. Brian said the [REDACTED] were there to [REDACTED] was being collected. Brian indicated that the [REDACTED] until they finalized the [REDACTED] and the report, which is then [REDACTED] and approved. Brian noted that there was an assertion that the [REDACTED] were intimidating [REDACTED]. Brian asserted that this is the first time that [REDACTED] were not allowed [REDACTED]. Brian said that while he was the [REDACTED] were [REDACTED] observing on some cases. Brian said that [REDACTED] made the call to exclude the [REDACTED] from [REDACTED]. Brian stated that he never received a copy of the policy that [REDACTED] was citing to take that action or a notification that the policy had changed. Brian noted that the change in policy did not consider the impact on law enforcement and the lack of notification of the change did not allow for them to understand the change and make potential needed changes to their procedures to allow for prosecutor charging needs. Brian indicated that he contacted his supervisor Dan Lennington, who ran it up to the AG at the time, and he also talked to the former [REDACTED] as well as the former Chief of Staff (COS). Brian recalled [REDACTED] saying that she was going to file a corrective action report with the [REDACTED] in relation to this matter if [REDACTED] were required to be [REDACTED]. Brian noted that he dropped the request, because he felt that it was going to create a body of paperwork that says that DCI and the [REDACTED] could not get along. Brian said that [REDACTED] set their own policies that incorporate standards from the [REDACTED], and then [REDACTED] must follow their own policy. Brian commented that [REDACTED] policies vary by state. Brian spoke with Dan Lennington and expressed his frustration with the change in the [REDACTED] policies. Brian did not recall making any threats towards [REDACTED] to the effect of "she is going to get what is coming to her." Brian said there may have been discussions with Dan and the former [REDACTED] regarding [REDACTED]'s contempt for a directive of the former AG. Brian indicated that he may have said something to the effect that she has to be careful of telling the former AG or any AG "no." Brian said now, at times, DCI will [REDACTED] at a third party location to avoid the issue of [REDACTED] being told they cannot be [REDACTED] while [REDACTED].

Brian stated that he remembered receiving a call from a Sheriff, regarding an old case, requesting [REDACTED]. Brian said this is not his area, so he contacted [REDACTED] and told her that there was a request for a [REDACTED]. Brian stated that he was aware that there was an individual who wanted this case reopened. Brian indicated that he was not aware of any potential fallouts in making the request, because this was not his area. Brian noted that he dropped out of the situation after he relayed the request to [REDACTED]. Brian said he later found out that the individual contacted the media. Brian asserted that he told [REDACTED] the case name when he contacted her and believes that the Sheriff may have told her as well.

Brian indicated that he was aware of communication issues related to the transition of the [REDACTED]. Brian said that he was contacted via email by the [REDACTED] regarding the [REDACTED].

change in [REDACTED] location and usage on September 16, 2019.² Brian reported it to DAG Wilson and said something to the effect of “if there is a change that effects law enforcement to let him know, so that DCI can help communicate it.” Brian offered to DAG Wilson and [REDACTED] to set-up a meeting to discuss this issue, but that did not happen. Brian indicated that he did not speak negatively to the Chiefs [REDACTED] or about the [REDACTED]. Brian commented that Chiefs were frustrated in the messaging from DOJ on the [REDACTED]. Brian indicated that Chiefs want to be communicated with and treated as partners. Brian was not aware of external letters sent to the DOJ from any Chiefs regarding the [REDACTED]. Brian said he received a couple of emails and then was out of it. Brian noted that he had a recent meeting with [REDACTED] and [REDACTED] that was very productive and relayed DCI’s willingness to be of assistance in helping them message, communicate, or socialize an issue or change with law enforcement.

Brian commented that the relationship between DCI and the [REDACTED] was strained before he became the DCI DA. Brian noted that DCI and [REDACTED], [REDACTED] had a particularly difficult relationship. Brian alleges that [REDACTED] has refused to meet with his team and that more than one employee left because of [REDACTED]’s behavior. Brian recalled an instance when [REDACTED] was a [REDACTED] in DCI [REDACTED]. Brian said [REDACTED] worked on a project for a [REDACTED] and [REDACTED]. Brian, along with other directors and the former DCI DDA, were not looped in the communications and were unaware of how that project was [REDACTED]. Brian asserted that he kept raising the issue of [REDACTED] to the former COS. Brian said that the perception was that [REDACTED] did not want to work with him. Brian indicated that [REDACTED] would make direct calls to SACs and DCI agents and not talk with him on [REDACTED] matters. Brian said that [REDACTED] plays “inside baseball” and gave the example of [REDACTED] telling [REDACTED] that DAG Wilson was going to be investigated by people from the University of Wisconsin in November 2019, before Brian knew anything about the investigation.

Brian stated that [REDACTED] does not stay in her lane and has overreached regarding [REDACTED] and operational decisions for DCI. Brian said that [REDACTED] even told DCI what color [REDACTED] should be as they attempted to order a red [REDACTED] and [REDACTED] told them “it would stand out.” Brian recalled an instance where [REDACTED] directed a [REDACTED] not to go to the Racine Police Department on a case, as they had a DNA match. [REDACTED]

[REDACTED] Brian noted that this case involved the murder of a [REDACTED] Police Officer. [REDACTED] [REDACTED] should not ever tell any member of DCI what they should or should not do regarding a case. [REDACTED]

[REDACTED] play with, which has caused friction in his division. Brian gave another example of a project regarding [REDACTED] where [REDACTED] sent out an operational plan that included delegations of work duties of individuals on the operations side. Brian said that [REDACTED] does not assign operational job duties, and that is for DCI to determine.

Brian said that DCI has a formal [REDACTED] under the current administration. Brian said that [REDACTED] is reluctant to provide DCI with their full [REDACTED]. Brian said even though DCI [REDACTED]

² A copy of the September 16, 2019 email trail is attached hereto as Exhibit B.

has a formal [REDACTED] to manage, [REDACTED] will [REDACTED] random things like all [REDACTED] at a SAC office and tell DCI that there isn't [REDACTED] for another need. Brian said that [REDACTED] should be supporting DCI not making decisions for them. Brian stated that [REDACTED] [REDACTED] (not COVID-19 related), which should have been discussed with him before it was ever presented to others. Brian indicated that [REDACTED] knew [REDACTED] and did not share that it was coming. Brian asserted that [REDACTED] will not communicate with him or his directors, so he found out about the [REDACTED] in a meeting with several other individuals at DOJ. Brian commented that he has tried to meet with the [REDACTED] that works with DCI, but he only came to a couple of DCI Directors meetings and then said he would not be attending anymore. Brian said that [REDACTED] will only meet with his [REDACTED] [REDACTED]

Brian noted that he had a poor working relationship with the prior [REDACTED]. Brian noted that the issues were related to communication. Brian recalled a lot of individuals having issues with working with her and said that multiple people left due to her behavior. Brian gave an example of this individual taking 20% [REDACTED] for DLES without talking to him, in order to build her own position. The former [REDACTED] used the grant to take positions from him without telling him. Brian asserted that this budget reduction was reported by the former [REDACTED] to the former DAG after the fact and the former [REDACTED] said that it was done because DLES was not meeting their [REDACTED] requirements. Brian said that the former [REDACTED] had this conversation with the former DAG without talking to him.

Brian denied that he ever used profane/abusive language or engaged in bullying, harassing, or demeaning behavior towards female employees during any of his time at DOJ. Brian acknowledged that he may use a swear word occasionally in conversation or meetings, but not in a demeaning way. Brian does have a gun that he wears as part of his job and denied ever putting his hand on his gun or unholstering it in a way that could be perceived as threatening.

Credibility of Brian O'Keefe: Brian willingly and fully participated in the investigation process. Brian has a vested interest in the portrayal of the issues raised. Regardless of this interest, Brian appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

b. Eric Wilson

Eric is the DAG of the State of Wisconsin. DAG Wilson was appointed to this position by AG Josh Kaul. AG Kaul was sworn into office on January 7, 2019. The reporting structure outlines that all divisions and offices of DOJ report to DAG Wilson.

DAG Wilson indicated that he heard reports of concern regarding DA Brian O'Keefe and that he took steps to address them. DAG Wilson said that the reports consisted of allegations that Brian [REDACTED] stories of social gatherings involving alcohol in Brian's hotel room at conferences and having an autocratic or bullying management style. DAG Wilson indicated that [REDACTED] [REDACTED] relayed these concerns and identified individuals that DAG Wilson should speak to regarding those concerns. DAG Wilson noted that he spoke with those individuals suggested by [REDACTED] as part of Brian's performance review. DAG Wilson performed a 360-degree performance review on Brian shortly after taking office. This was related to Brian's

review in accordance with moving from probationary to permanent status as DCI DA. DAG Wilson met in-person with every Special Agent in Charge (SAC) in DCI. DAG Wilson did not speak to other leadership staff, such as other DAs, as part of Brian's performance review. DAG Wilson noted that an overwhelming majority of the SAC feedback about Brian was positive. DAG Wilson said after the positive review AG Kaul decided to move Brian to permanent status. DAG Wilson addressed some of the concerns that were raised in the feedback from SACs directly with Brian and asked him do outreach with all the SACs to improve communication as well as instructed him to not hold social gatherings in his hotel room at conferences. DAG Wilson indicated that he was not made aware of any specific incidents of concern, besides a SAC relaying an issue with Brian's communication style in a specific instance. DAG Wilson stated that he did follow-up with [REDACTED] and relayed that Brian was going to be moved to permanent status.

DAG Wilson said he heard what he called one-off stories about Brian from his time during the prior administration as well as the current administration. DAG Wilson recalled hearing about an issue involving Brian and [REDACTED] wanting to be in the [REDACTED] for a case from [REDACTED]. [REDACTED] thought the request was inappropriate, and the dispute made its way to the former AG's desk for review. DAG Wilson said that [REDACTED] shared this incident as an example of Brian trying to bully [REDACTED]. DAG Wilson did recall that [REDACTED] had relayed concerns about Brian's authoritarian leadership style. DAG Wilson did not recall hearing any separate specific complaints from [REDACTED] regarding Brian's past behavior. DAG Wilson noted that [REDACTED] did provide additional input on the concerns that [REDACTED] had raised. DAG Wilson recalled another issue regarding a request for [REDACTED] Brian called [REDACTED] and relayed the [REDACTED] or directed the Sheriff to contact [REDACTED] to make the [REDACTED]. DAG Wilson said this case was high-profile. DAG Wilson noted that the case is over ten years-old and this may have been more for a publicity stunt by an individual involved in the case, as there have been ongoing issues. [REDACTED] was concerned that Brian put the [REDACTED] in this situation on purpose by setting [REDACTED] up in a way that may be embarrassing for the [REDACTED]. DAG Wilson recalled that [REDACTED] cried when speaking about it but thought that was more related to DOJ's Communications Director's treatment of her on this issue than Brian. DAG Wilson verbally reprimanded Brian and [REDACTED] over the handling of this [REDACTED] request. DAG Wilson had a conversation with Brian regarding the [REDACTED] issue and communication moving forward.

DAG Wilson stated that there was an additional issue that [REDACTED] regarding the [REDACTED] the [REDACTED] and concerns regarding Brian's potential involvement in letters from Chiefs that were sent to the AG. DAG Wilson stated that [REDACTED] Brian was acting purposeful to make [REDACTED] look bad. DAG Wilson noted that Brian purchased the [REDACTED] when he was the DLES DA and [REDACTED]. DAG Wilson recalled that [REDACTED] that [REDACTED] was not able to meet; therefore, [REDACTED] and [REDACTED] were working on finding a new home for it. DAG Wilson said that [REDACTED] put out a communication to law enforcement that the [REDACTED] was going to the [REDACTED]. DAG Wilson noted that [REDACTED] had not verified the [REDACTED] up the chain of command at [REDACTED] would not be taking it and so [REDACTED] sent out another communication updating law enforcement. DAG Wilson stated that AG Kaul received letters from the [REDACTED] on this issue. DAG Wilson stated that [REDACTED]

██████████ DAG Wilson said that Brian is good friends with the ██████████ but DAG Wilson has no reason to think that ██████████ Brian never contacted or spoke with DAG Wilson regarding the ██████████ DAG Wilson commented that ██████████ report to Brian, but now they are ██████████ and that may contribute to any tensions between them. DAG Wilson stated that he thought the working relationship between Brian and ██████████ was positive and, in his experience, Brian speaks respectfully about ██████████. DAG Wilson noted that the ██████████ is still being resolved.

DAG Wilson has addressed any issues reported to him as needed with Brian. For example, DAG Wilson addressed an issue with Brian giving a television interview for a national news show with a verbal reprimand. DAG Wilson approved an investigation by HR into allegations that Brian accepted a dinner while on a high-profile case. DAG Wilson said that Brian averred that he protested when he realized the dinner had already been paid for when he went to pay. DAG Wilson made Brian remedy the situation by issuing a check to the restaurant for the meal. DAG Wilson could not recall whether anything was placed in Brian's file regarding the investigation into the dinner. As stated above, DAG Wilson also verbally reprimanded Brian for his actions regarding the crime scene response request.

DAG Wilson said that Brian relayed a complaint of creating a hostile work environment against ██████████ that was made by one of ██████████ employees. ██████████ DAG Wilson approved an investigation into the complaint. DAG Wilson noted that he had received similar complaints regarding ██████████ from other employees. The investigation resulted in no finding of misconduct against ██████████. As part of the investigation, DAG Wilson became aware that Brian recorded ██████████ in the workplace without her knowledge, as did the employee who filed the complaint. DAG Wilson did not formally discipline Brian for this behavior ██████████

██████████ DAG Wilson and Corey met with Brian regarding this issue. At this meeting, DAG Wilson spoke to Brian about this conduct and directed that he is never to do that again. DAG Wilson noted that he held the meeting in his office rather than Brian's office, which is different than DAG Wilson's custom to meet with individuals in their office, in order to convey the importance of the conversation. DAG Wilson commented that Brian told him that ██████████ is not ██████████ DAG Wilson noted that ██████████ and ██████████ ██████████ made allegations that Brian showed favoritism towards this employee, who is also the employee that filed a complaint against ██████████. DAG Wilson said that since he took office, he was only aware of allegations that DCI gave this employee access to the ██████████ DAG Wilson had led an inquiry into this employee for potential ██████████ violations reported by ██████████ and ██████████. The result of this inquiry was that it was a performance management issue and not a misconduct issue. DAG Wilson indicated that ██████████ was pressing for discipline and then in a meeting with Corey and DAG Wilson ██████████ said she totally agreed that it was a management issue and that no discipline was necessary. DAG Wilson described ██████████ as doing a complete 180-degree with her thoughts on this issue.

DAG Wilson indicated that there were subsequent issues with this same employee regarding working with the ██████████ program and the ██████████ and being asked to assist with tasks by individuals outside of ██████████ DAG Wilson said that ██████████ was working on trying to get a handle on those requests and how that would coincide with the employee's job requirements in ██████████ This employee was being called by Brian to go to things

as well as a Chief that has contacted DAG Wilson to relay concerns about [REDACTED]. [REDACTED] indicated that the concern was that this employee was engaging in those activities or being asked to do tasks outside of [REDACTED] without checking with her supervisor first. DAG Wilson stated that [REDACTED] wanted her off the [REDACTED] team. DAG Wilson communicated to [REDACTED] and [REDACTED] to not remove this employee from the [REDACTED] team. DAG Wilson went on vacation and when he returned this employee was moved to a different bureau in [REDACTED] and was removed from the [REDACTED] team. [REDACTED] suggested that her name be put in this employee's place on the DOJ website referencing the [REDACTED] program in the interim. DAG Wilson had a meeting with that Chief, Brian, and [REDACTED] in which that Chief indicated that he wanted that employee on the [REDACTED] team. DAG Wilson turned to [REDACTED] in the meeting and said do you have anything to add and [REDACTED] responded [REDACTED]. DAG Wilson recalled having a conversation with the Chief that contacted him directly regarding concerns with [REDACTED]. DAG Wilson said that the Chief sent a somewhat cryptic email asking to speak with him directly, but he thought that it was regarding [REDACTED]. DAG Wilson spoke with that Chief after consulting with COS Viste on the right approach to handle this request and it was determined that it was best if he met with this Chief alone. DAG Wilson stated that the conversation with the Chief mostly revolved around concerns with [REDACTED]. DAG Wilson stated that the Chief also commented that the employee that volunteered for [REDACTED] can do whatever she wants on her own time. After the conversation, the Chief sent an email to [REDACTED] saying that he spoke with DAG Wilson and cc'd DAG Wilson. After he saw the email, DAG Wilson happened to see [REDACTED] in the hallway and told her that he spoke with the Chief and that he should have spoken to her first. DAG Wilson recalled [REDACTED] responding, [REDACTED]. DAG Wilson assumes that [REDACTED] would have preferred that he did not have that conversation with the Chief. After that, DAG Wilson received a text message from the Chief stating that DOJ cannot stop this employee from volunteering on her own time. DAG Wilson spoke with [REDACTED] and suggested guidelines for this employee's work with the [REDACTED] program. In that meeting, DAG Wilson recalled [REDACTED] yelling at him about this Chief not being able to tell them what to do and was not in favor of DAG Wilson's suggestion of setting guidelines. DAG Wilson said that [REDACTED] flip-flopped in the course of the day in the way to handle this issue. DAG Wilson stated that the Chief communicated that the employee could not be stopped from volunteering with [REDACTED] if she does it on her own time. DAG Wilson said that the Chief asked that DOJ not be associated with [REDACTED] moving forward. DAG Wilson sent an email asking [REDACTED] what they should do now. [REDACTED] sent an email saying that they need to set clear guidelines, which was what DAG Wilson had suggested in the meeting earlier that day. DAG Wilson is currently working with others to navigate this employee's volunteer hours and her work hours with the DOJ to establish guidelines.

DAG Wilson recalled DCI contacting this employee to assist in peer support. DAG Wilson contacted Brian about DCI contacting a [REDACTED] employee without speaking to [REDACTED]. DAG Wilson stated that Brian gave a roundabout explanation and suggested that he and [REDACTED] needed to hash this out. DAG Wilson said that Brian relayed that he attempted to talk with [REDACTED], but that [REDACTED] would not answer her phone or meet with him. DAG Wilson stated that [REDACTED] said the same thing that Brian attempted to talk with [REDACTED], but that [REDACTED] would not answer her phone or meet with him. DAG Wilson recalled that after speaking with this employee and DCI, [REDACTED] received a hard copy of an outlook invite from DCI inviting this employee to a [REDACTED] meeting which is managed under DCI.³ DAG Wilson is not aware of who printed the outlook invite out, as the

³ A copy of the [REDACTED] Meeting Outlook invite is attached hereto as Exhibit C.

header had been redacted. DAG Wilson received a copy of the redacted invite from Jayne, who received it from [REDACTED]. DAG Wilson is currently working with others to navigate this employee's volunteer hours and her work hours with the DOJ to establish guidelines, although those efforts have been paused due to the pending investigation. DAG Wilson has communicated via email to Brian that he cannot have this employee do tasks for DCI without supervisor approval and relayed that he has spoken with this employee about not doing tasks for DCI without supervisor approval.⁴

DAG Wilson was aware that [REDACTED] has had conflicts with DCI over managing aspects of their [REDACTED]. DAG Wilson told [REDACTED] not to make any decisions impacting DCI without their approval. DAG Wilson recalled that [REDACTED] was very resistant to that directive and expressed that it was inefficient, as DCI was unresponsive. Early in his tenure, DAG Wilson suggested that [REDACTED] copy him on every email and alert him if DCI did not respond, so he could then follow-up. DAG Wilson stated that over time [REDACTED] was not happy with that solution and seems to perceive him as not supportive of her. DAG Wilson indicated that he has attempted to remedy the relationship between DCI and [REDACTED]; however, his efforts are often seen by [REDACTED] as taking DCI's side. DAG Wilson commented that DCI is unique in that they have their own [REDACTED] person. DCI also has a wildly fluctuating [REDACTED] as much of it is based on response needs. [REDACTED] took over [REDACTED] during the previous administration. DAG Wilson approved DCI hiring a new [REDACTED] after the last individual in that role left. DAG Wilson said that [REDACTED] does not want to meet with this new [REDACTED] [REDACTED] only wants to meet one-on-one with the DCI [REDACTED] [REDACTED]. DAG Wilson said that Brian wants to get everyone in the room to address issues and that is not the way that [REDACTED] likes to work. DAG Wilson said that Brian's approach is give me a [REDACTED] and I will stick to it. In DAG Wilson's experience, Brian takes his [REDACTED] seriously and is mindful while balancing the needs of DCI.

DAG Wilson recalled that at a meeting in approximately November 2019 [REDACTED] raised two concerns, one of which was a concern about Brian O'Keefe, DCI DA, and his alleged harassment of [REDACTED] [REDACTED]. [REDACTED] DAG Wilson said that [REDACTED] indicated that if he did not do anything to address those concerns that she was going to report it. DAG Wilson thanked [REDACTED] for raising the concern and said that he and COS Viste would address it. [REDACTED] sent DAG Wilson a follow-up email on this issue to which he responded thanking [REDACTED] again for bringing the issue to their attention and that they would respond appropriately.⁵ DAG Wilson indicated that [REDACTED] has also raised concerns regarding what DAG Wilson feels is a tick that Brian has, which is that when Brian is talking, he will wag/point his finger at who he is speaking to.

DAG Wilson asserted that Brian should have strong relationships with law enforcement. DAG Wilson stated that he has explicitly stated to Brian that it is okay to listen to concerns about DOJ, but that he should not be negatively communicating about divisions in DOJ to others outside DOJ. DAG Wilson indicated that he has told Brian that he had better not hear Brian speaking negatively about [REDACTED] to law enforcement. DAG Wilson noted that Brian has contacted law enforcement to try and garner support for needs. For example, last year the State crime labs

⁴ A copy of the November 16, 2019 email is attached hereto as Exhibit D.

⁵ A copy of the November 15, 2019 email is attached hereto as Exhibit E.

needed funding and he told his law enforcement contacts to call their legislators to support their initiative.

Credibility of DAG Wilson: DAG Wilson willingly and fully participated in the investigation process. DAG Wilson has a vested interest in the portrayal of some aspects of the issues raised as there is an additional investigation in which he is the Respondent. Regardless of this interest, DAG Wilson appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

c. Jayne Swingen

Jayne Swingen became the HR Director for DOJ in June 2015. After the election of AG Josh Kaul, she initially reported to DAG Wilson until Erika Monroe-Kane was hired in approximately November 2019 as the new DMS DA.

Jayne recalled that [REDACTED] was investigated at DAG Wilson's direction after a complaint was relayed from Brian O'Keefe, DCI DA, regarding [REDACTED]'s treatment of one of [REDACTED] employees. Jayne said that the investigation resulted in a finding that no misconduct occurred. Jayne stated that [REDACTED] became aware that Brian and this employee had separately recorded conversations with [REDACTED] in the workplace. Jayne said that Brian was not investigated for recording [REDACTED] in the workplace. Jayne said there is not a workplace policy that prohibits recording. [REDACTED] was also upset by this employee's interactions with DCI and alleged that Brian showed favoritism to this employee. Jayne said there was no HR action taken regarding the allegation of favoritism. Jayne commented that DAG Wilson had previously approved an inquiry into this employee for alleged violations of procurement policies.

Jayne indicated that there were other reports of alleged workplace misconduct against Brian. For example, there were reports of alleged issues related to payment for a dinner, the recording of [REDACTED] without her knowledge in the workplace, and certain behavior at conferences. Jayne stated that DAG Wilson addressed and handled the issues reported regarding Brian recording [REDACTED] without her knowledge in the workplace and his behavior at conferences. Jayne recalled that DAG Wilson authorized an investigation into allegations that Brian accepted payment for a dinner that he should not have. Jayne noted that the result of that investigation was that Brian had to pay for the dinner. Jayne stated that she is aware that [REDACTED] relayed concerns about some of Brian's workplace behavior to DAG Wilson. Jayne also stated that DAG Wilson did a 360-degree performance evaluation of Brian shortly after the administration took over.

Jayne stated that in November 2019 a female [REDACTED] approached her regarding issues with Brian's treatment of her in the workplace. Jayne stated that she relayed those concerns to DAG Wilson at one of their weekly meetings. Jayne recalled that DAG Wilson indicated that he was going to reach out to [REDACTED] to address this issue and that Jayne should reach out to her as well.

Jayne posited that those alleged issues and any others involving any employees were relayed to DAG Wilson. Jayne asserted that DAG Wilson then determined how those issues were handled as well as any corresponding HR action and that she did not have the authority to undertake any actions on her own. Jayne indicated that she followed the direction of DAG Wilson as to whether to investigate a complaint. Jayne said that only if she received the go ahead from DAG Wilson

would she proceed with an investigation. Jayne stated that she relayed all complaints and issues to DAG Wilson or COS Viste and addressed them per DAG Wilson's direction. Jayne reiterated that she did not have the ability to determine employee discipline and that DAG Wilson decides all employee disciplinary action.

Credibility of Jayne Swingen: Jayne Swingen willingly and fully participated in the investigation process. Jayne Swingen has a vested interest in the portrayal of some aspects of the issues raised as there is an additional investigation in which she is the Respondent. Regardless of this interest, Jayne Swingen appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

d. [REDACTED]

[REDACTED]

[REDACTED] male [REDACTED] Brian O'Keefe. [REDACTED] AG Kaul and COS Viste [REDACTED] understanding that the DOJ was going to review the matter. [REDACTED] recalled telling AG Kaul and COS Viste that Brian did not respect her personally or professionally. [REDACTED] gave specific names of people to speak to and she believes that DAG Wilson did contact them, but she was concerned that people would be reluctant to participate and be concerned that their names would be released. [REDACTED] was not sure if an investigation of Brian was completed or if there was a report. It is her understanding that Brian was on probation at the time and a decision needed to be made regarding transferring him from probationary to permanent status. [REDACTED] indicated that she thought an investigation should be done. [REDACTED] asserts that Jayne was aware of alleged issues with Brian's behavior from the previous administration. [REDACTED] recalled the prior AG asking questions when Brian was hired from DLES to DCI. [REDACTED] was told by DAG Wilson that a decision had been made, which was supported by AG Kaul, that Brian would be staying. [REDACTED] made it clear that any issue she raised regarding Brian was related to behavior in the workplace and was not personal.

[REDACTED] who is a good friend of his. [REDACTED] indicated that there were issues of potential favoritism regarding Brian and this employee. For example, Brian let this employee park in his parking space, this employee accompanied him to a [REDACTED] gave [REDACTED] access to the [REDACTED] and this employee was at a meeting for the [REDACTED] program outside of her job duties. [REDACTED] the favoritism issue partly in response to the HR action that was taken [REDACTED] DAG Wilson and HR did not hesitate to put [REDACTED] under investigation based on the report of Brian. [REDACTED] was not given a notice of investigation and was not provided with a report at the conclusion of the investigation. It is [REDACTED] Brian recorded conversations he had with [REDACTED] without her knowledge that became part of the investigation. There was no finding against [REDACTED] in this matter. [REDACTED] is not aware of any disciplinary action taken against Brian for recording her without her knowledge in the workplace. [REDACTED] stated that this employee participates in the [REDACTED] program which has led to some issues regarding time, pay, and understanding of the interplay between DOJ and [REDACTED]

[REDACTED]

[REDACTED] stays away from Brian, which limits the number of law enforcement meetings [REDACTED]

Brian is attending. [REDACTED]

[REDACTED] Brian attends. [REDACTED] causes problems and creates challenges [REDACTED] relationships with law enforcement. [REDACTED] situation with Brian present. [REDACTED] the front office that [REDACTED] attend meetings where Brian is in attendance. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] at times adjustments were made for what was needed in the press memo on the [REDACTED] [REDACTED] did not make any factual changes or acronym changes without having numerous collaborative conversations with leadership and the prior administration. [REDACTED] any changes made were related to how it was read in the press memo not the facts. [REDACTED]

[REDACTED] tasked with attending [REDACTED] meetings and reviewing [REDACTED] correspondence from citizens. [REDACTED]

[REDACTED] may have missed a few meetings, she did attend the meetings and communicated if she was not going to attend. [REDACTED] responded to citizen inquiries and at times there were standard responses, but that each inquiry was handled individually.

Credibility of [REDACTED] [REDACTED]: [REDACTED] willingly and fully participated in the investigation process. Through interviewing other witnesses, there were challenges to [REDACTED]'s veracity. [REDACTED] denied or responded to aspects of witness interviews that challenged her truthfulness. When [REDACTED] was asked about specific events, [REDACTED] often corroborated other witnesses' recitations of events and supported [REDACTED] version with additional facts. [REDACTED] gave short concise answers and did not evade any questions that were asked [REDACTED] and appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

e. [REDACTED]

[REDACTED]

[REDACTED] you are either one of Brian's cronies or you are not, and she is not. [REDACTED] Brian has made remarks about [REDACTED] making inappropriate decisions that [REDACTED] Brian told [REDACTED] that they are not to speak with [REDACTED] and she has regularly worked with [REDACTED] on a variety of projects, issues, and day-to-day [REDACTED] management. [REDACTED] Brian's directive directly from [REDACTED] [REDACTED] there have been issues with [REDACTED] and DCI regarding their [REDACTED] and related management, including who [REDACTED] meet with in DCI. [REDACTED] makes her job difficult [REDACTED] DCI and [REDACTED] wants to meet with [REDACTED] and that the office manager should meet with [REDACTED] that is assigned to assist DCI. [REDACTED] stated that working with [REDACTED] means that [REDACTED] can upset divisions. [REDACTED] [REDACTED] shortly after [REDACTED] started as [REDACTED] [REDACTED] had worked with [REDACTED] when he was the [REDACTED] [REDACTED] they worked well together on a [REDACTED] project. [REDACTED] the day-to-day [REDACTED] items were not getting done and [REDACTED] Brian and [REDACTED] were traveling around the State together. [REDACTED] to document the issues and he sent all the pending items to DCI. [REDACTED] made [REDACTED] look like the bad guy and Brian was furious.

[REDACTED]

[REDACTED]

Credibility of [REDACTED] [REDACTED]: [REDACTED] [REDACTED] willingly and fully participated in the investigation process. Through interviewing other witnesses, and somewhat by her own admission, [REDACTED] has had a strained relationship with [REDACTED] The issues between [REDACTED] and members of [REDACTED] as it relates to [REDACTED] are not relevant. Individuals may perceive this to have an impact on [REDACTED]'s credibility. When [REDACTED] was asked about specific events, she provided documentation and often corroborated other witnesses' recitations of events. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

f. [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] At that time, [REDACTED] [REDACTED] has had a history of issues with Brian that have carried over into this administration. [REDACTED] experience with Brian ebbed and flowed. [REDACTED] noted that all goes well with Brian if things go his way. [REDACTED] [REDACTED] first run-in with Brian was in approximately [REDACTED]. [REDACTED] Brian wanted to put all [REDACTED] Brian expanded it to all [REDACTED]. During that time, [REDACTED] him yelling at [REDACTED] colleagues, [REDACTED] him get in a female employee's face one time, and that the [REDACTED]

a time that Brian was challenged at a meeting and he said something to the effect of "can a major general call a private" and the individual said "yes." Brian then said, "can a private call a major general" and the individual said "no." Brian indicated that he could call whoever he wants. [REDACTED] [REDACTED] Brian coming in and making arbitrary changes such as no four days of 10-hour schedules, which had been in place for years, and that they always had to have 50% staff coverage. [REDACTED]

[REDACTED] [REDACTED] when he gets angry, he turns red, a vein pops out in his head, and he points and wags his finger at people. [REDACTED] noted that Brian [REDACTED]

[REDACTED]

⁶ A copy of the October 19, 2018 email is attached hereto as Exhibit F.

[REDACTED]

[REDACTED]

[REDACTED]

⁷ A copy of the October 25, 2018 email is attached hereto as Exhibit G.

In January of 2019, the administration changed, and the [REDACTED] [REDACTED] met with DAG Wilson and relayed her concerns about her experiences with Brian. In May 2019, DAG Wilson gave her a [REDACTED] and she told him that she wanted to work with Brian but that she didn't trust him, and her guard was up.

[REDACTED]

[REDACTED]

[REDACTED]

⁸ A copy of the September 17, 2019 letter is attached hereto as Exhibit H.

⁹ A copy of the October 3, 2019 letter is attached hereto as Exhibit I.

¹⁰ A copy of the October 14, 2019 letter is attached hereto as Exhibit J.

¹¹ A copy of the October 7, 2019 letter is attached hereto as Exhibit K.

[REDACTED]

[REDACTED]

[REDACTED]

On Monday, October 21, 2019, [REDACTED] had a meeting with DAG Wilson, [REDACTED], and [REDACTED]. [REDACTED] said that DAG Wilson assured her that [REDACTED] would not speak that way to her again. [REDACTED] discussed the letters [REDACTED] get her fired. [REDACTED] told DAG Wilson this is harassment. [REDACTED] felt that DAG Wilson agreed that the [REDACTED] were not a coincidence. [REDACTED] told DAG Wilson that she would not speak to Brian without anyone present and that anything that he asks or requests she is going to vet with DAG Wilson.

[REDACTED]

[REDACTED] DAG Wilson indicated that he had spoken

to Brian on this issue. [REDACTED] stated that same day she spoke with HR about this issue, but she wasn't sure what she wanted to do.

[REDACTED] described her experience working [REDACTED] with Brian, as like the cyclical pattern of an abusive relationship. As depicted by the power and control wheel, [REDACTED] indicated that at times everything runs smoothly and then when it doesn't Brian engages in behavior that can feel abusive and controlling.

Credibility of [REDACTED] [REDACTED]: [REDACTED] [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

g. Ashley Viste

Ashley Viste joined the DOJ in approximately January 2019. She serves as COS for AG Kaul. Ashley reports to AG Kaul.

COS Viste was involved in the decision to move Brian O'Keefe, DCI DA from probationary to permanent status. COS Viste stated that her office received no communication from the prior administration regarding concerns with Brian's behavior in the workplace. COS Viste did recall some concerns raised by [REDACTED] [REDACTED] also alleged that Brian is verbally abusive in the workplace and unfairly targets individuals that are not loyal to him. COS Viste recalled that DAG Wilson conducted a performance review as part of deciding whether to move Brian from probationary to permanent status. COS Viste believes that DAG Wilson spoke with a lot of Brian's direct reports in conducting the performance review. COS Viste did not recall DAG Wilson speaking to other DAs for their input. DAG Wilson provided a summary to COS Viste and AG Kaul and the decision was made to move Brian to permanent status. COS Viste noted that there was not a discussion with the prior administration regarding Brian's work performance and the prior administration did not relay any concerns regarding Brian's behavior in the workplace. COS Viste did recall the prior COS indicating that they did not have the best relationship with Brian at a meeting.

COS Viste noted that there have been ongoing issues between [REDACTED] and DCI. COS Viste and DAG Wilson have tried to mediate that relationship. COS Viste stated that [REDACTED] [REDACTED] raised complaints to her and DAG Wilson regarding Brian's treatment of [REDACTED] [REDACTED] and [REDACTED].

COS Viste stated that there seems to be a perception that Brian favors an employee under [REDACTED]'s supervision. COS Viste confirmed that she has discussed this issue with DAG Wilson. For example, Brian would reach out to have this employee assist DCI even though she was in [REDACTED] which is [REDACTED]. COS Viste noted that DAG Wilson would say to Brian "we have already had this conversation that he was not to ask this employee to assist with tasks for DCI." COS Viste recalled that Brian asked this employee for help with something related to the grant from the FBI academy for DCI even though it was not appropriate. COS Viste said that this employee has used Brian's purchasing card. COS Viste said there has been an ongoing issue with this employee's participation in a related volunteer program using DOJ time at Brian's initial

approval. COS Viste stated that they are currently working on establishing guidelines for this employee's continued participation.

COS Viste was not aware of any issues between [REDACTED] and DCI. COS Viste did not recall [REDACTED] ever raising an issue with Brian's treatment of her or workplace behavior. COS Viste was aware of an issue with the [REDACTED] transfer, but she was not directly involved. COS Viste was aware of an issue related to a [REDACTED] COS Viste's involvement with that issue was limited to providing input as it related to the public relations.

COS Viste commented that she did have concerns that Brian is affecting, and may be having a negative effect, on [REDACTED]'s relationships with law enforcement. COS Viste stated that [REDACTED] brought this issue up on several occasions. COS Viste said that [REDACTED] did talk generally about her work in building and maintaining relationships with law enforcement. COS Viste noted that most of the Police Chiefs and Sheriffs are [REDACTED] individuals and that [REDACTED] has a tremendous relationship with many of them though she is [REDACTED] COS Viste said that [REDACTED] is very capable and had strong relationships with law enforcement when she was working in [REDACTED] COS Viste opined that [REDACTED] is a very different role and it is more political.

COS Viste recalled an issue related to Brian having get-togethers with Chiefs at conferences in his hotel room that involved alcohol. COS Viste said that DAG Wilson communicated a bright line rule about not entertaining people in hotel rooms and informed Brian. COS Viste stated that Brian has relayed concerns about [REDACTED]'s communication with law enforcement. COS Viste stated that this was similar to the feedback they were hearing from [REDACTED] COS Viste recalled Chiefs indicating that they call [REDACTED], and they do not hear back, or they call her on an issue and the decision has already been made. COS Viste was not aware that Brian serves as advisor on the [REDACTED] COS Viste said that [REDACTED] did include in an advisory email that DAG Wilson [REDACTED] with Brian.¹² COS Viste is not aware of any disciplinary action that has been started or taken against Brian.

COS Viste has attended several meetings in which Brian was a participant. COS Viste described his behavior as aggressive or crass at times. COS Viste said that some may call it cop talk. COS Viste said she has been taken aback by his behavior at times.

Credibility of Ashley Viste: Ashley Viste willingly and fully participated in the investigation process. Ashley appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

h. [REDACTED] [REDACTED]

[REDACTED]

¹² A copy of the email is attached hereto as Exhibit L.

████ first █████ Brian when Brian was █████ began █████ Brian when █████ was █████ as a █████ in the █████ in DCI. █████ described Brian as loyal to his people and trustworthy. Brian is not a micromanager. Brian is big on accountability and expects that everyone is doing what is expected of them in their role. █████ said Brian has an old school mentality and is focused on being a leader. █████ asserted that Brian is the most intelligent person that he has met. █████ commended Brian's ability to pull out knowledge and laws in meetings. █████ said that Brian talks things through while being focused on what they need to do as law enforcement and is willing to compromise where he feels they can. █████ attends and has █████ meetings with Brian. █████ said that he has not witnessed Brian lose his cool, raise his voice, or use profane language. █████ asserted that Brian always treats women equally and fairly in the workplace. █████ indicated that Brian wanted to do a diversity hire to increase the number of women in DCI. █████ recalled DAG Wilson telling Brian to not hold social gatherings at conferences in his hotel room, but that he should attend social gatherings held at conferences.

████ the █████ plan for DCI. DCI has a █████ DCI had been █████ works closely with █████. █████ identified historical and ongoing issues between DCI and █████. █████ indicated that there is a lack of communication between █████ and DCI. █████ recalled that when he █████ in █████ there was a █████ project that occurred. █████ wrote a proposal with █████ for the █████ project. █████ said he had several meetings with █████ on this █████ project and never discussed it █████ DA Brian O'Keefe. █████ said that he got a new █████ without understanding the costs and corresponding effects on the DCI █████. █████ averred that this was all done without Brian's knowledge. █████ stated that during the █████ project █████ asked █████ DCI █████ was not discussed with the DCI administrative team or Brian. █████ recalled █████ continually telling him that Brian wasn't going to make his probation and she wasn't sure what that meant for █████'s job or career. █████ said that █████ asserted that █████ and Brian would be getting pre-discipline letters from DAG Wilson and COS Viste for not handling █████ issues. █████ asked DAG Wilson approximately one month later if he was going to receive a pre-discipline letter and DAG Wilson said "no he was not" and asked who said that.

████ has █████ meetings with █████ to discuss the DCI █████. █████ said that there have been times that DAG Wilson has sat in as a moderator. █████ stated that █████ would have agendas for the meetings. █████ said he would not see the agenda until the meeting, so he was not able to prepare. █████ stated that █████ oversteps her role. █████ asserted that █████ has told him his directors are inferior, written position description █████ and questioned him meeting with HR regarding █████ and hours of work policies. █████ said to his knowledge █████ had raised issues with how the █████ were managed, so she took them over before he was █████. █████ said that █████ assigned the █████ management to a member of her team. █████ said that if he had an issue or needed to make contact, then he would reach out to this individual. █████ recalled █████ pointing her finger at him and saying something to the effect of "she doesn't report to you." █████ recalled an instance where there was an officer involved off duty death investigation and █████ interfered with the corresponding DCI criminal investigation. █████ said at a meeting with █████ and DAG Wilson, that █████ saw an arrest in this case come across his phone. █████ commented to them that she was aware that there had been a █████ the suspect to the deceased officer.

█████ stated that █████ said that earlier that day she had a conversation with the DCI digital forensic analyst on this case, and that █████ said that she told the digital forensic analyst not to go to the correlating police department due to the █████. █████ said that the digital forensic analyst listened to █████ and did not go to the police department as instructed by DCI. █████ stated that █████ should not be ordering agents around.

█████ has witnessed █████ raise her voice in meetings, become so angry that she shakes, and walk out of meetings. █████ recalled one meeting, in which DAG Wilson was also in attendance, where █████ grabbed her stuff and slammed the door, so hard that it almost broke the glass. █████ briefed COS Viste on █████'s behavior minutes after that occurred. █████ said after the meeting the former DLES DDA called him and asked █████ what he did because █████ was in █████'s office and "motherf---king" him to █████. █████ recalled seeing █████ put her hand up to DAG Wilson and to the █████ during a meeting in an effort to control the conversation and who was speaking.

█████ said █████ has refused to meet with DCI staff. █████ recalled setting up a meeting for multiple members of DCI leadership to meet with █████ regarding the █████. █████ said the DCI Leadership all got together for the meeting and █████ refused to meet with them. █████ said █████ said something to the effect of that she thought they were all going to meet yesterday, and she was not prepared to meet that day. █████ stated that █████ refuses to meet with █████ whose position is to assist with the DCI █████ was in her role when █████ was hired by DCI in 2001. █████ said that █████ worked with DCI and then left to manage the █████

█████ said that █████ has now returned to manage the DCI █████ has no issues with █████ or her work performance. █████ said that █████ is the one raising issues with █████ and not providing her with █████ or limiting her access to █████. █████ says that she needs to meet with █████ because he can make decisions. █████ wants to consult with his staff. DAG Wilson was ready to discuss new needs of DCI and █████ thinks that is something that Brian should be included on. █████ said that DAG Wilson has told him not to meet with █████ alone. █████ said that DCI has had approval from DAG Wilson to hire a █████ and they still do not have one. █████ indicated that they get a different answer from █████ every time on the █████. █████ said that the relationship that █████ and DCI have makes it very difficult to do business and there needs to be a change moving forward. █████ stated that █████ told █████ about this investigation before anyone else. █████ recalled █████ saying something to the effect of that she was giving him a heads up that there would be people coming in from University of Wisconsin and that it was about DAG Wilson wagging his finger at people and the way that Brian treats people. █████ informed █████ he would be a witness.

█████ has worked with █████ for approximately nineteen years. █████ and █████ worked together under the former █████ stated that at one point he reported to █████. █████ said that there are issues with █████. █████ alleges that there were instances that █████ made █████

█████ said he was willing to leave █████ to get away from █████ and work with Brian at █████

██████████ said he was asked to do ██████████ work and had to help agents get assistance from peer support, because of the way that ██████████ treated them.

██████████ remembered going to an ██████████ meeting and found out that ██████████ had been saying she was going to the meetings, but she really wasn't. ██████████ stated that ██████████ was responsible for ██████████ and she was telling the entire DCI management team she had to go to Tuesday meetings for ██████████ every week and she was not going. ██████████ said that he found this out as she was getting appointed to be the ██████████ and he was moving into the role of ██████████. ██████████ stated that he took over ██████████'s tasks when ██████████ transitioned to ██████████ and that is how he found out she was not attending the meetings. ██████████ said he also found out that ██████████ was having an employee send the same formulaic responses for ██████████ correspondence and complaints. ██████████ averred that this employee showed him twenty to thirty canned responses and her ██████████ stamp. ██████████ said that they handle each request individually now. ██████████ noted that they have not filled ██████████ ██████████.

██████████ said that ██████████ will greet him with a hug and a kiss on the cheek. ██████████ said there was an incident in the parking ramp where ██████████ was "motherf---king this and that" and came up to ██████████ and kissed him on the cheek and hugged him. ██████████ asked him if he knew ██████████. ██████████ said that he didn't, and ██████████ said, "she f---king hates you." ██████████ called ██████████ and met with her. ██████████ said that ██████████ was almost in tears and said there was no issue with ██████████.

██████████ recalled an issue with an employee and a meeting with a victim and the family on a high-profile case. ██████████ said that DCI led an investigation into the employee. ██████████ was concerned as ██████████ had asked him the day before they launched the investigation what he thought of this employee. ██████████ said that ██████████ fired this employee the next day and the employee was devastated.

██████████ said that DCI and ██████████ need to have good working relationships with the Chiefs and Sheriffs. ██████████ has never been part of meeting with Chiefs and Sheriffs where negative comments were made regarding ██████████. ██████████ has heard issues raised by the Chiefs and Sheriffs regarding money which ██████████ was managing and Brian has said that it is tight everywhere to defend DOJ. ██████████ said that he has heard Brian trying to defend Chaplain and peer support programs and say that those programs are on the ██████████. ██████████ has never heard Brian, Chiefs, or Sheriffs make negative comments about ██████████ at those meetings.

██████████ does recall a Chief asking why ██████████ showed up late to a ██████████ Meeting in February and commenting that ██████████ immediately got on her IPAD and did not engage with them. ██████████ noted that he was engaged in conversation with this Chief when he made those remarks and ██████████ had no knowledge as to why ██████████ was late and not engaging.

██████████ said that he believes that DCI has a good working relationship with ██████████ and ██████████ and ██████████. ██████████ stated that he is not aware of any rift between ██████████ and DCI. ██████████ asserted that Brian has never mentioned any rift. ██████████ was aware of the ██████████ and indicated that Brian thought they should keep their own ██████████. ██████████ did not recall Brian making negative comments about ██████████ regarding the ██████████ transfer to Chiefs or Sheriffs. ██████████ and Brian were disappointed in the lack of communication to the Chiefs and Sheriffs regarding ██████████.

Credibility of [REDACTED]: [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

i. [REDACTED]

[REDACTED]

[REDACTED] Brian when he was the [REDACTED]. [REDACTED] described Brian's approach as taking a law enforcement approach to [REDACTED] analysis of a case. [REDACTED] that they need to remove bias and that approach was the one supported by the [REDACTED] community. [REDACTED] believes that the need to separate out was provided in the annual report to the AG and Brian. After Brian moved to DCI, a new [REDACTED] worked towards separation of the [REDACTED]

[REDACTED] provided a snapshot of the history of the [REDACTED] used to be under [REDACTED]. In 2018, a consulting group from [REDACTED] said some were on board and some were not. The big issue is impartiality in that it can be questioned if the [REDACTED] is [REDACTED] in an officer involved situation and the one overseeing the [REDACTED]. Subsequently, [REDACTED] by [REDACTED]. [REDACTED] has worked with [REDACTED] since 2009.

[REDACTED] Brian became the [REDACTED] approximately 2011. [REDACTED] Brian walking into the [REDACTED] and saying something to the effect of there is a "new regime" and that the [REDACTED] need to get their act together and that he was going to fix them. [REDACTED] Brian and his DDA at the time, trying to rewrite [REDACTED]. [REDACTED] that this DDA was releasing and issuing his own reports from [REDACTED] which [REDACTED] led him to being subpoenaed to be an expert witness [REDACTED] for a case.

[REDACTED] started having more regular interactions with Brian. [REDACTED] said approximately a week into [REDACTED] she received a meeting invite from Brian that all [REDACTED] had to report to the Risser for a meeting and then it was changed to [REDACTED] not just [REDACTED] asserted that prior to that meeting Brian relayed that everyone had [REDACTED]

[REDACTED] for approximately one week. [REDACTED] were not discussed at the meeting, but [REDACTED] recalled that the [REDACTED] an employee survey that had been done by former members of [REDACTED] leadership. [REDACTED] that the employee survey provided negative feedback about Brian and that Brian took offense. [REDACTED] that some of the feedback was related to wanting to be respected, not be sworn at, and that it was turning into a paramilitary structure. [REDACTED] Brian indicating that it was the supervisor's fault. [REDACTED] Brian being angry, red-faced, swearing, and shaking his fingers at them. [REDACTED] people

pushed back and said it was Brian's action. [REDACTED] a specific employee making a statement to the effect of people not liking when Brian called in the middle of the night demanding results or ordering them to the [REDACTED] instead Brian should call the supervisors. [REDACTED] recalled Brian's response to be standing up and asking this employee "can a major general call a private," and the response was "yes," and then asking "can a private call a major general," and the response was "no." Brian then said exactly and sat back down. [REDACTED] Brian dismissing everyone from the meeting except for the [REDACTED] and telling them that they are never to participate in any morale surveys, and they were never to conduct any morale surveys. [REDACTED] that this was tied to Brian being upset regarding [REDACTED] times.

[REDACTED] Brian not listening to [REDACTED] and noticing that when a male would make the same point Brian would be like "ok." [REDACTED] that it just seemed like a meeting to yell at people and it didn't accomplish anything. [REDACTED] this behavior was unprofessional and made her question the culture. [REDACTED] that this was not the only meeting that was like that.

[REDACTED] that at one-point Brian dictated that they were not allowed to talk to the Innocence Project at University of Wisconsin-Madison or with the professor that ran the project. After Brian left, the [REDACTED] rebuilt that relationship and now teaches part of one of the professor's classes. [REDACTED] also noted that Brian seemed to show favoritism in hiring. [REDACTED] he used to say we need to hire this person, because "I know their Dad" or that he has some connection to them [REDACTED] they did not always hire those individuals.

[REDACTED] that Brian was difficult to work for and that he would yell, raise his voice, wag his finger, and swear at employees. [REDACTED] said this was behavior was any time he was upset or irritated. [REDACTED] indicated that there was a perception that if you weren't a "rockstar" according to Brian that they would not get their DMC base-building pay increase. [REDACTED]

[REDACTED] that Brian would make promises to others that the [REDACTED] could not meet. [REDACTED] an incident where Brian made a promise in the newspaper that the [REDACTED] would have [REDACTED]. The [REDACTED] could not do that. [REDACTED] has strict guidelines and [REDACTED] standards. The [REDACTED] details what you need. Each state has a state [REDACTED] administrator. At the time, the state [REDACTED] administrator reached out to the [REDACTED]. He stated, "you are not authorized to do this and remarked that [REDACTED] is a privilege not a right." [REDACTED] Brian's response was that he was going to use federal grant money and the Feds said no. [REDACTED] Brian's behavior was embarrassing and that per Brian they would contact the Feds and apologize for the State of Wisconsin say "we know we cannot do this, but can you put something in writing." [REDACTED] it was embarrassing to go to the [REDACTED] custodian, but he is a good man. [REDACTED] that this is [REDACTED] career.

Also, [REDACTED] Brian saying something to effect that he was going to strong-arm the [REDACTED]. Brian was also upset that the individual was titled the "[REDACTED] administrator," because he was the Administrator. Brian said he was going to go to the FBI. After Brian found

out he couldn't change the state [REDACTED] administrator title, [REDACTED] heard him call this person useless and lazy as well as question what he was doing.

[REDACTED]

[REDACTED]

the [REDACTED] Administrator, because of his authority to say no. [REDACTED] recalled coming around the corner with coffee to see Brian yelling at the other employee she was with at the booth. [REDACTED] said that Brian was saying something about getting this "f—king" person in line in reference to the state [REDACTED] administrator. [REDACTED] said that they were used to that type of behavior from Brian, but it was more alarming to see it in public.

[REDACTED]

[REDACTED] Brian's behavior continued even after he became the DCI DA. [REDACTED] recalled an incident where Brian made a promise to the previous AG that the [REDACTED] was going to [REDACTED] the AG that they were not able to do that because they did not have the methodology. Brian [REDACTED] was angry and red-faced.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] relayed another issue regarding the presence of [REDACTED]. This issued involved DCI asking for [REDACTED] recollection is that Brian was demanding that [REDACTED] indicated that [REDACTED] had said this is violation of [REDACTED]. The issue is impartiality. After this dispute, [REDACTED] told [REDACTED] that [REDACTED] recalls that [REDACTED] wanted them to put the directive to have [REDACTED] in writing and [REDACTED]

[REDACTED]

In addition to working in her role at the Wisconsin Department of Justice [REDACTED], [REDACTED] is

[REDACTED] stated that she has done approximately ten [REDACTED]
since 2012. [REDACTED] indicated that she has been approached by [REDACTED]

[REDACTED]

In January 2019, AG Kaul's administration took over leadership. [REDACTED] understood that there was a review of Brian taking place. [REDACTED] DAG Wilson started asking questions about Brian. [REDACTED] she told DAG Wilson everything that she told us, including the threat to [REDACTED] made during the previous administration. [REDACTED] recalled one meeting after an

[REDACTED]

[illegible]

██████████ the former DLES DDA, who was Brian's DDA when he was the DLES DA, said not to trust ██████████ ██████████ in ██████████. Specifically, that you don't know where her allegiances lie politically. ██████████ has not had any issues with ██████████ in ██████████ and said she is very knowledgeable. ██████████ has had or seen small professional disagreements but described ██████████ as willing to help and saying well you could do that, or this is what you should be doing.

¹³ See Exhibits J and K.

█████ opined that it feels like Brian has a hard time with females. For example, if she said something Brian would challenge her or need confirmation from one of the males in █████ however, if one of the males in █████ said something he would back down. █████ also saw this in the way Brian treated █████. █████ recalled that the former COS said that she relayed some of these issues involving Brian to the new administration.

Credibility of █████ █████: █████ █████ willingly and fully participated in the investigation process. █████ appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

j. █████ █████

█████

█████ regularly █████ with Brian. █████ described Brian's leadership style as relying on his team to provide recommendations and guidance. █████ said Brian is a collaborator and if there is a disagreement that he works with his team to find a middle ground. █████ did not recall an instance of Brian raising his voice or yelling in meetings. █████ did acknowledge that Brian does use profanity, but not in a degrading or demeaning way. █████ has never felt that she was treated differently by Brian because she identifies as a woman. █████ has attended a lot of meetings with Brian and individuals outside of DCI and she never witnessed Brian being unprofessional in that setting. █████ has not witnessed any favoritism towards other employees. █████ stated that Brian has good working relationships with Chiefs and Sheriffs, but she has rarely seen him interact with them.

█████ stated that there are issues between DCI and █████ █████ said that based on her experience it appears that █████ has an issue with how DCI █████ █████ DCI has an individual that manages their █████ and that position has been in place since she started in █████ For example, █████ had an issue with the way the previous individual that managed the DCI █████ managed DCIs' █████ and the former COS allowed █████ to take over. █████ commented that DCI did not have an issue with the way their █████ were managed, only █████ did. The individual currently in this role is █████. █████ stated that █████ will not meet with █████ and that she will only meet with █████. █████ stated that all the Special Agents in Charge (SAC) have the ability to speak with █████ and █████ directly if needed, but that Brian has asked that █████ be included. █████ noted that █████ had taken █████ management away from DCI, but that █████ works with █████ on █████ management collaboratively now.

█████ that the issues between █████ and DCI are related to communication. █████ gave the example of a █████ that was an issue. █████ summarized the issue as a specialty █████ was ordered for an agent that requires a █████ modification and this modification cannot be done aftermarket due to safety concerns. █████ stated that the specialty █████ was ordered for this individual without the █████ modification accommodation and now the specialty █████ cannot be used for its purpose and will now be used for a standard

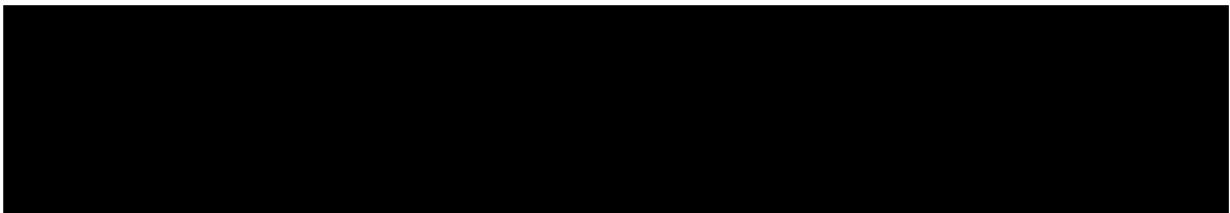
agent position. ██████ made the decision to order the ██████ without communicating with DCI regarding the ██████, so it cannot be used for its specialty as it doesn't have the proper modifications for the agent that would use it. ██████ described it as siloed decision-making.

██████ stated that DCI has ██████ needs that ebb and flow which do not fit nicely into a ██████. ██████ said at times DCI tries to fit a square peg into a round hole and trying to make that come together can result in conflicts. ██████ is not sure what the solution is, but that DAG Wilson has made it clear that he wants the relationship between ██████ and DCI to be better. DCI set-up a meeting with ██████ in an effort to get the ball rolling and ██████ did not show up. ██████ noted that ██████ did not call, text, or email that she was not going to attend the meeting. ██████ said that they were all sitting there waiting. ██████ stated that ██████ did not email or reach out after the meeting about the fact that she did not attend either. ██████ commented that she canceled a professional development training event that she personally paid for to attend this meeting, because DAG Wilson indicated that it was important. ██████ has personally scheduled meetings with ██████ and she has not shown up. For example, ██████ tried to set-up a meeting with her, ██████, human resources, ██████, and Brian to discuss special agent recruitment. ██████ declined the meeting and ██████ tried to reschedule. ██████ responded that she did not need to meet with them. ██████ noted if ██████ would have met with them it would have eliminated or minimized subsequent ██████ implications, they ran into with the special agent recruitment.

██████ stated that at times there were meetings between DCI and ██████ that were collaborative and others where there was conflict and unprofessional behavior. ██████ recalled ██████ making a comment in a meeting about ██████ being operations, grabbing her stuff, walking out, and slamming the door. ██████ also attended a meeting where at one-point ██████ interrupted, raised her voice, and put her hand up to DAG Wilson. ██████ perceived ██████'s behavior as disrespectful and unprofessional. ██████ stated that DAG Wilson did not react and just kept talking. ██████ said that she has been on the receiving end of that behavior and has seen this several times from ██████ in meetings and perceived it as disrespectful and unprofessional.

██████ has been in meetings with other directors, Brian, and ██████ and does not recall any issues. ██████ has worked with ██████ since ██████. ██████ met ██████, ██████ and ██████ last year at a meeting regarding critical incidence response. ██████ did recall an issue on a case with ██████, ██████ and the ██████. ██████ said that the conflict was related to certain testing by the ██████. ██████ remembered Brian talking about it. ██████ did not recall any specifics with that particular issue, but recalls being told that agents could not just pick up the phone and call the ██████ moving forward.

Credibility of ██████, ██████: ██████, ██████ willingly and fully participated in the investigation process. ██████ appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.



■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I. Dan Lennington

Dan Lennington is an Assistant Attorney General in the Criminal Litigation Unit. Dan moved into that role after serving as the Senior Legal Counsel under the previous administration. As Senior Legal Counsel, Dan oversaw DCI, School Safety, and Open Government. Dan began supervising Brian O’Keefe in the beginning of 2018. Dan stated that he supervised Brian for approximately six months.

Dan said that Brian had a good working relationship with the Chiefs, Sheriffs, and other members of law enforcement. Dan characterized Brian as serving as an ambassador for the DOJ to the law enforcement community. Dan stated that they all contacted the Chiefs and Sheriffs at times to support DOJ funding requests for new positions and equipment.

Dan described Brian's management style as adhering to the chain of command mentality and running his division like a police department. Dan was aware that there were individuals under Brian's leadership that were not happy with his management style. Dan noted that DCI had struggled under previous leadership and Brian seemed to be turning morale around. Dan said under Brian's leadership DCI related matters were on an upward momentum. Dan stated that he tried to coach Brian on people management. Dan does not recall Brian yelling or swearing in meetings. Dan never received any formal complaints about Brian. Dan did recall there being issues between Brian, [REDACTED], [REDACTED], and the former Chief of Staff; however, there were no formal complaints filed.

Dan did not recall any issues with Brian and [REDACTED] except for disagreements related to particular cases. For example, Dan said there was a disagreement between [REDACTED] and Brian over allowing [REDACTED] in the [REDACTED] when [REDACTED]. Dan said he also vaguely remembered an issue on a high-profile case and a request for [REDACTED] response. [REDACTED] stated that Brian did have a SAC that he disagreed with as well. Dan was approached by a male supervisor in DCI to work through an issue he had with Brian, but this individual did not file a formal complaint.

Dan stated that Brian had an ongoing conflict with [REDACTED] [REDACTED]. Dan described the conflict as one that was based on personality. Dan observed that Brian and [REDACTED] had different goals. Dan said that [REDACTED] is [REDACTED] and Brian dealt with life and death. [REDACTED] stated that Brian did not feel like he was getting the whole story from [REDACTED]. Dan never observed Brian being dishonest. Dan experienced resistance from [REDACTED] and [REDACTED] for [REDACTED] and didn't feel that the delays were due to efforts by [REDACTED] to get the best deal. [REDACTED] gave an example of needing to [REDACTED] a piece of surveillance equipment that is manufactured by only one company and he still struggled to get it [REDACTED]. Dan noted that DCI always had a [REDACTED] and that DCI always had to find [REDACTED]. Dan stated that [REDACTED] always wanted stuff on paper and DCI was not able to do it. Dan felt like it was game playing by [REDACTED]. Dan recalled that if there were issues with [REDACTED] DCI resolved them. For example, there was an issue with [REDACTED] management, and DCI worked with [REDACTED] on that issue. Dan does not recall any directions from Brian that SACs were not to speak with [REDACTED]. Dan commented that if he heard that he would never have allowed that to happen. Dan did not feel that any of the issues that Brian had with [REDACTED] were gender motivated or personal.

Dan believed that while Brian was under his supervision that Brian was supervising [REDACTED]. Dan described Brian and [REDACTED] as not having respect for each other. Dan stated that he would hear it from both Brian and [REDACTED] about each other. Dan said both have great strengths and they needed to just stay in their lanes.

Dan recalled an issue involving [REDACTED] [REDACTED] and a particular case that revolved around the ability for [REDACTED] to be [REDACTED] observing analysts. Dan recalled that [REDACTED] said that [REDACTED] were not allowed in the [REDACTED]. Dan indicated that to his knowledge law enforcement had been allowed [REDACTED]. Dan said that [REDACTED] threatened to go to the [REDACTED] were allowed in the [REDACTED] and this upset him, the former AG, the former DAG, and Brian. Dan felt that [REDACTED] did not handle this issue professionally. Dan stated that [REDACTED] requested that the AG put in writing that she had to let the [REDACTED].

believes at one-point ██████ said something to the effect of “you make me do this you are not going to have a ██████”. Dan did not recall any subsequent meetings with Brian regarding ██████ on this issue or any attempts to retaliate against ██████ for that decision. Dan noted that the DA that was overseeing the ██████ at the time was upset with ██████’s handling of this issue as well.

Credibility of Dan Lennington: Dan Lennington willingly and fully participated in the investigation process. Dan appeared to be open and sincere in answering the investigators’ questions and is found to be a credible witness.

m. ██████ ██████

██████ stated that she is aware of individuals raising issues regarding the way that Brian treats people in the workplace. ██████ recalled a meeting she had with AG Kaul at the end of November 2018 in which she relayed those concerns. ██████ noted the issues she shared were related to allegations of Brian engaging in bullying, intimidating, and harassing behavior in the workplace. ██████ indicated to AG Kaul that she felt that those concerns should be investigated. ██████ said that ██████ ██████ raised issues about Brian’s behavior prior to leaving DOJ and that Brian’s behavior may have played a role in her departure. ██████ noted that Brian and ██████ got along well until Brian became DCI DA and then there were “turf wars” over the ██████ ██████ said at some point ██████ was no longer reporting to Brian and instead was reporting to the front office of the previous administration. ██████ recalled an instance where Brian told one of ██████’s people that they could work in the ██████ office without ██████’s knowledge.

██████ recalled an incident involving an ethical question regarding acceptance of a meal by DCI agents and DOJ affiliates. A prior employee posted a picture on social media of a meal at a restaurant with several DOJ employees. The comment was that the meal was paid for by someone outside of the DOJ. Brian was present at the meal and allowed it. ██████ was advising on the related ██████ DAG Wilson asked ██████ to include a ██████ ██████ regarding this incident. To her knowledge, Brian was not disciplined for accepting the meal; however, ██████ said that she believes that everyone was told to contact the restaurant and repay their bill.

██████ has known ██████ approximately six years. ██████ said that she began working more closely with ██████ around late ██████ ██████ was tasked with attending ██████ meeting and ██████ attended those as well as served as an on-call authority to answer questions on ██████ ██████ said they became work friends in approximately ██████ indicated that there were times that ██████ would reach out to her to discuss various concerns.

██████ reached out to ██████ shortly after she was appointed ██████ said that ██████ received notice of an investigation into ██████’s behavior, because Brian had reported an issue with ██████’s behavior towards one of her employees. ██████ also recalled that Brian recorded ██████ in the workplace without her knowledge as part of this complaint. To ██████’s knowledge, Brian was never investigated for recording ██████ in the workplace without her knowledge. ██████ commented

that [REDACTED] has complained several times about Brian and there has not been an investigation to her knowledge. [REDACTED] commented that Brian complained once and immediately there was an investigation.

In December 2019, [REDACTED] sent an email regarding a [REDACTED] she had been working on with various people including, Brian and [REDACTED]. [REDACTED] said that [REDACTED] relayed to her that Brian had been trying to set-up a meeting with [REDACTED] and that she kept declining the meeting requests. [REDACTED] stated that [REDACTED] indicated that COS Viste contacted [REDACTED] and was upset with [REDACTED] for not having the project on track. [REDACTED] asked [REDACTED] why she refused to meet with Brian and [REDACTED] responded that she wasn't going to meet with him, that Brian had guns, [REDACTED]. [REDACTED] inquired as to whether [REDACTED] was afraid of Brian and [REDACTED] said something to the effect of "that is what I have been trying to tell everyone." After this phone call with [REDACTED], [REDACTED] sent an [REDACTED] the project and included a directive that [REDACTED]

[REDACTED]

Credibility of [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

III. POLICY STATEMENT

As per the Notice, the DOJ is responsible for investigating complaints or reports of behavior that may violate its policies. The alleged conduct may have violated the DOJ Discrimination and Harassment Prevention and Complaint Policy and/or the Wisconsin Human Resources Handbook Work Rules as outlined in Section 410.030.

The Discrimination and Harassment Prevention and Complaint Policy provides for the investigation of allegations pursuant to the complaint resolution process. The DOJ retained external investigators to conduct the fact-finding portion of the investigation. This report is limited to determining whether it is more likely than not that an allegation occurred. DOJ will conduct a review of the fact-finding report for purposes of determining whether policy violations occurred.

IV. STANDARD OF REVIEW

This fact-finding review will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding must weigh more heavily than the information in opposition such that the fact at issue is more likely than not to be true.

V. REASONING AND ANALYSIS

The allegations against Brian consisted of multiple reports of the use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees. This investigation is limited to reviewing whether Brian engaged in the use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees in the workplace in fact and not to whether any behavior

¹⁴ See Exhibit L.

that occurred is a violation of DOJ policy or definitions of such behavior as outlined in DOJ workplace policies. The witness interviews and materials presented above and discussed below were viewed through the limited lens of whether it is more likely than not that Brian engaged in such behavior in the workplace. This reasoning and analysis section is limited to a discussion of the information gathered through witness interviews and materials that are relevant to determining whether Brian engaged in the behaviors alleged.

██████████ she was asked questions about Brian. She stated that she spoke to AG Kaul and COS Viste regarding her concerns and it was her understanding that the DOJ was going to review the matter. ██████████ AG Kaul and COS Viste that Brian did not respect her personally or professionally. ██████████ Brian's behavior in the workplace, but she was concerned that they would be reluctant to speak with them. ██████████ Brian has implied to members of law enforcement that she works for him. For example, she was approached by an individual at the new Chiefs training in January 2019 who relayed to her that Brian had said that if they needed anything, they were to call Brian not her.

COS Viste recalled ██████████ raising concerns that Brian is part of the ██████████ ██████████ COS Viste said that ██████████ also alleged that Brian is verbally abusive in the workplace and unfairly targets individuals that are not loyal to him. COS Viste stated that DAG Wilson conducted a performance review and spoke with a lot of Brian's direct reports. COS Viste noted that there was not a discussion or relay of concerns regarding Brian's conduct in the workplace from the prior administration.

DAG Wilson stated that he was aware of potential issues regarding Brian as well as concerns raised by ██████████. DAG Wilson indicated that he examined those reports and concerns as part of a performance review of Brian to move him from probationary to permanent status. DAG Wilson stated the feedback was overwhelmingly positive regarding Brian which led to the administration moving him from temporary to permanent status. DAG Wilson did not speak with other DAs as part of his review. DAG Wilson stated that he has addressed any issues reported to him as needed with Brian. DAG Wilson said that he verbally reprimanded Brian for giving a television interview for a national news show. DAG Wilson approved an investigation by human resources into allegations that Brian accepted a dinner he should not have, and Brian was required to pay for the dinner. DAG Wilson also verbally reprimanded Brian for his actions regarding a crime scene response request. As part of an investigation into ██████████ ██████████, DAG Wilson became aware that Brian recorded ██████████ in the workplace. Brian confirmed in his statement that he recorded ██████████ in the workplace. DAG Wilson stated that he did not formally discipline Brian for this behavior. ██████████ DAG Wilson spoke to Brian about this conduct and directed that he is never to do that again.

Jayne commented in her interview that there is no formal DOJ policy prohibiting recording another employee.

██████████ ██████████ reported that ██████████ indicated to ██████████ that she was afraid of Brian, which led to ██████████ sending an email that ██████████

██████████ ██████████ has never been part of a meeting with Chiefs and Sheriffs where negative comments were made regarding ██████████

██████████ and Brian has said that "it is tight everywhere" to defend DOJ. ██████████ said that he has heard Brian trying to defend Chaplain and peer support programs and say that those programs are on the ██████████ side of the house. ██████████ has never heard Brian, Chiefs, or Sheriffs make negative comments about ██████████ at those meetings.

Brian indicated that his relationship with [REDACTED] was not good and that it deteriorated over time. Brian commented that there were times that [REDACTED] did not complete tasks and became evasive when she was called out. Brian said he had [REDACTED] and that others reported similar concerns to him.

[REDACTED] Brian indicated that he tried to speak with her, but she wouldn't talk to him.

[REDACTED] made statements regarding Brian's past behavior when he was the [REDACTED] their experience working with him after he became the DCI DA regarding their view of his management style and behavior.

[REDACTED] stated that Brian was difficult to work for and that he would yell, raise his voice, wag his finger, and swear at employees. [REDACTED] said this was his behavior any time he was upset or irritated. [REDACTED] corroborated [REDACTED]'s statement and said that when Brian gets angry, he turns red, a vein pops in his head, and he points and wags his finger at people.

[REDACTED] an employee survey that was conducted and the feedback about Brian was that employees wanted to be respected, not be sworn at, and that it was turning into a paramilitary structure. [REDACTED] a specific employee making a statement to the effect of people not liking when Brian called in the middle of the night demanding results or ordering them to [REDACTED] and instead that Brian should call the supervisors. [REDACTED] Brian's response to be standing up and asking this employee "can a major general call a private," and the response was "yes," and then asking "can a private call a major general," and the response was "no." Brian then said exactly and sat back down. [REDACTED] Brian dismissing everyone from the meeting except for the [REDACTED] and telling them that they are never to participate in any morale surveys, and they were never to conduct any morale surveys.

[REDACTED] Brian not listening to [REDACTED] and noticing that when a male would make the same point Brian would be like "ok." [REDACTED] at one-point Brian dictated that [REDACTED] not allowed to talk to the Innocence Project at University of Wisconsin-Madison or with the professor that ran the project. After Brian left [REDACTED] rebuilt that relationship and now teaches part of one of the professor's classes. [REDACTED] multiple examples of Brian using his authority and influence to attempt to move cases to the top, asserting that [REDACTED] could do something that they could not, like [REDACTED], and telling [REDACTED] how to do their job.

[REDACTED] Brian's behavior with employees in [REDACTED] as [REDACTED]. [REDACTED] Brian yelling at her colleagues, getting the face of a female employee, and making the statements "can a general call a private" followed up by "can a private call a general." [REDACTED] concerns on specific cases where [REDACTED] was different than Brian. [REDACTED] an issue with a high-profile case that involved a [REDACTED] as an example of abusive or harassing behavior. Brian wanted the [REDACTED] ran that night and the [REDACTED] had a meeting the next morning with the [REDACTED]. [REDACTED] was on the phone with the former DLES DDA and could hear Brian in the background yelling "direct her, direct her!" [REDACTED] worked on this issue until late in the night. After this incident, the former [REDACTED] spoke [REDACTED] and sent an email that Brian and his staff were not to directly contact [REDACTED], [REDACTED], or [REDACTED] on this issue.¹⁵

¹⁵ See Exhibit F.

Brian indicated that when he was the DLES DA that he had a good working relationship with the crime labs. Brian said that he worked to get additional positions for the crime labs and that he brought his view of chain of command into the State crime labs. [REDACTED]

[REDACTED] there was an instance where he said to an employee “can a major question a private, can a private question a major” and that it was related to questions regarding Brian contacting an analyst at home after hours. Brian said he contacted the analyst from the scene of a homicide of an officer. Brian recalled the issue [REDACTED] raised regarding the partial DNA profile and he said he told a Director in DCI and the former DLES DDA to order [REDACTED] to enter the profile.

[REDACTED] an issue with Brian and having [REDACTED] in [REDACTED] as an example of abusive or harassing behavior. [REDACTED] for not have [REDACTED] and the accreditation standards of concern. [REDACTED] conclusions may change after final analysis and it is also an issue to have cons [REDACTED] from an officer involved shooting due to bias. [REDACTED]

[REDACTED] violation of [REDACTED] The issue was escalated to the former AG. [REDACTED] the former DDA called and said the AG is the law of the land and that [REDACTED] as Brian has a business need. [REDACTED] to document and notify the accrediting body of the non-conformance. [REDACTED] the AG’s decision in writing. [REDACTED] later told by the former DDA that Brian no longer needed to have [REDACTED] never received a response to the email. [REDACTED]

[REDACTED] a call from the former COS and [REDACTED] with warnings about Brian being upset with her.

Brian confirmed that there was another issue that involved [REDACTED] allowed [REDACTED] Brian indicated that this was the first time that [REDACTED] not allowed [REDACTED] and he never received notice that the policy had changed. Brian said that [REDACTED] had made the call to not allow the [REDACTED] Brian noted that he followed the chain of command and the issue went all the way to the former AG. Brian said that he eventually dropped the issue. Brian stated that there may have been conversations regarding [REDACTED]’s contempt for a directive of the former AG, but that he did not make any threats towards [REDACTED] or comments that she is going to get what is coming to her.

Dan Lennington recalled this issue as well. Dan recalled that [REDACTED] said that [REDACTED] were not allowed in [REDACTED]. Dan indicated that to his knowledge law enforcement had been allowed in the [REDACTED]. Dan said that [REDACTED] threatened to go to [REDACTED] were allowed in [REDACTED] and this upset him, the former AG, the former DAG, and Brian. Dan felt that [REDACTED] did not handle this issue professionally. [REDACTED] stated that [REDACTED] requested that the AG put in writing that she had to let the [REDACTED] Dan believes at one-point [REDACTED] said something to the effect of “you make me do this you are not going to have [REDACTED] Dan did not recall any subsequent meetings with Brian regarding [REDACTED] on this issue or any attempts to retaliate against [REDACTED] for that decision. Dan noted that the DA that was overseeing [REDACTED] at the time was upset with [REDACTED]’s handling of this issue as well.

DAG Wilson said he heard what he called one-off stories about Brian from his time during the prior administration as well as the current administration that aligned with [REDACTED]’s statement. DAG Wilson recalled hearing about an issue involving Brian and [REDACTED] to be in the [REDACTED] for a case from [REDACTED] [REDACTED]. [REDACTED] thought that the request was inappropriate, and the dispute made its way to the former AG’s desk for review. DAG Wilson said that [REDACTED] shared this incident as an example of Brian trying to bully [REDACTED]. DAG Wilson did recall that [REDACTED] had relayed concerns about Brian’s

authoritarian leadership style. DAG Wilson did not recall hearing any separate specific complaints from [REDACTED] regarding Brian's past behavior. DAG Wilson noted that [REDACTED] did provide additional input on the concerns that [REDACTED] had raised.

During the current administration, the organizational structure of the [REDACTED] changed with the [REDACTED]. [REDACTED] was hired into the role of [REDACTED]. [REDACTED] there was a request for the [REDACTED] in a high-profile case, in which Brian made the request and gave the name of the case but no other information. [REDACTED] felt that this request, [REDACTED] does not have the ability to deny, put [REDACTED] position to make [REDACTED] look bad to the current administration as [REDACTED] not aware of all of the issues with this case and Brian did not relay any of the concerns but was aware of the concerns.

DAG Wilson recalled another issue regarding a request for [REDACTED]. Brian called [REDACTED] and relayed the [REDACTED] or directed the Sheriff to contact [REDACTED] to make the [REDACTED]. [REDACTED] was concerned that Brian put [REDACTED] in this situation on purpose by setting [REDACTED] up in a way that may be embarrassing for [REDACTED]. DAG [REDACTED] recalled that [REDACTED] when speaking about it but thought that was more related to the Communications Director's treatment of her on this issue than Brian. DAG Wilson verbally reprimanded Brian and [REDACTED] over the handling of this [REDACTED] request. DAG Wilson had a conversation with Brian regarding the [REDACTED] issue and communication moving forward.

Brian recalled receiving a call from a Sheriff requesting a [REDACTED]. Brian said this was not his area, so he contacted [REDACTED]. Brian asserted he told [REDACTED] the case name when he contacted her. Brian said he was aware that there was an individual that wanted this case reopened, but that he was not aware of any potential fallouts in making the request.

[REDACTED] an issue with the transfer of the [REDACTED], which [REDACTED] noted that Brian had purchased the [REDACTED] for [REDACTED]. [REDACTED] stated that they were working with [REDACTED] PD to move the [REDACTED]. [REDACTED] indicated that the [REDACTED] individuals were working with a Lieutenant with [REDACTED] PD on taking the [REDACTED] but it was not properly discussed up the chain of command. [REDACTED] had issued a letter to law enforcement in September 2019 indicating that [REDACTED] was going to [REDACTED] which led to a meeting in [REDACTED] where they were told [REDACTED] would not be taking the [REDACTED]. [REDACTED] immediately sent a letter updating law enforcement that the [REDACTED] would not be going to [REDACTED]. Two Chiefs sent letters indicating their dissatisfaction to the AG regarding the handling of the [REDACTED] transfer. [REDACTED] is concerned that Brian had something to do with those letters, as he used to work at [REDACTED] PD, and he worked with the [REDACTED] PD Police Chief at the [REDACTED] PD and the DOJ. The letters from the Chiefs were received after she sent the second update letter in October, but only referenced the September letter. [REDACTED] the [REDACTED] Police Chief has not submitted anything to date (as of the date of the interview) to the State for [REDACTED] and uses the [REDACTED] that [REDACTED] PD already had. [REDACTED] said she had to submit both letters as complaints against [REDACTED] to their [REDACTED].

Brian said he was aware of communication issues related to the transition of the [REDACTED]. Brian provided an email from the Chief of [REDACTED] PD on September 16, 2019 inquiring about the change in the location of the [REDACTED]. Brian said that he relayed this to DAG Wilson and offered to assist. Brian said that he offered to DAG Wilson and the Chief of [REDACTED] PD to discuss this issue. Brian asserted that he did not speak negatively about [REDACTED] to the Chiefs and he was not aware of any external

letters that the AG received on this issue. Brian said he received a couple of emails and then was out of it. Brian noted that Chiefs were frustrated in the messaging from DOJ on the [REDACTED] transfer.

COS Viste described Brian's behavior as aggressive or crass at times. COS Viste said that some may call it cop talk. COS Viste said she has been taken aback by his behavior at times.

[REDACTED] [REDACTED] and [REDACTED] [REDACTED] relayed positive experiences working with Brian. [REDACTED] described his leadership style as relying on his team to provide recommendations and guidance and commented that he is a collaborator. [REDACTED] did not recall an instance of Brian raising his voice or yelling in meetings, although she did indicate that he uses profanity but not in a degrading or demeaning way. [REDACTED] said she never felt like she was treated differently than others because she identifies as a woman and has always seen Brian act professionally in meetings with individuals outside of DOJ. [REDACTED] [REDACTED] asserted that Brian is the smartest person that he knows and that he is loyal to his people. [REDACTED] commented that Brian is big on accountability and expects that everyone is doing what is expected of them in their role but is not a micromanager. [REDACTED] has not witnessed Brian lose his cool, raise his voice, or use profane language. [REDACTED] stated that Brian treats everyone equally and fairly and worked towards doing a diversity hire to increase the number of women in DCI.

We find that while the allegations involving Brian were reported mainly by women, there are no facts to indicate that Brian engaged in alleged behaviors because the individuals are female identifying. The reports of concerning behavior are centered around Brian's management style and behavior in handling situations where there is a difference of opinion or in his efforts to establish authority over subordinates. In particular, the allegations of his workplace demeanor with non-law enforcement DOJ employees, including members of [REDACTED] and subsequent interactions with [REDACTED] after he became the DCI DA indicate that his management style impacted the work environment. We find that based on all the witness interviews and materials that it is more likely than not that Brian's behavior at times where he was asserting authority or disagreed with individuals, whether under his management authority or not, was concerning. In conducting the interviews, those witnesses that relayed concerns regarding Brian were at times visibly upset and showed emotion in discussing events that occurred. While we did not find that Brian engaged in the alleged behaviors specifically towards females, it was apparent that aspects of Brian's management style and perceived temperament negatively impacted employees in the workplace and continued to impact their ongoing interactions with Brian.

VI. CONCLUSION

Upon review of all the witness interviews, emails, and materials provided by Brian and witnesses, we find by a totality of the circumstances using a preponderance of the evidence standard of review no facts that would support the allegations that Brian directed the use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees. We do find that it is more likely than not that at times Brian engaged in conduct of concern when he disagreed with other employees or established authority over subordinates that negatively impacted employees in the workplace.