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Wauwatosa Police Department

Inter-Departmental Correspondence

DATE: 1/13/2021
TO: Lt. Shane Wrucke
FROM: Capt. Michael Schultz
SUBJECT: Internal Investigation regarding Det. Lewandowski e-mail
ATTACH: none

Lt. Wrucke -

Please initiate an internal investigation regarding the e-mail Det. Lewandowski sent that identified the Mayor as a High Value Target. Please forward the results of your investigation to me at your earliest convenience.

Thank you,

Capt. Michael Schultz



Wauwatosa Police Department

Internal Investigation

DATE: January 15, 2021

TO: Captain Michael Schultz

FROM: Lieutenant Shane Wrucke

SUBJECT: Internal investigation - Lewandowski

ATTACHED:

INTRODUCTION

On 01/13/21, I, Lieutenant Shane Wrucke, was assigned an internal investigation by Captain Michael Schultz regarding Detective Joseph Lewandowski and a power point file related to case 20-14889. That power point was titled 'case update powerpoint.pptx'. The power point was released to the public pursuant to an open records request and contained information about Wauwatosa Mayor Dennis McBride and his relevance to the criminal investigation outlined below.

CASE

Case 20-14889 occurred at 8:22 PM on 08/08/20 at 3775 N. 100th St. This case involved a protest of Officer Joseph Mensah at Patti Swayka's residence. During the protest, Swayka and Mensah were battered and shot at. The case was assigned to Det. Lewandowski. As a result of Det. Lewandowski's work, Ronald Bell, William Lofton, Niles McKee, Jeremy Henderson, & Lafayette Baldwin were arrested. On September 1st, I asked Sgt. Skornia to arrange a case update, which ultimately led to the creation of the power point, the focus of this internal investigation.

I was briefed on this document on September 1 and I recall seeing the slide about Mayor McBride. It was clear to me that parts of the slide were made in jest. I directed Det. Lewandowski to remain focused on those individuals present at 100th St. and to not get distracted by politics.

Upon further review of the 'case update powerpoint', I identified issues that will be explained in this investigation as it relates to the inclusion of Mayor McBride, his misclassification as a "high value target" and the information and opinions contained within.

I spoke with IT and found that there was no other electronic email dissemination of the power point between the original creation date and time period around the open records release.

INTERVIEW – SGT. SKORNIA

Sgt. Skornia was ordered to my office for interview regarding this matter on Thursday January 14th at 11:00 AM. Sgt. Skornia appeared as ordered, alone, and fully cooperated with this internal investigation. Sgt. Skornia was interviewed as a witness to this incident.

The following is a summary of information obtained in this interview: On September 1, he asked Det. Lewandowski, at my direction, to prepare an update on the criminal investigation. Det. Lewandowski created the aforementioned power point document. The power point was emailed to him by Det. Lewandowski and utilized for an in-house briefing and NOT with anyone outside of our agency. Sgt. Skornia's assessment of the information about Mayor McBride was that it was subjective, that some wording was incorrect, but that some of the information had investigative relevance as we determined Representative David Bowen's involvement in the events on 100th St. There were no other investigative updates that Sgt. Skornia was involved in with regards to this case.

INTERVIEW – DET. LEWANDOWSKI

Det. Lewandowski was ordered to my office for interview regarding this matter on Thursday January 14th at 1:00 PM. Det. Lewandowski appeared as ordered accompanied by Wauwatosa Peace Officer's Association President John Milotzky. Det. Lewandowski fully cooperated with this investigation. I informed Det. Lewandowski that I would compel his statement, if necessary, in compliance with Garrity.

The following is a summary of the information obtained during this interview: Det. Lewandowski was the sole creator of the 'case update powerpoint' document. He drafted it upon the request of Sgt. Skornia. He did not disseminate the document to anyone other than Sgt. Skornia. He utilized the document to brief Sgt. Skornia and me in my office on September 1. At this point in the investigation, all of the main people responsible for the shooting on 100th St. were in custody and follow up investigation was being conducted. There were active investigations into Coleman, Representative Bowen and Tiffany Henry because they were at the residence at the time of the battery and shooting. Further, Rep. Bowen made an official statement about the incident the following day. Lewandowski conceded that the term "high value target" was misused and that anyone labeled as such was miscategorized, especially Mayor McBride. Lewandowski recalled my direction about not getting distracted by the Mayor and focusing on the substantiated crimes.

Regarding some of the specific language contained in the power point, Lewandowski admitted that he was frustrated by some of the words and actions of the Mayor during all of the civil unrest at that time. Lewandowski also mentioned that he worked a substantial amount of overtime during the month of August on this investigation. The majority of the verbiage used in the document regarding Mayor McBride was done so with levity. Many of the points made by Lewandowski were sentiments that the WPOA were also addressing.

The subjective statements addressed:

1. "Sanctioned violence against Mensah," – It was Lewandowski's opinion that the Mayor did not appropriately condemn the violence. He conceded that the term "sanctioned" was inappropriate.
2. "Continually provides outright lies and misleading information to the public," – Lewandowski was referencing statements that Mayor McBride made about Officer Mensah being unique with three fatal officer-involved shootings. He conceded the "outright lies" was inappropriate.
3. "No PC for involvement in Mensah shooting...yet." – Lewandowski was clear that there has never been any indication of criminal wrongdoing by Mayor McBride. He conceded this statement was also inappropriate.

Regarding the section about the violation of open meeting laws, that is not for our agency to address. The City Attorney is present for those meetings to address those concerns. All other statements in the last slide of the power point have some investigative relevance. Information was obtained through investigation that indicated that there were or may have been meetings between Mayor

McBride and Rep. Bowen and/or The People's Revolution, who were being actively investigated. There was a publicized incident where Rep. Bowen attempted to meet with Mayor McBride to obtain and discuss the status of this criminal investigation. Several attempts to contact Rep. Bowen by Sgt. Skornia were unsuccessful. In fact, Captain Vetter, upon my request contacted the Mayor's office to facilitate a meeting with Rep. Bowen. Mayor McBride replied that he was not a "professional associate" of Rep. Bowen.

In hindsight, Det. Lewandowski would not have included any information specifically about Mayor McBride and he certainly would have not included his conjecture.

MISCLASSIFICATION

The use of the term "high value target" was misused in this investigation. The term does not always have a negative connotation. We often used the term "high value target" to identify people or places that needed resources for protection. Mayor McBride and his residence have been classified as a high value target on several occasions during other civil unrest operations.

The use of the term here gives the appearance that there was a strong desire and dedication of vast resources to investigate those individuals. That is not the case with this incident. No additional resources were dedicated to investigate any of the "high value targets". Coleman, Bowen, Henry, and McBride would have been better classified as "prominent people", in that special consideration should have been given when determining the best course of action. As part of the discussions about the prominent people being investigated (Coleman & Bowen), I made it clear to Det. Lewandowski that those decisions would be made in cooperation with the District Attorney's Office Administration and only with my approval. Mayor McBride was never discussed in that light; therefore, he is further misclassified.

RULES

After reviewing all policies, operating procedures and the rules and regulations, I have determined that there are two applicable rules;

Rule #41: Insulting, Defamatory or Obscene Language

Members shall not use insulting, defamatory or obscene language during the performance of their duties.

Rule #49: Professional Image

Department members shall work diligently and with a bearing consistent with the image of a professional police employee.

The wording "sanctioned violence against", "outright lies" and "No PC for involvement in Mensah shooting...yet" are subjective and baseless, which constitute defamatory language. The power point falsely paints the picture that we are specifically targeting Mayor McBride over politics. That is untrue and it projects an unprofessional image.

Rule #41 is a class 2 sanction and rule #49 is a class 1 sanction. Minimum action for a first offense for both violations is no action. The maximum action for rule #41 is documented oral reprimand. The maximum action for rule #49 is a documented written reprimand.

I do not believe that there are any violations of Rule #92, Responsibility of Supervisors. The slide was created by Det. Lewandowski, forwarded to Sgt. Skornia and briefed that day. I addressed my concerns with Det. Lewandowski in the presence of Sgt. Skornia, therefore I believe the matter had

been handled. This information was never intended for further dissemination, otherwise it would have been sent back for correction.

CONCLUSION

This document was created and utilized for internal purposes only. To the best of my knowledge, the only people that saw this document prior to the records release were Det. Lewandowski, Sgt. Skornia and me. Det. Lewandowski is an officer with high moral and ethical standards with no record of discipline. Det. Lewandowski was working long hours on a complex investigation during a difficult time when he had a momentary lapse in judgement to let his conjecture and an attempt at levity enter a document. The writings by Det. Lewandowski were out of character for him and there was no ill-intent. Det. Lewandowski is embarrassed by the distraction this information caused and understands the gravity of the situation.

To be clear, Detective Lewandowski and the Investigative Division did not conduct any investigation into Mayor Dennis McBride. Mayor McBride was not suspected or alleged to have committed any criminal wrongdoing in connection with this case. His involvement was specifically limited to his perceived connection to Rep. Bowen.

Based upon the totality of the circumstances, I formally recommend that this matter be handled with a documented oral reprimand. This situation is a stark reminder that all documents are open records and need to be treated as such.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SH R W'.

Shane R. Wrucke
Lieutenant – Investigative Division

Wauwatosa Police Department

Internal Investigative Report – Confidential

Prepared by: Capt. Michael Schultz
Date: January 29th, 2021

Introduction:

On January 13th, 2021, I was informed by Captain Luke Vetter of a personnel issue involving Det. Joseph Lewandowski. Pursuant to an open records request, an email Det. Lewandowski sent to Lt. Wrucke and Sgt. Skornia on September 1, 2020 was released to the public. That email was an investigative update on the August 8, 2020 shooting investigation involving former Wauwatosa PD Officer Joseph Mensah and contained a PowerPoint presentation that contained information about Mayor McBride and his relevance to the shooting investigation. Lt. Wrucke was assigned to conduct a formal internal investigation into this matter to determine the appropriate course of investigative action.

Initial Investigation:

Lt. Wrucke conducted a thorough and complete investigation into this incident which included interviewing Det. Lewandowski and Sgt. Skornia. Lt. Wrucke's investigative report and all associated materials are attached to this report.

Considerations and Captain's Review:

After reviewing Lt. Wrucke's report, I believe that the email sent by Det. Lewandowski was meant for review by Lt. Wrucke and Sgt. Skornia and not meant for dissemination. The PowerPoint presentation contained in the email was composed solely by Det. Lewandowski and contained his personal opinions and did not reflect the opinions of anyone else in the Police Department. As soon as Lt. Wrucke and Sgt. Skornia were given the presentation, Det. Lewandowski was told to remove the slide and to refrain from imparting his personal opinions into police briefings.

Conclusion and Recommendations

The PowerPoint sent via email by Det. Lewandowski was meant as an internal briefing to his supervisors and was not part of any official police report. The PowerPoint contained several inaccurate and inappropriate statements about Mayor McBride that had resulted in the Police Department in a negative light. Det. Lewandowski has admitted that some of the statements in the slide were his opinions and were inappropriate. Det. Lewandowski has not been the

subject of any discipline in the police department and has admitted that the opinions made in the PowerPoint were born out of frustration with City Administration.

I feel it is important to take note of the events that were taking place between the Police Department, City Administration, and protestors at the time that the PowerPoint was created. On July 14, 2020, the Wauwatosa Common Council passed a resolution ordering the City Administrator and the Police Chief to “facilitate the transition of Officer Joseph Mensah from employment by the Wauwatosa Police Department.” This resolution was signed by Mayor McBride. At that time, the District Attorney’s Office had not ruled on Officer Mensah’s shooting from February 2, 2020.

On August 8, 2020, members of The People’s Revolution protested at a residence where Officer Mensah and his girlfriend lived. During the incident, Officer Mensah and his girlfriend were assaulted and one of the protestors fired a shotgun striking the back door of the residence. Det. Lewandowski was the lead investigator for that incident. Four people associated with The People’s Revolution were taken into custody. Present at that protest was Wisconsin State Representative David Bowen.

On August 10, 2020, Wisconsin State Representative David Bowen issued an official statement regarding the August 8 protest. That statement is attached to this report as ***addendum #1***. The police investigation at that time indicated that Rep. Bowen may have played a role in the August 8 incident and that many of his assertions made in his official statement were false.

On August 12, 2020, WTMJ news reported that Mayor McBride cancelled a meeting with Rep. Bowen that was scheduled to “talk more about the events that happened outside of Mensah’s girlfriend’s home.” Mayor McBride cancelled that meeting on the advice of the City Attorney. A copy of that news story is attached to this report as ***addendum #2***.

Several days after that meeting was cancelled, City Administration reached out to the police department requesting an investigative update on the incident. As outlined by Lt. Wrucke in his investigation, Rep. Bowen and members of The People’s Revolution were being actively investigated as to their involvement in the incident. Therefore, an investigative update was not provided due to the ongoing active investigation.

I have reviewed all the facts of this matter. As a result of my review I have concluded that Detective Joseph Lewandowski violated Departmental Rule #41 – Insulting, Defamatory or Obscene Language and Departmental Rule #49 – Professional Image.

According to the department’s rules and regulations, Rule #41 – Insulting, Defamatory or Obscene Language states in part, “Members shall not use insulting, defamatory or obscene language during the performance of their duties. Rule #49 states in part “Departmental members shall work diligently and with a bearing consistent with the image of a professional police employee.

Rule #41 is a class 2 violation with a first offense sanction of Documented Written Reprimand.

Rule #49 is a class 1 violation with a first offense sanction of a Documented Oral Reprimand.

I recommend Det. Lewandowski be issued a documented written letter of reprimand for violating Rule #41 – Insulting, Defamatory or Obscene Language.

Respectfully,

Captain Michael Schultz
Medical Complex and Support Services Bureau



WISCONSIN STATE

ADDENDUM #1

STATE REPRESENTATIVE
DAVID BOWEN
10TH DISTRICT

FOR IMMEDIATE RELEASE
August 10, 2020

Contact: Rep. David Bowen
(608) 266-7671

Rep. Bowen Statement on Weekend Incident in Wauwatosa
"The Victim Narrative... is Totally Inaccurate, Irresponsible and False."

In reaction to the incident at Wauwatosa Police Officer Joseph Mensah's home over the weekend, State Rep David Bowen released the following statement:

"During this important era of activism, I make it my duty to go out everyday with protestors to make sure that the citizens fighting for change in this critical moment aren't taken advantage of or repressed by authorities. My presence as an elected official speaks volumes to people we come in contact with. What I observed on Saturday outside Officer Mensah's home was an out-of-control, yelling & aggressive man that came out of his house with the goal to provoke peaceful protestors and incite violence.

In the streets every single day are brave Wisconsinites who have protested peacefully for over 70 days, singing and chanting in the streets for change. All of them agree on one important issue: justice has not been served for victims and their families. Joseph Mensah choosing to come out of his house aggressively to provoke these passionate people, many of whom have lost someone they loved, who want to change this broken system is disturbing. None of them displayed any behavior to welcome the provoking threats of violence by Joseph Mensah.

The victim narrative put forth by Mensah and now the Wauwatosa Police Department is totally inaccurate, irresponsible and false. In my time at the protest in front of Mensah's home, I personally felt threatened by *his* actions: spraying pepper spray into the crowd, yelling & inviting protestors to fight him, taking his big dog out to potentially attack people. What 'responsible' person, supposedly looking for a peaceful conversation, would do those things?

This was not the first protest outside of an individual's home; there have been protests and gospel concerts held in front of *many* influential leader's homes. Chief Webber, Chief Morales, DA Chisholm & Mayor Barrett. All of those times were peaceful and occurred without incident. This time would've been no different had Officer Mensah not decided to confront the crowd.

No one tried to kill him or his girlfriend. That's a lie. No one tried to enter his home. That's a lie. There weren't several shots fired. Another lie. No protestor shot at the back door. That's the biggest lie. Joseph Mensah chose to engage with a protestor, and pulled the trigger on that individual's firearm. From my own experiences Saturday night and the statements made in the time since, I have concluded that Joseph Mensah's credibility must be questioned. I personally believe that he can not be trusted to tell the truth.

In sum, Officer Mensah's actions on Saturday night as well as the elaborate story he's chosen to concoct in the wake of those events highlight one important truth: Joseph Mensah is not fit to represent any community as an officer of the law, and he needs to be removed from that position immediately."

Wauwatosa Mayor cancels meeting with State Rep. regarding Officer Mensah



Discussions continue as police and State Representative David Bowen debate over how protests started outside of Joseph Mensah's girlfriend's house.



By: Shaun Gallagher

Posted at 3:54 PM, Aug 12, 2020 and last updated 12:52 PM, Aug 13, 2020

WAUWATOSA — The Mayor of Wauwatosa canceled a meeting with the State Representative who was at the protest against Officer Joseph Mensah that resulted in a gunshot being fired.

State Representative David Bowen says he scheduled a meeting with Wauwatosa Mayor Dennis McBride to talk more about the events that happened outside of Mensah's girlfriend's home Saturday.

"The idea was to make sure the Mayor is hearing directly, more than one side of the narrative being shared by Officer Joseph Mensah, who has no credibility and the Wauwatosa Police Department has cosigned his lies he's pushing," Bowen said.

However, McBride canceled the meeting saying, "On the advice of the City Attorney, I canceled my meeting with Rep. Bowen."

Bowen says this was disheartening in regards to how the investigation is being handled.

"I think it cemented [my feelings]," Bowen said. "I definitely had my presumptions about if this could be done fairly but this is clearly showing, especially with pressure from right-wing Republican groups and figureheads, to create this into a bigger issue."

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BEFORE YOU DECIDE,
BEFORE YOU VOTE,
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ADDENDUM #2

Integrity is at the core of this argument. Typically, comments about an investigation from law enforcement are taken as fact. Comments from an elected official about his experience are generally taken as fact.

According to Bowen, when protesters arrived where Mensah was staying, it was Officer Mensah who agitated the protesters.

"From the time protesters got to his home, he was irate," Bowen said. "He was out of control. he was provoking people to engage in violence. That doesn't sound like the character of someone who is an upstanding citizen, let alone to display the conduct as an officer to uphold the law."

According to the Wauwatosa Police Department, "Officer Mensah tried to engage in a dialogue with them but was physically assaulted. As he retreated into his home, armed protesters approached the rear door and one fired a shotgun round into his back door."

Video from the evening shows protesters with rolls of toilet paper, throwing it on the home and in the trees.

"I'd say, none of the actions the protesters displayed that day deserve the vitriol and aggressive behavior Joseph Mensah displayed that day," Bowen said. "Honestly, it's childish. Kids will do pranks and TP someone's house or tree and it's cleaned up and everyone moves on. Joseph Mensah made the decision to come outside, provoke and antagonize protesters, spray with pepper spray, use his dog and threaten to sic his dog onto protesters. He displayed behavior that I believe is beneath what was called for a member who is supposed to represent the police department."

The Wauwatosa Police Department has not confirmed any of the details laid out by representative Bowen but multiple witnesses, who wished to remain anonymous, say they had similar experiences.

There is also the issue of the gunshot. Wauwatosa Police say an armed protester approached Mensah's rear door and fired a single shotgun round into it. In his initial statement, Rep. Bowen said, "Joseph Mensah chose to engage with a protestor, and pulled the trigger on that individual's firearm."

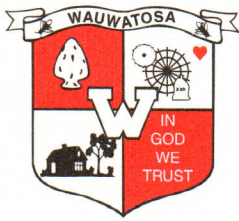
Wednesday, Bowen clarified that statement, saying, "From witness accounts," Bowen said. "I saw the struggle ensue. When two people are engaging in aggressive behavior, close to each other, you're not going to be able to see everything. From direct witness accounts, it's very clear, Officer Mensah displayed behavior to push the safety on that firearm and to fire it. He saw an opportunity to paint protesters as this violent mob and it played into his testimony."

Ultimately, who should we believe? Representative Bowen claims he would put his integrity up against anybody. The Wauwatosa Police Department and the investigators there take an oath to serve and protect the citizens of the community.

The police department could not give specifics, but they say they have evidence to disprove some of Bowen's statements, including "high quality, video footage from the scene," and WPOA President John Milotzky said, "I am very confident when this investigation is concluded, evidence will dispute Representative Bowen's claims."

"Officer Mensah has killed three people over the last five years and discharged his weapon 19 times," Bowen said. "The City of Wauwatosa Police Department has not held him accountable. Instead, they have compromised and try to hold his actions as necessary and ok and I think that's a big problem. I have a track record of integrity I will match up with anybody's any day. I have displayed nothing but upstanding character to make sure I represent the people in my district and to advocate for the change and future this state needs to see."

Friday, the Wauwatosa Police and Fire Commission will hold a special meeting to discuss possible action against Joseph Mensah.



**CITY OF WAUWATOSA
POLICE DEPARTMENT**
1700 NORTH 116TH STREET
WAUWATOSA, WISCONSIN 53226
(414) 471-8430
FAX (414) 471-8447

BARRY M. WEBER
CHIEF OF POLICE

March 1, 2021

INVESTIGATION:

An internal investigation and review has been completed regarding an inquiry that was made as the result of an open record request by an outside party. After reviewing all of the information and interviewing the police officer who created the PowerPoint slide, it is imperative to point out specific facts. This investigation was the direct result of the police department responding to a request for documentation.

The most critical aspect of this case is the fact that the information was NOT shared with any other member of the police department. The only officers who saw it were the supervisors of the detective, and it was ordered to be removed. So, it was never made a part of any official report or record. However, the department released the document as it was created via a computer and thus would be subject to the open records requirements. The Wauwatosa Police Department complied with the law, even though it caused embarrassment and was unprofessional.

The PowerPoint created by Det. Lewandowski were his opinions and he admits they were inappropriate and regrets what happened. It is noted that Det. Lewandowski has been a member of the department for approximately 19 years and has an outstanding record of service. He is also a member of the POST team which assists employees who have been in critical incidents.

The totality of this issue is measured against what actual harm has been created. Det. Lewandowski was the lead investigator for the shooting incident that occurred at the home of former Officer Mensah. That was a critical incident that involved several political figures. A state representative refused to make himself available for any interviews.

I was informed at the time, that Mayor McBride wanted to meet with the police administration along with the state representative. I understand the city attorney advised the mayor to cancel such a meeting as the department was still investigating. With the circumstances as they were, it should be no surprise that Det. Lewandowski may have been mistrustful of the process.

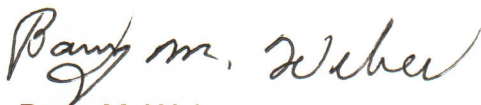
Much has been said about the fact that the mayor was labeled as a "High Value Target." This is a true statement. He has been victimized by much protesting in his neighborhood and is continually targeted. I too, have been a "HVT," as harassment and

untrue statements have been made. Mensah himself was also a "HVT," as we needed to keep him and his family safe.

Our Police and Fire Commissioners have also been HVTs and we have had to expend resources to allow them to carry out their duties as outlined by the Wisconsin Statutes.

Much attention is being made of a police officer who privately "expresses frustration," despite the absurdity of the circumstances that have become the daily operational "norm." The WPOA expressed concerns on an almost daily basis several months ago of the treatment, but were never given a response. All of these factors weigh on the events that led up to an officer privately expressing his frustrations.

Our department has a Discipline Policy and Sanction Chart in place for more than 20 years. The chart outlines what types of penalties are typically recommended for a certain rule violation. Detective Lewandowski is guilty of creating a document; one that is inappropriate and unprofessional. He is in violation of Rule #49, as it pertains to Professional Image. The violation is a documented reprimand. So ordered. A written reprimand will be placed into his personnel file.

A handwritten signature in cursive script that reads "Barry M. Weber". The signature is written in dark ink and is positioned above the printed name and title.

Barry M. Weber
Chief of Police