

Chippewa County Sheriff's Office

Travis Hakes, Sheriff

Curt Dutton, Chief Deputy

What is and is not a Brady Disclosure?

It is not a finding of any criminal or serious misconduct. It is simply a unilateral decision by a single prosecutor that some information should be disclosed to a defense attorney when a witness testifies in a criminal trial. It is not even an agreement that the subject matter for which the disclosure is made is admissible under the rules of evidence. There are tens of thousands of public safety officials who have been subject to becoming a Brady designated witness who continue to do their jobs effectively.

Summary

This packet includes a report from Von Briesen & Roper that I publicly addressed previously. It also includes information from a domestic abuse investigation I conducted while employed with the City of Chetek. The victim had life-or-death concerns over remaining anonymous. As I tried to ease her fears, I did a poor job of articulating what would happen to the body camera footage that was being recorded. I was accused by an Assistant District Attorney of implying that I could delete body cam footage. This was never my intention. In fact, following the interaction, I downloaded and saved the video, assigned a case number to it, and included it in the report that was sent to the District Attorney.

While I wish I had done a better job of articulating state law, I would not change my overall approach to handling this incident. I was attempting to calm the fears and earn the trust of a domestic abuse victim. When I ran for Sheriff, I promised to be victim-focused, and this case is an example of where I sought to protect a domestic violence victim.

I have never felt it appropriate to discuss this matter publicly, out of respect for this victim and their family. It is unfortunate this situation has become part of this "investigation" that continues to be drug through the media.

There are two main topics, and I will address them individually:

Domestic Violence Victim

In February of 2020, Wisconsin State Statute 165.87 related to the use of body cameras by law enforcement became a law. In May of 2020, I responded to a third-party report of domestic violence where the reported victim may have been hiding at a relative's home. Upon contacting the victim, I chose to activate my body camera to record the interaction. The victim reported substantial battery, that was suspected to have lifelong effects. The victim feared for her life because the suspect had threatened her life if she reported the domestic violence to law enforcement. This became a mandatory arrest under Wisconsin State law, and I tried to ease her concerns of being a reporting victim.

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The victim asked about being a confidential informant. I inquired with the on-call District Attorney at the time, who said that it was possible, but not probable. I relayed this information to the victim. I attempted to explain to the victim that confidential informants can at times have their records sealed, which happened during a particular domestic abuse case in Chippewa County that I had previously handled.

I also attempted to explain State Statute 165.87(b)(c)2 - It shall be the public policy of this state to maintain the privacy of a record subject who is in a location where the record subject has a reasonable expectation of privacy and that access to data from a body camera used on a law enforcement officer that record a record subject in such a location shall be provided only if the public interest in allowing access is so great as to outweigh that public policy. In that case, the record subject's face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction. The presumption under this subdivision does not apply if the record subject does not object to granting access to the data.

Admittedly, I did a poor job of articulating state statutes, and I wish I had chosen my words more carefully. Domestic violence situations are serious and often complex. I made these comments off-the-cuff in an attempt to ease the victim's fears and to protect her safety.

Following the incident, I downloaded the body camera footage, assigned the corresponding case number to it, made a physical copy of the video, and placed the video with the report to ensure it went to the District Attorney. The Assistant District Attorney reviewing the matter claimed that I implied I could delete body camera footage. This is a ridiculous assertion given that it was due to my creation and submission of the video that they in fact had the video.

There is also speculation that I was told to resign my position or be terminated by the City of Chetek. That is inaccurate. What is accurate is that if I would have stayed, this matter may have been subject to further review. This means the public would have been made aware of the graphic details of the domestic abuse incident which would have gone against the victim's wishes. I am confident that if the matter had been reviewed at the time, I would have been found to be honest and acting in the best interests of the victim. Furthermore, I had developed a mistrust of Assistant District Attorney Matucheski given the false accusations she made without doing thorough research.

For these reasons, as well as for personal reasons related to having successful small businesses and being a single father, I voluntarily chose to leave the City of Chetek. I left in good standing and continue to maintain a good working relationship with the Chetek Police Department, supporting them any time the need arises.

There are inaccurate statements made by Attorney Frost and Attorney Matucheski, in their statements provided in this packet.

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Von Briesen & Roper

Despite being filled with hearsay, conjecture, and false information, the “report” released by Attorney Hall will likely be used by the defense to discredit my testimony should I be called as a witness. Even though Hall never spoke with me personally, her accusations were made public and gained significant media coverage. Prosecutors using the “balancing test” will likely release this to the defense prior to any testimony provided by me. This “report” was a guaranteed way to ensure that my credibility would forever be challenged without any due process on my behalf. I personally feel that was the intended outcome of the investigation from the start, and it succeeded.

Conclusion

I believe I handled the case in question in an open, honest, and transparent manner. Not only did I choose to record my interactions with the victim, I also willingly turned over the footage along with the police report. Additionally, I disclosed this information to District Attorney Newell back in 2020 as well. While my words during that incident could have been articulated better, the record clearly shows that I stood up for a domestic abuse victim in her time of need. My actions were pure of heart, legal, and followed proper evidentiary procedures.