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**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

TO: Randy Scholz  
Chippewa County Administrator

FROM: Jill Pedigo Hall  
von Briesen & Roper, s.c.

RE: Investigation of Hakes Communications

DATE: February 13, 2024

This report supplements an investigation report issued to Chippewa County, Wisconsin (the “County”) on September 7, 2023 (“First Report”). It is based upon a continuance of the investigation directed by the County Board into the communications and activities of Sheriff Travis Hakes regarding the Board’s initial investigation of him. In making the First Report and this current report, it must be noted at the outset that this reporter relied entirely upon the integrity of the information provided by those individuals who provided information. This information was provided despite stated concerns of retaliation by Sheriff Hakes against them made to this reporter by some members of the Sheriff’s Office. All members of Sheriff Hakes’ Office interviewed in this matter received an Order from the Chief Deputy to cooperate and be honest with this reporter. That Order is attached here as **Exhibit 2A**. The courage and integrity of all individuals who have sat for interviews and reached out to this reporter should be recognized and respected.

**I. SCOPE OF THIS INVESTIGATION.**

This entire investigation was conducted within the scope defined by the County Board. Historical context of this scope is important. The scope as initially set was reflected in the approved motion of the Board on June 20, 2023, and the scope as revised by the Board was approved by motion of the Board on October 10, 2023. The motion and direction of the Board was then communicated to Sheriff Hakes prior to this reporter commencing her investigation. Pertinent excerpts of this motion from Board minutes and of the pertinent memorandum to Sheriff Hakes are as follows:

**A. Initial Investigation.**

**June 20, 2023: County Board Motion (Unanimous)**

“Motion (Hunt/Flater) to authorize County Administration to investigate a complaint under Chapter 7, Section 69 ... including Sheriff Hakes’ alleged conduct ... and *for County Administration to investigate issues arising during the investigation.*” (Emphasis added) **Exhibit 2B.**

**June 23, 2023: Memo to Sheriff Hakes from County Board Chair and County Administrator**

“We are notifying you that the County is investigating your alleged conduct of which you were previously provided notice of the nature of such allegations by Mr. Scholz and of which you have direct knowledge ... *Other matters requiring investigation may also be addressed.*” (Emphasis added) **(Exhibit 2C)**

On September 7, 2023, the County was provided with the First Report for the initial investigation. This report was prepared after Sheriff Hakes was afforded multiple opportunities to be interviewed for that investigation and for which he declined to be interviewed. The investigation report was the subject of public records requests, and Sheriff Hakes was given notice by the County administration of his right to augment the release of the report. Sheriff Hakes exercised his right to augment the release of the report after receiving his statutory notice.

On October 10, 2023, the County Board held a subsequent meeting after reviewing the First Report. At this October 10 meeting, Sheriff Hakes presented information to the Board verbally and he also provided the Board and public with his “Counter-Investigation” of which this reporter was not involved and which this reporter was not asked to provide information.

**B. Continuance of Investigation.**

Following Sheriff Hakes’ issuance of the Counter Investigation report and numerous other public statements, the County Board, on October 10, 2023, issued another directive to continue the Board’s investigation into information provided by Sheriff Hakes, including but not limited to information he provided in his augmentation to the issuance of the First Report, his Counter Investigation, and into any other issues identified during the follow-up investigation.

On October 10, 2023, the County Board unanimously approved the following motion:

**October 10, 2023: County Board Motion (Unanimous)**

“Direct County Administration and Human Resources to continue investigation based on new information provided by Sheriff Hakes including the augmentation, *as well as any other issues that arise during the follow up investigation.*” (Emphasis added) **(Exhibit 2D).**

The scope of the continued investigation thus included determination of the following:

- (1) Whether substantial evidence existed to suggest that Sheriff Hakes' communications and conduct toward a female subordinate may have violated County and Sheriff's Office policies against harassment;
- (2) Whether substantial evidence existed to suggest that Sheriff Hakes has been dishonest in his communications to the public, County Leadership, the Chippewa County District Attorney, and the members of Sheriff Hakes' Office.

## **II. CONTINUED INVESTIGATION PROCESS.**

As directed by the County Board, this reporter continued the investigation into the conduct and communications of Sheriff Hakes by examining the information he submitted and assertions he has made in his public statements regarding the findings of the First Report of this investigation. The examination of the information resulted in an assessment of the honesty and credibility of his statements, which has been defined as a focus of this investigation since its inception, including the credibility and accuracy of Sheriff Hakes' statements regarding the harassment complaint made against him. Accordingly, this report focuses in part on the truthfulness and factual accuracy of the assertions contained in the following statements and communications of Sheriff Hakes:

- September 20, 2023 Statement to press (**Exhibit 2E**)
- September 29, 2023 Augmentation to von Briesen & Roper Report (**Exhibit 2F**)
- October 5, 2023 Press Release (**Exhibit 2G**)
- October 10, 2023 "Counter Investigation" (**Exhibit 2H**)
- October 10, 2023 Transcript of Speech to County Board (**Exhibit 2I**)
- October 2023 Statements to DA Newell considered during Brady/Giglio investigation (**Exhibit 2J**)
- October 27, 2023 Statement to County Board (**Exhibit 2K**)
- December 18, 2023 Statement to County Board (**Exhibit 2L**)
- December 22, 2023 Statement to media (**Exhibit 2M**)
- January 6, 2023 Statement to County Board (**Exhibit 2N**)
- January 11, 2024 Statement to media (**Exhibit 2O**)

As part of this investigation, this reporter completed the following formal interviews between October 11, 2023 and December 15, 2023:

- 10 County Board Supervisors
- 9 additional Sheriff Office members (including Investigators, Patrol Officers and Sergeants)
- 1 additional County manager
- 10 follow-up interviews with Sheriff Office members, including the Chief Deputy, the Jail Captain, Lieutenants, Patrol Officers, and Directors
- A follow-up interview with the Complainant
- 5 community members and officials including two District Attorneys, a former Supreme Court Marshal, and three private citizens who reached out to this reporter

One additional County Board Supervisor was also interviewed in January 2024.

This reporter also had telephone conversations and email exchanges with County and State employees to verify information previously provided in the first part of this investigation or to obtain additional information.

In making the present report, this investigator has considered all of Sheriff Hakes' statements listed above. Individual statements taken from the above documents are included in the report, in bold, with citation to the source document.

**A. SHERIFF HAKES REFUSED TO PARTICIPATE IN THE INITIAL INVESTIGATION INTERVIEW PROCESS PRIOR TO ISSUANCE OF THE FIRST REPORT.**

This reporter stands by the account of her efforts to gain Sheriff Hakes' cooperation in July and August 2023. (First Report, pp. 18-20). Despite the record of these communications, Sheriff Hakes mischaracterized the communications and has been dishonest about those efforts and his refusal to participate which are identified in Sheriff Hakes' public statements including the following:

**The day she requested was a day that we had our County Wide Law Enforcement Administrative meeting, followed by Leadership Training taught by HR Director Hohlfelder. I chose not to interview this day due to the time requested to meet and my other obligations. I was at the administrative meeting until after 1PM which is why I missed the [leadership] training. (10/10/23 Counter Investigation, p. 3).**

**It was presumptuous of Hall to assume my availability when I had several obligations that day, and did attend National Night Out that evening, which also required substantial preparation during the day. It is true that my Attorney and I chose not to interview with Hall based on the information she finally provided to my attorney as I felt it was a waste of tax payer dollars. (10/10/23 Counter Investigation, p. 14).**

**It is correct that I declined to be interviewed by attorney Hall. I elected not to do so after she made it clear that her intent was to question me about official sheriff office matters far removed from the original purpose she was retained with tax dollars to investigate. (10/5/23 Press Release, p. 2).**

**Hall intentionally led her report to reflect that we declined several opportunities to interview, while it is true that the only time she directly asked me I had other obligations. (10/10/23 Counter Investigation, p. 5).**

Email communications related to my efforts to interview Sheriff Hakes in July and August 2023 are attached as **Exhibit 2P** and show Sheriff Hakes was offered multiple opportunities to interview and provide information before completion of the investigation leading to the First Report. Specifically, the emails show that he was offered opportunities to interview on July 12, July 26, July 27, and August 1. The communications also show that the alleged scheduling conflicts on July 12 and August 1 were never raised or noted to this investigator by Sheriff Hakes or his counsel, and that he initially declined to be interviewed because he wanted to confer with counsel. According to information provided by Sheriff's Office members, including those who have historically attended the law enforcement meeting instead of

Sheriff Hakes or handled collection of materials for National Night Out, there were no scheduling conflicts. The first interview request was for 9:00 a.m. on July 12, 2023. The County-wide meeting Sheriff Hakes refers to was scheduled for noon on July 12 for one hour. This reporter was told that the meeting has often been attended by Director Foldy or Chief Deputy Dutton, or other members of management, so they informed this reporter that they could have attended the meeting on the day requested for my interview of Sheriff Hakes. Additionally, I have not located a record that Sheriff Hakes attended the July 12 meeting, but even if he did, it would not have occurred until noon. It was not necessary or expected for Sheriff Hakes to attend. Moreover, the Leadership training scheduled for July 12 he mentioned had been offered by HR Director Hohlfelder on more than one date. Sheriff Hakes admitted that he did not attend the leadership training offered by Director Hohlfelder.

After Sheriff Hakes acknowledged that he had retained legal counsel, his counsel then declined the interview on July 12, saying he was “reviewing” the matter. When Sheriff Hakes was offered two more dates for an interview in July, his counsel responded and in a telephone conference on July 24, 2023, his counsel and this reporter then tentatively *agreed* upon an interview date of August 1, 2023, thus belying Sheriff Hakes’ assertion that this reporter was presumptuous to seek that date. Contrary to what Sheriff Hakes states, there was no phone conference between his counsel and this reporter on August 1, 2023, as Sheriff Hakes had already refused to interview on August 1 before that date.

Moreover, Sheriff Hakes’ implication that he was involved in preparation for National Night Out on August 1 appears overstated. Substantial evidence provided by interviews with Office management supports a conclusion that preparation for National Night Out was entirely handled by Office Manager Rachel Gont and Director Foldy, as it is every year, and Sheriff Hakes did not participate in their preparation. It is unclear whether and for how long Sheriff Hakes attended National Night Out; however, documentation establishes that the event did not start until 5 p.m. on August 1. It was reported by Office members that staffed the table that Sheriff Hakes walked by, but did not even approach the Sheriff Office table at the event. The table was staffed by Director Foldy and Office Manager Gont as well as other Office members.

## **B. SHERIFF HAKES REFUSED TO PARTICIPATE IN THE CONTINUED INVESTIGATION INTERVIEW PROCESS.**

As with the initial investigation, this reporter offered Sheriff Hakes multiple opportunities to be interviewed and provide his input into this investigation through the interview process and submit evidence. Sheriff Hakes declined each opportunity to be interviewed in person. Sheriff Hakes was then dishonest with the County Board about what occurred in his most recent statement to the Board as follows:

***You will note that she references being willing to record the interview I would give her. This statement was in response to an earlier exchange in which my attorney asked if she had recorded the interviews that she had done earlier in the investigation. Her silence demonstrates that she did not record a single one of those interviews. I find that astonishing. In an era where the public expects transparency of its public figures and we in law enforcement have body cameras, recorded interviews, and such technology that we routinely use, the fact that Attorney Hall intentionally elected to not record her interviews as she sought derogatory information about me should cause any reasonable person to ask why she did not do so. Was she afraid the actual words of the people she talked to would be a more reliable record of what they said than the often-negative spin of her narrative, or is***

**she simply a bad investigator who lacks the basic skill sets that a rookie detective possesses?  
(1/6/24 Statement to County Board, p. 3) (emphasis added).**

To demonstrate the dishonesty of Sheriff Hakes' statement, the timeline of communications in this regard, which followed completion of the additional formal interviews, is as follows:

- Tuesday, December 19, 2023 – Email sent to Sheriff Hakes' legal counsel requesting Sheriff present himself for an interview. **(Exhibit 2Q)** No response was received by this reporter.
- Thursday, December 21, 2023 – Follow-up email to Sheriff Hakes' counsel. **(Exhibit 2R)**
- Saturday, December 23, 2023 – Sheriff Hakes' counsel responds to the December 21 email saying that the emails had gone into his “junk mail” and declines interview on Sheriff's behalf. He makes a request for “relevant” written questions instead to avoid “miscommunication.” **(Exhibit 2S)**
- Tuesday, December 26, 2023 – This reporter inquires as to meaning of “miscommunication.” **(Exhibit 2T)**
- Wednesday, December 27, 2023 – Sheriff Hakes' counsel indicates Sheriff Hakes doesn't trust that the investigator will accurately report his statements and again asks for written questions. **(Exhibit 2U)**
- Wednesday, December 27, 2023 – *This reporter offers Sheriff Hakes the opportunity for a recorded interview to allay Sheriff Hakes' “concerns” over alleged inaccurate reporting.* **(Exhibit 2V)**
- Friday, December 29, 2024 – Sheriff Hakes' counsel says he will ask Sheriff Hakes and get back to this reporter. He asks for the first time about whether other interviews were recorded, and reiterates the request for written questions. **(Exhibit 2W)**
- Thursday, January 4, 2024 – With again no response from Sheriff Hakes' legal counsel, this reporter again offers Sheriff Hakes a recorded interview and also offers to provide him an outline of subject matter areas before the interview and specific dates as options for the interview. This reporter cites to the fact that all other individuals under Sheriff Hakes' command and all other County officials and employees have participated in the investigation through live interviews. **(Exhibit 2X)**
- Saturday, January 6, 2024, 5:08 p.m. – Sheriff Hakes refuses to interview with this reporter. **(Exhibit 2Y)**
- Tuesday, January 9, 2024 – The County Board was provided with the foregoing e-mail history. The County Board, by an 18-1 vote, passed a Motion concluding that Sheriff Hakes has not cooperated with the Board's investigation and directing this investigator to complete the investigation and prepare a report. The Board also determined the Board will treat Sheriff Hakes as noncooperative and will not consider further information from him regarding this matter. **(Exhibit 2Z)**

Sheriff Hakes' stated assumption that no interviews were recorded is incorrect and individuals interviewed were informed that the recordings were only to be used as part of this reporter's working files.

It is noted that Sheriff Hakes most recently again misrepresented information to the public about the above communications in his statement to the media on January 11, 2024, where he is quoted as stating:

**... [G]iven the deception and inaccurate statements in Attorney Jill Hall's original report, I offered to respond to her questions in writing so my words could not be twisted. She declined. (1/11/24 Statement to Media, p. 4).**

As the above communications with Sheriff Hakes and his legal counsel show, this reporter specifically did *not* decline to provide written questions to Sheriff Hakes and instead offered him an opportunity for a recorded interview to allay his stated concerns. He simply declined to interview with this reporter.

### **III. INTRODUCTION TO FINDINGS.**

It is noted that in his multiple statements responding to the initial investigation report, Sheriff Hakes has repeatedly attempted to characterize the plain language of the report and the unequivocal evidence provided in a manner favorable to himself and contrary to the unequivocal findings. He has made pronouncements based upon what he suggests is "implied" instead of the clear evidence presented. He has characterized supported examples and issues of his dishonesty by rebranding them as issues involving financial dealings. Instead of providing competent and complete evidence by participating in the County's investigation, Sheriff Hakes diverts attention from the clear evidence and the reality that the First Report is based upon documents and records and information directly provided to this reporter including his own Sheriff's Office personnel. He also repeatedly characterizes plain language and facts within his uniquely defined "context."

He has attempted to refocus attention from issues around his honesty to likeability, which is not a subject of this investigation. He has also attempted to divert attention from factual findings and his own actions by leveling increasingly vicious attacks on the capability, integrity and reputation of this reporter. He has employed the overused term "witch hunt" and asserted that this investigation has been "results oriented" with a "clear biased agenda" and "clear agenda to paint [him] in an unfavorable light." He has attacked this reporter's integrity and professionalism through use of such defamatory terms as "formed biases," "innuendo," "preconceived notions and opinions," "coerced interviews," "hostile interrogation," "sloppy," "negligent," "impropriety," "intentional misrepresentation," and "desperately searching for negative and derogatory information," as examples. He has labeled both this reporter and her law firm as "biased." However, despite trying to deflect attention from the issue of his dishonesty, he acknowledged and placed his honesty and trustworthiness at issue in this continuing investigation with the following statement:

**Why would you believe the words of an obviously biased attorney from Madison, who financially profited from this investigation and who I will prove withheld critical information from her report to drive home false narratives, over the words of your duly elected Sheriff who the majority of your constituents voted for *based upon his reputation of being honest and trustworthy.* (10/10/23 Speech to County Board, p. 3) (emphasis added).**

As indicated, the First Report was based upon in-person interviews of 25 people within the Chippewa County government. Sheriff Office members included the Chief Deputy, Lieutenants, the Jail Captain, Sergeants, Deputies, Dispatchers, the Communications Director, and the Office Manager. This reporter specifically did not, in the initial stage of this investigation, seek information from individuals or officials outside of County employment in an effort to try to preserve the confidentiality of the investigation in accordance with County Policy, which she determined was in the best interest of the County and Sheriff Hakes, and in compliance with County policy.

Chippewa County's HR Policy Manual Chapter 6, Section 70(h), states, "any reported allegations of harassment, discrimination or retaliation shall be investigated promptly and typically by the Human Resources Director or designee. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. *The County will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.*" (Emphasis added.)

Despite this effort and County policy Section 70(h) that required such an effort, Sheriff Hakes has characterized it as demonstrating that this reporter conducted an incomplete investigation. Conversely, after this reporter has now taken steps to investigate the veracity of Sheriff Hakes' statements by communicating with and also seeking evidence from sources outside the Chippewa County government, Sheriff Hakes has publicly attacked this reporter for doing so.

In the sections that follow, and as used earlier, this report sets out, **in bold**, statements made by the Sheriff since the First Report was issued and provides new evidence regarding the statements. Some statements will be provided without preface. This report should be considered to supplement the findings of the First Report, which this reporter stands by as true and accurate.

## **A. HISTORICAL CONCERNS OF DISHONESTY.**

Concerns of Sheriff Hakes' lack of integrity and honesty have been highlighted in the past months by findings of County officials independent of this investigation. Such findings should be considered in conjunction with and relevant to the findings of this investigation. Chippewa County District Attorney Wade Newell and Human Resources Director Toni Hohlfelder, respectively, each independently called into question Sheriff Hakes' credibility.

### **1. Credibility at Issue as a Chetek Patrol Officer and as Chippewa County Sheriff.**

DA Newell concluded Sheriff Hakes' credibility is an issue based on Sheriff Hakes' service as a City of Chetek Patrol Officer and as Chippewa County Sheriff. The DA's independent investigation resulted in the finding that Sheriff Hakes must be regarded as a "*Brady/Giglio*" individual whose credibility may be called into question in any investigation in which he might be involved and about whom the District Attorney's Office must disclose to any defendant the information that could be used to impeach Sheriff Hakes' credibility. (**Exhibit 2AA**). The exhibits attached to the DA's report evidence Sheriff Hakes' issues of credibility and the concerns over the same by the Barron County DA's office and attorneys involved in criminal prosecution defense.

Additional records obtained by this reporter from the City of Chetek show Sheriff Hakes' credibility was at issue in dealing with a domestic violence victim and body camera recordings. He resigned before the matter could be investigated fully. He executed a resignation agreement that indicated that he could not be rehired. Records regarding his resignation from the City of Chetek are attached as **Exhibit 2BB** and include the statements he made as an officer which implied that he could destroy or alter body cam records and the Resignation Agreement.

Sheriff Hakes, in his October 2023 statement to the District Attorney, recognized that such a *Brady/Giglio* finding by the DA "can be a career destroying nuclear bomb for law enforcement officers." In his letter, DA Newell describes the practical impact Sheriff Hakes' issues involving credibility may have on Chippewa County's prosecution in criminal cases, including the amount of time the District Attorney's Office will have to spend going forward to litigate whether Sheriff Hakes will be impeached in any case involving him as a witness. (Exhibit 2AA, pp. 5-6). DA Newell indicated that the "only way to ensure that prosecutions are not negatively affected is for Sheriff Hakes to avoid actively being involved in any investigations, or handling physical evidence." *Id.*

The concern expressed by the DA regarding the impact on the County of the *Brady/Giglio* determination has already come to fruition with the January 5, 2024 filing of a motion by a Defendant in whose apprehension Sheriff Hakes was involved. (See, First Report, pp. 31-32). The motion seeks to impeach not only Sheriff Hakes but the *entire* Sheriff's "department as a whole as he is the sheriff by raising statements Sheriff Hakes has made to witnesses in another case that have arguably indicated a willingness to destroy or tamper with camera footage." (**Exhibit 2CC**).

## **2. Sheriff Hakes' Assertions Regarding Past Sheriff's Promotion Practices.**

On October 24 and 25, 2023, Sheriff Hakes issued two statements asserting past discriminatory promotion practices and fear of retaliation under the former Sheriff, requiring HR Director Hohlfelder to investigate the matter under Policy 70. On October 24, 2023, Sheriff Hakes sent an email to HR Director Hohlfelder stating as follows: "There were at least 3 employees who were passed over because of their gender or physical characteristics. These employees have since accepted positions they were previously passed over for." (**Exhibit 2DD**). He continued the same allegations in a public statement issued to the County Board of Supervisors on October 25, 2023, stating, "As a new sheriff, I inherited what was in many ways a dysfunctional culture. I am actively attempting to change a culture that has been described to me as being demeaning to certain divisions, passing over the best applicants because of gender, quid pro quo favoritism, and fear of retaliation." (See, Exhibit 2K).

HR Director Hohlfelder was required by County policy to investigate such allegations of discrimination reported by Sheriff Hakes. She investigated the above allegations, interviewed Sheriff Hakes and seven employees in Sheriff Hakes' Office, including those individuals involved in selection and those individuals alleged by Sheriff Hakes to have been discriminated against. She also reviewed pertinent records. HR Director Hohlfelder found that Sheriff Hakes was dishonest in representations he made to her during the course of the investigation and also that there was no factual basis for his allegations. Her report and letter communicating her findings to Sheriff Hakes are attached as **Exhibit 2EE**.

### **3. Allegations of Dishonesty in Past Employment.**

Additional records show allegations of dishonesty by Sheriff Hakes in dealing with Village Administration while employed as the part-time Police Chief of the Village of Elk Mound. They also show that based upon allegations of his dishonesty, his absenteeism and his failure to meet minimum standards of performance, the Village of Elk Mound attempted to determine how it might discharge him. As with his resignation from the City of Chetek Police Department to forestall an investigation into his conduct, he resigned from Elk Mound before he was terminated for his conduct. Records regarding his history at the Village of Elk Mound, including statements regarding his dishonesty, absenteeism and failure to fulfill his basic job responsibilities, are attached as **Exhibit 2FF**.

#### **B. STATEMENTS REGARDING SCOPE OF THE INVESTIGATION.**

**I understand that investigation was initially authorized to look into the single issue of my interactions with a former staff member of the Chippewa County Sheriff's Office but either on Hall's own initiative or at the direction of someone in county administration it transformed into a far broader effort apparently to seek out negative and derogatory information about my management style and operations of the sheriff's office since I have been sworn. (9/29/23 Augmentation, p. 1).**

**It is correct that I declined to be interviewed by Attorney Hall. I elected not to do so after she made it clear that her intent was to question me about official sheriff office matters far removed from the original purpose she was retained with tax dollars to investigate. (10/5/23 Press Release, p. 2)**

As discussed above, the County Board did not limit the scope of this investigation to the "single issue" of Sheriff Hakes' inappropriate interactions with a staff member, although not a minor matter. This is evidenced by the clear language of the Board motion and also the letter dated June 23, 2023, issued on June 27, 2023 by Board Chair Gullickson and County Administrator Scholz to Sheriff Hakes. (See, Exhibit 2C). This reporter was directed to not only investigate the harassment complaint, but also to investigate matters that were raised during the investigation. As evidenced by the letter to Sheriff Hakes, he was informed clearly and directly that "other matters requiring investigation" would be addressed. This reporter was instructed from the outset that Sheriff Hakes' honesty was to be investigated. As demonstrated by the findings of the first report, DA Newell's *Brady/Giglio* determination, and the investigation by HR Director Hohlfelder, Sheriff Hakes' lack of honesty has been identified as a significant problem. This reporter was advised on multiple occasions that findings related to Sheriff Hakes' dishonesty should be investigated and the findings included in the First Report.

Despite being told what the first investigation was about, Sheriff Hakes made the following assertions about the conduct and decision of the County Board:

**I was disheartened to later hear that during that meeting you were threatened with possible civil or criminal litigation if you did not vote to send this matter to the District Attorney's office. Furthermore, it is my understanding that you were told not to reach out to me personally. (10/10/23 Speech to County Board, p. 2).**

**Were you able to freely read this report in its entirety and vote freely, or were you told you could be held criminally or civilly liable if you did not? Were you personally told that I**

**wanted to talk to each of you? Were you told the false statement that I chose not to come to the closed session board meeting or were you told the truth that I was advised I was not allowed to attend? (10/10/23 Counter Investigation Report, p. 18).**

All County Board Supervisors interviewed by this reporter and County Administration, including Corporation Counsel, who attended the closed session meeting explicitly denied the assertion that they were threatened in any way, as asserted by Sheriff Hakes. They also denied that they were told not to reach out to Sheriff Hakes personally.

### **C. STATEMENTS MADE ABOUT ORIGINAL COMPLAINT AND COMPLAINANT.**

**I have minimal information about the substance of the complaint other than that it is directed against me in my role and capacity as the elected sheriff of Chippewa County. (7/10/23 Email to this reporter from Sheriff).**

**No specific, written formal complaint was or has ever been filed against me by the former adult employee referenced in the report. (10/5/23 Press Release, p.1)**

**While I did speak with county representatives generally about the matter it was always a moving target and as such difficult to respond to. The proof that there has never been such a complaint is found in the fact that not even a redacted version of one was provided to the public or to me when the report was released. (10/5/23 Press Release, p. 1).**

**As I read through the report, I was shocked by the over-reaching accusations contained in it, far removed from the original verbal complaint that began this investigation. (10/10/23 Speech to County Board, p. 2).**

**In the proceeding weeks, I had four face-to-face meetings with county officials. Having been given only vague information and no written report, I asked for details such as the specific text messages that made her feel that way and was told by Administrator Scholz, “Yeah, we’ll share that with the county board.” (10/10/23 Speech to County Board, p. 1).**

**The record should be clear that there never is or was to the best of my knowledge a formal complaint of any sort or type filed against me. (9/29/23 Augmentation, p. 4).**

**This hostility is evidenced in his statement reflected in the report and has made it extremely challenging to navigate *this complaint*... (9/29/23 Augmentation, p. 8) (emphasis added).**

The repeated assertions by Sheriff Hakes that he did not know the nature of the complaint against him is disingenuous given his acknowledgment above that a verbal complaint had been filed against him and the efforts to which he has gone to deflect from, and recharacterize, his actions and the plain language of the texts forming the basis of the complaint. Substantial evidence shows that his characterization, of not being informed of the nature of the complaint or even that one was made, is entirely inaccurate and untrue. The record shows that not only did Sheriff Hakes have five meetings with County Administration prior to the Board voting unanimously for the investigation, but that he also had multiple telephone conversations in which he was told that a complaint had been made regarding his texts and he also received multiple written communications.

The First Report accurately reflects when and how Sheriff Hakes was informed of the complaint against him at pages 9-16, but will be summarized here for convenience. On May 19, 2023, Sheriff Hakes was called by HR Director Hohlfelder and Chief Deputy Dutton, and had two separate phone conversations with them about texts that formed the basis for the Complaint. It is presumed that Sheriff Hakes had those texts on his phone so would know what the exchange was with the Complainant, thus would then be aware of the content about which she had complained. Contrary to what he asserted, he was provided an opportunity to discuss the specific text messages and comment to the Administration in his first meeting with them on May 24, 2023, only two days after they were first able to meet with the Complainant to gain a full understanding of her concerns.

On May 30, 2023, Sheriff Hakes again met with the County Administrator, Corporation Counsel and Deputy Corporation Counsel, and HR Director Hohlfelder for a further review and discussion regarding the texts. This was then followed with yet another meeting on June 5, 2023, with the County Administrator, HR Director, Deputy Corporation Counsel, and County Board Chair Dean Gullickson. Sheriff Hakes met with the County Administrator, Corporation Counsel, Deputy Corporation Counsel and the County Board Chair yet again on June 15, 2023. Sheriff Hakes was informed in that meeting that the Administration would be bringing the matter to the full Board in closed session. Sheriff Hakes then met again with the HR Director, Corporation Counsel and the Deputy Corporation Counsel on June 27, 2023, where he was presented a letter that advised him that an investigation would be conducted.

Records from the meetings reflect that Sheriff Hakes was fully advised about the Complainant's concerns around the texts and provided an opportunity to respond. Substantial evidence thus supports a conclusion that Sheriff Hakes' repeated assertions that he was provided "only vague information" and his repeated statements that he was not informed of the complaint are dishonest. **Exhibit 2GG** contains records of the meetings conducted with Sheriff Hakes and also the written directives he was given as regards the investigation. *See also*, HR Director Hohlfelder's investigation report, Exhibit 2EE. Notably, these records show also that the Sheriff twice told County Administration – on June 5, 2023 and June 15, 2023 - that he had had not talked with anyone except Tamee Foldy about the Complaint, which was untrue. *See*, First Report, pp. 23-24.

**The green post-it note was provided as I explained recreational opportunities in the area that involved the outdoors inquired about. Specifically, spring turkey hunting, I stated I could research it, and network the perspective [sic] employee with females from a non-profit organization that would like [sic] assist \*\*\*\*\* in pursuing outdoor recreational opportunities. (9/29/23 Augmentation, p. 5).**

**1 - Green post-it note, was provided after a request for turkey hunting information was requested. I informed the individual that I would network them with someone from the same gender to assist them in their recreational opportunity and that is corroborated by text messages that Hall had a copy of. (10/10/23 Counter Investigation, p. 5).**

As stated in the First Report, Sheriff Hakes gave the green post-it to Complainant—unsolicited and unrequested by her—while taking her on an Office tour as part of an invitation to help her find places to hunt. There is no corroboration in the texts regarding connecting Complainant with other females from a nonprofit organization as stated by Sheriff Hakes. The only mention of turkey hunting included in Sheriff Hakes' texts was as follows: "This is my non-work phone. If you go out turkey chasing and need to borrow a gun, or want spots, or need someone to tag along, holler I'll help you send you resources."

(First Report, 9/29/2023, Exhibit B, p. 1). There is no mention of women in this text. A common sense reading is that Sheriff Hakes was suggesting several ways in which he personally could be involved. Moreover, if Sheriff Hakes was going to provide information, it is not clear why he would have needed to provide his personal phone number for Complainant to then call.

**2 - Text message(s) were sent after a face-to-face interaction in the building where it was implied the individual wanted to attend an event that several members of our Office went to. I wanted to insure [sic] the person was included since they had expressed interest in attendance. (10/10/23 Counter Investigation, p. 5).**

Text message content demonstrates the Complainant did not previously know about any events to which Sheriff Hakes invited her. Moreover, Complainant verified to this reporter that she had not expressed interest in any of the events in the Comm Center or in person to Sheriff Hakes. She indicated that when in the Comm Center, Sheriff Hakes did not often talk directly to her, but talked more to the room, so that his assertion of a “face-to-face interaction” where anything “was implied” is “absolutely false.” It should be noted the sole concern over the texts is not simply Sheriff Hakes repeatedly extending personal invitations with hints about his possibly attending, but also the inappropriate sexual content and racial memes. See, First Report, Exhibit B.

**4 - 8 - More text messages mostly taken out of context and not full conversations. (10/10/23 Counter Investigation, p. 6) (emphasis added).**

This reporter stands by the accounting of the text conversations forming the basis for the originating Complaint herein. (See, First Report, pp. 4-8 and Exhibit B). Because Complainant did not consider the text of one single photo of the Sheriff with an eagle to be part of the concerning conversation, she did not initially provide it to Chief Deputy Dutton. The addition of this text photo, which modifies the timing of Sheriff Hakes’ communications to make them more frequent, does not change anything he communicated. Thus, the statement that the texts are taken out of context is not only disingenuous, but irrelevant.

To be complete, **Exhibit 2HH** contains the entire text chain forming the basis for the initiating Complaint, which includes the single remaining text page not included with the First Report, the text photo of Sheriff Hakes holding an eagle. With this addition of the photo text, it shows that the Sheriff did not carry on texting off and on all day Sunday, April 23; however, he did initiate it on April 25, 2023 at 7:54 p.m. and continued to text with Complainant off and on until Complainant said she had to go to bed at 9:39 p.m. *Id.* With the inclusion of his single text photo, all text messages including photos sent by the Sheriff to Complainant are now provided. Within the very real context of Sheriff Hakes being the superior to the brand new Dispatcher, the personal texts from Sheriff Hakes to his female subordinate speak for themselves. As Complainant remarked to this reporter, “*It’s not a big deal unless you are someone’s superior. It’s a completely different dynamic. It’s the power that he held over my job.*”

**I never invited \*\*\*\* to attend any event, activity or function that I did not invite other members of the office to and often I invited many members of the office. (9/29/23 Augmentation, p. 5).**

As noted in the First Report and evidenced by the plain language of Sheriff Hakes’ texts to Complainant, he extended many individual personal invitations to her. Except for a personal friend of Sheriff Hakes and the Complainant, all individuals who joined the Department in 2022 or in 2023 prior to the issuance of First

Report denied that Sheriff Hakes extended personal invitations to them to attend the events to which he had personally invited Complainant. Except for one invitation extended to Director Foldy and the aforementioned friend of Sheriff Hakes, *all* Office members interviewed in this investigation denied receiving *individual*, personal invitations to events from Sheriff Hakes. Sheriff Hakes did send out global invitations via email, however, those invitations can be distinguished from the personal and persistent invitations to Complainant as contained in Sheriff Hakes' text messages.

**Page 6 - References my taking a prospective employee on a tour of the facility. Contrary to the implications of the report this was not the first employee prospect I provided a tour to, nor has it been the last, nor will it be the last. (9/29/23 Augmentation, p. 4).**

All evidence this reporter was provided, including through interviews of Office members hired in 2023, established that Sheriff Hakes gave no other personal tours to applicants. This reporter was told that the existing videotape records from within the Office show that Sheriff Hakes did not give tours to anyone except the Complainant.

Sheriff Hakes did identify one male employee who allegedly told this reporter that the Sheriff had offered him a tour. That new deputy, who was employed by the Office for less than one month, did inform this reporter that *after* he had received a conditional offer of employment and was at the Office turning in required paperwork, Sheriff Hakes offered him a tour. If, in fact, Sheriff Hakes gave him a tour, he can be distinguished from all other applicants on a number of bases: First, because he had become a candidate and second, by his relationship to Sheriff Hakes. The former Deputy reported that he was a friend of Sheriff Hakes. Officers involved in the vetting of the individual as an applicant reported that Sheriff Hakes had advocated for him in the hiring process. Unlike other candidates involved in the hiring process, this candidate carried on personal texting with the Sheriff through his candidacy process. That text record is attached as **Exhibit 2II**. The deputy specifically did not tell this reporter that Sheriff Hakes actually gave the offered tour and, again, existing videotape records show Sheriff Hakes did not give a tour to any applicant except Complainant.

**Page 8 - The implication of the report that I monitored the schedule of \*\*\*\*\* is far-fetched and not true. The majority of the conversations between myself and \*\*\*\*\* were the result of something \*\*\*\*\* said to me or asked me about and as I do with everyone I interact with I simply circled back to provide clarification or responses. (9/29/23 Augmentation, p. 5).**

See Complainant's response above. Additionally, common sense dictates that in sending his texts only during the Complainant's off hours, Sheriff Hakes must have verified that the Complainant was at home before texting on multiple days and evenings, which is monitoring her schedule *per se*. As shown by the text records in Exhibit 2HH and verified by the Complainant, she did not initiate a text exchange with Sheriff Hakes at any time.

**I will conclude this letter by reminding you again that the subject that spawned the investigation of me has been fully resolved, with no evidence that I created a hostile and offensive work environment for which the county need fear liability. (1/6/24 Letter to County Board, p. 3).**

This patently untrue statement reflects Sheriff Hakes' minimization of the Complaint and his role in it. The evidence of the report is uncontradicted. He sent the texts under the circumstances described. His conduct and communications made a new employee so uncomfortable that she felt she needed to report it to her superiors and to cooperate with County Administration. *The Sheriff continues to take no responsibility for his conduct. The matter has not been resolved and the statute of limitations within which Complainant can bring a claim of hostile work environment harassment does not expire until mid-March 2024, at earliest.*

#### **D. STATEMENTS MADE TO AND ABOUT SHERIFF'S OFFICE MANAGEMENT.**

Sheriff's Office management staff fully participated and cooperated in this investigation, including through interviews and multiple follow-up conversations. As reflected in the First Report, 19 Office members -- 14 seasoned officers of all ranks and 5 newer members, and documentation provided the evidence upon which the report was based. The report was based on the information provided by all of those members. Only six (6) members of management staff participated in the investigation: Chief Deputy Dutton, Lieutenant Bauman, Lieutenant Williams, Captain Maki, Director Foldy and Office Manager Gont. Unfortunately, based upon a groundless assumption that the only individuals who would be critical of his leadership were his Command staff, Sheriff Hakes issued statements maligning his own Office leadership and attacking those individuals as to the functioning of his Office. Specifically, he has attacked his own command and management staff with dishonest assertions about their service in the statements that follow.

##### **1. Work Hours and Sheriff's Absenteeism.**

**The culture I inherited has created a work schedule that has the majority of management physically in the office Monday - Friday and they are typically gone before 4 PM. While we are on the topic of Absenteeism perhaps I should confess that I do not see any of my upper management in the office on the evenings, weekends, or holidays. They may not be working those times, but as sheriff I often am. If some of those interviewed by Hall do not see me as often as they think they should, perhaps we need to start having them work the non-traditional hours that I am often around and active.**

**Due to this increase in upper management present during Monday - Friday and the suggestions of "work hours" in this report, is proof of the culture I am trying to change. Our Office deserves to see their command staff get out of the office, and work hours when the bank is not open. If the report is accurate that command staff accused me of absenteeism those people have forgotten that unlike their current banker hours work schedule public safety does not punch a time clock. (10/10/23 Counter Investigation, p. 17).**

**I inherited a culture at the Sheriff's Office in which my management is in the office Monday through Friday and normally gone by 4 pm. During my campaign, I promised to lead from the front, not from behind a desk. I recognize that public safety does not only take place during banker's hours. That's why you'll frequently find me on patrol on nights and weekends, attending community events, and interacting with kids on the recess playground. (10/10/23 Speech to County Board, p. 3).**

Although Sheriff Hakes does not define “bankers hours,” he is claiming his management staff only works such hours that are commonly defined as hours between 8 or 9 a.m. and 4 p.m.

Evidence obtained from interviews with his entire management staff, deputies and sergeants, demonstrates that this characterization by Sheriff Hakes of the work hours of his management staff is blatantly inaccurate.

This reporter stands by the accounting at pages 28-29 of the First Report where individual members noted the critical role played by Sheriff Hakes’ command staff in managing the day-to-day operations of his Office. Every officer interviewed in this second set of interviews confirmed that management staff regularly works overtime, is called and responds at all hours, and comes to work at 7:00 a.m. or earlier and works late. **Exhibit 2JJ** contains the 2023 time records of the majority of upper management staff. The records contradict Sheriff Hakes’ claims regarding the time Office management spend in doing their jobs. Sheriff Hakes’ comments reflect either a complete failure to understand the true responsibilities and work hours of his subordinates or can be seen as a malicious attack on the Office leadership because of their participation in this investigation.

Substantial evidence shows all members of “his” management consistently work after 4:00 p.m., or 9-10 hour days, regularly take calls at home that do not appear in records, are regularly called in for incidents on their time off, and take shifts for subordinates so that subordinates can have time off. It would seem he is even unaware that his Lieutenants work overtime on Sunday evening to do payroll for his Office.

The Lieutenants Sheriff Hakes speaks of are non-exempt employees who are tasked with minimizing overtime when possible to prevent added expense to the County. Lieutenants and their subordinates reported that because their management staff responsibilities must be performed during business hours, they do not have the flexibility or option to come in outside of those hours to work with staff. If they did so, they would not get their behind-the-scenes management duties done. They are not able to jump into a matter on a whim. One of the Sergeants responding to Sheriff Hakes’ above statement said, “Their job requires that they work those hours. In the ideal world they would be able to be out more. But in the realm of our agency, we have to do more with less. In my view those roles are administrative... My expectation would be to work during those hours because that’s when they’re needed.”

**This report would lead you to believe that my command staff and a select few members of my office believe that I am not present at the office when they think I should be. Of course, these people have no idea of the duties and responsibilities of the sheriff as they have never had the job. Few people who have not been sheriff ever truly understand what all the job entails. (9/29/2023 Augmentation, p. 17).**

The substantial evidence provided by testimony from employees in *all* ranks, including the Chief Deputy, Lieutenants, Sergeants, Deputies, and Office and Comm Center management, formed the information provided in the First Report regarding the Sheriff’s absenteeism. Additionally, all members interviewed recognized that the management staff – including the Command Staff – have performed the work required of the Office during the Sheriff’s absenteeism, and continue to fulfill the serious obligations of law enforcement. See First Report, pp. 28-29.

**If members of our Office would like to complain about me positively interacting with the community while not being financially compensated for it, it further proves my**

**point about the culture I inherited that needs to change. If my employees want to donate 12 hours of their time, I will gladly let them ensure crowd safety in the VIP area or near the front of the stage at the Chippewa Valley Music Festivals. (9/29/2023 Augmentation, p. 10).**

Moreover, the statement that Sheriff Hakes was not compensated for his attendance at Rockfest is simply dishonest. As Sheriff Hakes has pointed out, he is Sheriff Hakes 365 days per year and he is paid the salary commensurate with the Office in the amount of \$109,563.92. He is compensated as a salaried exempt employee and as such is not entitled to the hourly wage or overtime he surprisingly suggests should have been paid. No evidence suggests Sheriff Hakes donated 12 hours of compensation and returned it to the County. Moreover, his assertion that members of his Office would receive favorable treatment from him if they donated 12 hours of their time related to the performance of their normal work duties raises other legal concerns the County may seek to address because it suggests the Sheriff would be providing favor to officers who did not report their work time – a violation of wage and hour laws.

## **2. Sheriff's Office Policies.**

**...[C]ommencing at page 17 of the report Hall goes on at length to discuss how many sheriff office policies I had “signed off on.” This statement acts as though I must do that to show I understand and will comply with the policies and in doing so it misses a fundamental truth that all the internal policies of the sheriffs office are my policies for *which I have sole and exclusive control and responsibility* subject only to the requirements of state and federal statutes and the constitutions of the state and nation. Hall implicitly admits that in the same passage when Hall writes as to jail policies that they are one “for which he bears ultimate authority.” (9/29/23 Augmentation, p. 3).**

**In Hall's report on page 18 she refers to our policies. It must first be noted that updating and correction of the policies fall under the job description of the Chief Deputy. *At the time of Hall's report I did not have administrative rights in Lexipol.* The Sheriff's Office before I became sheriff had contracted with the Lexipol company to develop and implement policies. Lexipol is a national company with an excellent reputation, but the policies are only as useful as they are updated as the law and law enforcement best practices frequently change. *About the time this investigation started as I was reviewing the policy manual I inherited from the prior administration I realized that many of the policies needed corrections and updating, which is something the chief deputy had long been assigned to do.* This is a task that is currently being addressed and will be improved moving forward. *I fully acknowledge I did not realize how neglected our policy manual actually has been until I was provided an opportunity to review Hall's report.* In that regard her criticism of me not “signing off” on policies was the closest thing to a blessing from the report. It has made me realize how neglected this important task has been by the people assigned to do it.... However, I find it morally difficult to sign off on policies that I know have corrections that need to be made. For me to sign off on improper policies also would increase the civil liability exposure of the county and I will not be signing off on any policies until I am sure that [sic] meet legal, constitutional and operational requirements. (10/10/23 Counter Investigation, pp. 12-13) (emphasis added).**

The difference in Sheriff Hakes' response and characterization from his September 29, 2023 augmentation to his October 10, 2023 Counter Investigation is of note. On September 29, 2023, he claimed all the policies as his own over which he has “sole and exclusive control and responsibility.” Then, just twelve days later, on October 10, 2023 in his Counter Investigation, he claimed the policies

are “neglected” and shifted responsibility for the policies’ alleged “neglect” to his Chief Deputy, as something the Chief Deputy has “long been assigned to do.” This inconsistency and mischaracterization should be considered within the context that at the time of his above statements, records show that Sheriff Hakes had still reviewed only 52 of the 117 Sheriff’s Office patrol policies and had reviewed only 2 of the 118 Sheriff’s Office jail policies. At the time of this report, Sheriff Hakes has reviewed no additional jail policies. **Exhibit 2KK** is a record of Sheriff Hakes’ review of the patrol policies alone, through December 4, 2023. With Sheriff Hakes’ continuing failure to review the policies, his claim that he had determined that “many policies needed correction and updating” lacks credibility.

Moreover, it is revealing that in his effort to make excuses for his failure to learn “his own” Office policies, he fails to remember that there is not just one “policy manual” for his Office; there are two. His after-the-fact excuses, which were notably absent from his September 29, 2023 Augmentation, are disingenuous. Substantial evidence supports a conclusion that he had not reviewed the majority of policies at the time of his Augmentation and his Counter Investigation and still has not, despite having access to them. His statements about his Chief Deputy reflect an effort to deflect attention from his own continuing failure to know and understand all of the policies “for which [he] alone [is] ultimately responsible” and also reflect an attempt to retaliate against his Chief Deputy.

Sheriff Hakes’ characterization above from his Counter Investigation and which he echoed in his October 10, 2023 speech to the County Board contains a number of falsehoods. First, record evidence shows that contrary to Sheriff Hakes’ assertion above that he did not have “administrative rights” in September 2023, *Sheriff Hakes has had administrator permission since January 18, 2023*. **Exhibit 2LL** is a record this reporter obtained from Lexipol showing his administrator status. Sheriff Hakes’ falsehood regarding administrator status seems unnecessary and opportunistic because whether or not he had administrator permission, he still has had full ability to review and acknowledge policies since January 2023. Additionally, since record evidence shows that he had reviewed 8% of the patrol policies by May 2023, his statement that he did not start his review of the policies until approximately July 2023 appears equally untruthful and further calls into question his suggestion that he did conduct an overall review . (See, Exhibit 2KK).

Chief Deputy Dutton acknowledged to this reporter that the Chief Deputy has historically been the officer who has not just maintained but created policies for the Sheriff’s Office. As Jail Captain, the Chief Deputy *created* Sheriff’s Office Custody Policies in 2016. At the time, the policies were reviewed and approved by one Lieutenant with over thirty years of experience, and four Sergeants having fifty years of combined experience. The State jail inspector has approved the jail policies every year since their creation, and did so in December 2022, prior to Sheriff Hakes assuming office.

Moreover, this reporter was provided and reviewed a summary of a discussion Chief Deputy Dutton had with the Sheriff on October 2, 2023. This discussion was reported to be the first time the Sheriff even discussed policies with the Chief Deputy since he assumed office. The contemporaneous record of the discussion reflects that the only items the Sheriff noted as needing correction were misspelled words and that the name Sheriff Kowalczyk in the Preface and Mission Statement of the patrol policies needed to be changed to Sheriff Hakes’ name. Additionally, Chief Deputy Dutton reported that he told the Sheriff on October 2, 2023, that he had already started a review of the patrol policies in November 2022, before the Sheriff took office. He reported that he also told the Sheriff that it would take 9-12 months to review the entire manual due to the number of policies. Thus, the suggestion or implication

above that the Sheriff directed the Chief Deputy to make substantive correction is untrue – except to have his predecessor’s name replaced.

Any suggestion that the policies are “neglected” and may not meet “legal, constitutional and operational requirements” also lacks credibility. First, record evidence reported above supports the conclusion that Sheriff Hakes still has barely opened the Custody manual and has not reviewed even half of the Patrol manual. Second, as the Chief Deputy reported, Sheriff Hakes never discussed the policies with the Chief Deputy until *after* the issuance of the First Report. Third, County Corporation Counsel has also not been asked by Sheriff Hakes to review the policies to determine if they satisfy “legal” or “constitutional” requirements.

Fourth, Chief Deputy Dutton advised this reporter that he has historically and regularly reviewed and updated the policies as needed. He provided the initial findings of his review to this reporter in **Exhibit 2MM**, attached, which is a sampling of the corrections made in October 2023 to the first two chapters of Sheriff’s Office patrol policies. They consist almost entirely of corrections of typographical errors which would not be expected to create “liability exposure [for] the county” and it can be assumed that the scant corrections made did not change any portion of the policies that would implicate the alleged “legal, constitutional and operational requirements.”

Finally, the timing of Sheriff Hakes’ alleged concern over the Sheriff’s Office policies coincides with his receiving direction from the County Board on September 20, 2023, to review and sign off on all Sheriff’s Department policies by October 3, 2023. (**Exhibit 2NN**). If Sheriff Hakes truly had concern over allegedly neglected policies, common sense would dictate that he would not have, in the two days following the Board’s direction, acknowledged 34 additional policies, the majority of which were created in 2017.

### **3. Text Activity with Office Management Regarding Complaint.**

**The “Text” exchange referenced in the report seeks to imply that I was a primary actor in the messaging that the report refers to between “Just great, Chicken Lips went to HR and complained... and now we can’t use nicknames at work anymore.” That is not correct. The text was a post from one of our employees on Facebook to another. Employee who in turn shared it. The other employee shared the Office meme and a third employee “laughed” at it. I did not participate in that exchange and instead took a screen shot of it and sent it to Chief Deputy who as my second in command I expected to keep it for documentation. Rather than preserving for documentation for its intended management purposes the report seeks to use it to make critical comments against me. If the report had wanted to be accurate it should have instead used this incident as an example of my chief deputy and I conducting our supervisory duties. (9/29/23 Augmentation, p. 6).**

**Chicken Lips -- ... What this was, was a screenshot taken from social media, I took from employees saying or sharing these things publicly to document it with my Chief Deputy. (10/10/23 Counter Investigation, p. 11).**

This reporter stands by the account provided at pages 10-11 of the First Report. The text exchange referred to above stands on its own. See, First Report, Exhibit D. Sheriff Hakes admits that he sent the memes. The timing of his sending them and the content of the entire exchange contained in Exhibit D belies his suggestion that he sent them to the Chief Deputy for any supervisory purpose. A common sense reading

of the text chain sent on the same day Sheriff Hakes was informed of the Complaint supports a conclusion that in his above statements Sheriff Hakes manufactured an after-the-fact explanation for his texts. He simply sent the memes to the Chief Deputy without more so his proposed explanation lacks credibility. The fact that Sheriff Hakes opened his text chain with the Chief Deputy with humorous memes allows a conclusion that he did not accept the seriousness of the allegations against him. Substantial evidence supports a conclusion that neither Sheriff Hakes nor Chief Dutton track or preserve social media activity of Sheriff's Office employees as suggested by Sheriff Hakes. Notably there is nothing in the text exchange to suggest otherwise. The Sheriff's assertion that was his purpose for sending the memes to Chief Deputy Dutton is dishonest.

**This subject carries over from and I did have a conversation with the Jail Lt because I was asked about the topic. This conversation occurred because of my request for support in the new employee onboarding process to delegate someone from each division to speak with new hires about local recreational opportunities in an attempt to increase a positive work / life balance in hopes to retain more employees. There was also discussion about how the County handled it when direct supervisors started actually dating their subordinates since he had been a subject of that situation. (9/29/23 Augmentation, pp. 7-8).**

This reporter stands by the account of the conversation Sheriff Hakes initiated with Captain James Maki on June 5, 2023, at pages 14-15 of the First Report. Captain Maki's detailed report of the conversation is also attached as Exhibit E to the First Report. Captain Maki has denied that he raised the topic of the Complainant and common sense indicates he would not have, since Sheriff Hakes was the one to first inform Maki of the complaint. The incident was cited in the First Report because Sheriff Hakes' failure to admit to the conversation he had with then-Lieutenant Maki is one example of Sheriff Hakes' dishonesty with the County Administration, Corporation Counsel and the Board Chair.

**What needs to be made crystal clear is that when I was told over the phone to avoid contact with the employee; it had already been a few days since I had any type of contact with them. ... Monday May 22nd when I went into the center, I first stopped to confirm with the Director that it would be ok, and that specific employee was not in the center. I was advised it was. (10/10/23 Counter Investigation, p. 2).**

Substantial evidence allows a conclusion that Sheriff Hakes' statement regarding his communications with the Communication Center Director is untrue. According to Director Foldy, no such conversation occurred. The Sheriff did not ask Director Foldy if it would be "ok" to enter the Comm Center, nor did he ask if the Complainant was in the Center. Director Foldy created a contemporaneous detailed timeline of her communications related to the complaint which also supports the conclusion that no such conversation occurred. **(Exhibit 200)** Moreover, Director Foldy was unaware that Sheriff Hakes had been asked not to go into the Comm Center until after Sheriff Hakes did so twice on his own volition, on the morning of May 22, 2023, and then left. She then checked with Chief Deputy Dutton and learned that Sheriff Hakes had been asked not to go in. This reporter stands by the account of Sheriff Hakes' activities in the Comm Center on May 22, 2023, as set out on page 11 of the First Report.

**E. STATEMENTS TO AND ABOUT COUNTY ADMINISTRATION AND THE COUNTY BOARD.**

**1. SBR Purchases.**

**Page 22 – SBRS – The report falsely states or implies some financial wrong-doing or conflict with acquiring needed equipment for my office. The report got this exactly backwards. (9/29/23 Augmentation, p. 11)**

**There was no conflict of interest in how the Sheriff’s Office acquired needed equipment in the form of customized rifles, and I made no money on their acquisition. This equipment was so important for our office to have that I was prepared to pay \$4,800 of my personal money if necessary to acquire it, which I could legally do as a federally licensed firearms dealer and as a donation to the Sheriff’s Office. Fortunately, or perhaps because of my direct involvement as sheriff, we were able to get the rifles in an expedited manner and my donation was not needed. (10/5/23 Press Release, pp. 1-2).**

Despite Sheriff Hakes attempting to characterize the matter as one about “financial wrong-doing” and conflict of interest, the issue around the SBR customized rifles concerned his dishonesty to the County Board Chair, the County Administrator, Corporation Counsel, Deputy Corporation Counsel and the Human Resources Director about the purchase process. This reporter stands by the evidence recounted in Subsection G – Short Barrel Rifle Purchase at pages 22-23 of the first Investigation Report.

**2. Taxi Agreement.**

**Taxis (pages 24 and 25) – The report also implies that I exceeded lawful authority and deceptively arranged for tax dollars to be sent to provide festival guests with a taxi ride. ... The report would suggest that I was “scheming” and acted in disregard for [sic] County Administrative Government... (9/29/23 Augmentation, p. 12).**

**Criticism that I entered into a “contract” for cab services to take people from Rock Fest are simply not true. I conferred with several sources on how to deal with evicted concert goers to come up with a way to avoid taking them to jail and giving them an arrest record for simply being drunk, while also not wasting deputy time being a cab driver or a babysitter. The result, which some have called a “contract” did not spend a dime of tax money and the entire bill of about \$75.00 was paid by the concert promoter. This was a creative public and private partnership that kept everyone safe at no cost to taxpayers and helped our local economy by providing a safe concert environment. This is what “community policing” is all about. (10/5/23 Press Release, p. 2).**

Again, here Sheriff Hakes attempts to recast the issue of his dishonesty and manipulation toward the Administration, Corporation Counsel and his own staff regarding the cab services. This reporter stands by the findings of substantial evidence of Sheriff Hakes’ dishonesty in the subsection “Misrepresentation of Administration Communications” (First Report, pp. 24-27). By recasting the issue, Sheriff Hakes entirely failed to respond to the true issue regarding his honesty as set out in the First Report.

### 3. “Fanning the Flames”

**I am committed to earning your trust. I also encourage you to view my response. I have posted the link in comments. Many have asked what they can do to help. Here are a few ways to show your support:**

- 1. Respectfully contact your County Board Supervisor. Remind them that the voters are entitled to elect their sheriff and voice your opposition to any effort that seeks to take that right away by pursuing the removal of your elected sheriff. Contact information for County Board Supervisors can be found here: <https://www.co.chippewa.wi.us/.../county-board-supervisors>**
- 2. Attend the County Board meeting this Tuesday, October 10th at 6 pm at the Chippewa County Courthouse, please use door 3 to enter to show your support.**
- 3. Members of the public will each be given 5 minutes to speak at the County Board meeting. If you wish to speak on *my behalf*, please email [hakesforsheriff@gmail.com](mailto:hakesforsheriff@gmail.com) so we know to expect you. Anyone wishing to speak should plan to arrive early to sign in prior to the start of the meeting. (10/8/23 Facebook post) (emphasis added).**

As recounted by HR Director Hohlfelder in her report, in a meeting with County Administration, County Board Chair, Corporation Counsel and private counsel on October 5, 2023, Sheriff Hakes said he would not try to “fan the flames” by inviting people to the County Board meeting. Within three days of the statement, the above post appeared on his personal “Hakes for Sheriff” Facebook page encouraging supporters to attend the Board meeting to “voice opposition.” Because posts on the Facebook page refer consistently to Sheriff Hakes in the first person and the posting contains the word “I” repeatedly and references “[a]nyone speaking on my behalf,” it demonstrates that the Sheriff made the posting. Thus the substantial evidence suggests that he did exactly what he stated he would not do, encourage citizen attendance at the Board meeting. Thus, Sheriff Hakes’ statement to the County Administration, HR Director, County Board Chair and Corporation Counsel can be seen as dishonest.

**The command staff was sent the press release and no one said anything critical about its content prior to it being released. (9/29/23 Augmentation, p. 9)**

Contrary to the implication made here by Sheriff Hakes, substantial evidence supports a finding that the Command Staff was not provided the press release regarding the potential drowning investigation prior to it being issued by Sheriff Hakes. **Exhibit 2PP** attached is the email press statement sent to the media by Sheriff Hakes which was copied only to Lieutenant Williams, who had directed the search, and Chief Deputy Dutton. He also did not copy the entire command staff – which consists of Lieutenant Bauman, Lieutenant Williams, Captain Maki, Director Foldy, Emergency Management Director Tyler Thibodeaux, and Office Manager Gont. A review of Sheriff Hakes’ email history report from July 10, 2023, shows that the Sheriff did not email the press release or attached photoshopped photo to either individual prior to sending them Exhibit 2PP. Additionally, no command staff members reported that they received or saw the press release or the attached photoshopped photo prior to receiving the email. Thus, substantial evidence supports a conclusion that the implication of Sheriff Hakes’ statement that command staff saw the press release before its release is disingenuous and dishonest.

## **F. STATEMENTS REGARDING INVESTIGATOR AND HER LAW FIRM.**

In all statements that are the subject of this continuing investigation, Sheriff Hakes has leveled attacks on the integrity and competency of this reporter, and by extension, her law firm. Those comments are noted above. This report will not discuss the falsity of all of them because that is not the purpose of this report nor necessarily within the scope of review. However, his statements identified below warrant identification because they illustrate the nature of Sheriff Hakes' overall response to this investigation.

### **1. Support of Law Enforcement.**

**Friends and colleagues have advised me that was to be expected when a firm with a reputation of not being particularly supportive of sheriffs and law enforcement is hired to conduct the investigation. (10/10/23 Counter Investigation, p. 18).**

**As the investigation began, I learned that this attorney was part of a law firm from Madison that has earned an unfavorable reputation across Wisconsin for being anti-law enforcement. (10/10/23 Speech at County Board Meeting, p. 1).**

Sheriff Hakes alleges that he has received information regarding von Briesen & Roper from others. These statements, which he claims to be supported by unidentified "friends and colleagues," are stunning because the reality is exactly the opposite of what Sheriff Hakes asserts. Members of von Briesen, including this reporter, regularly provide legal representation and advice and counsel to public sector entities and specifically to their law enforcement leadership across Wisconsin.

Multiple times per year, members of von Briesen & Roper are called upon by law enforcement organizations, including the Wisconsin Department of Justice ("DOJ"), Wisconsin Chiefs of Police Association ("WCPA"), Wisconsin Police Leadership Foundation ("WPLF"), the Badger State Sheriffs Association, the Wisconsin Law Enforcement Executive Development Association ("WLEEDA"), the Wisconsin Police Executive Group, the Wisconsin Field Training Officers Association, the Wisconsin Command College, Chippewa Valley Technical College, Northwood Technical College, Fox Valley Technical College, Waukesha County Technical College, Northcentral Wisconsin Technical College and other organizations and institutions to conduct training of law enforcement executives and personnel. **Exhibit 2QQ** is a *partial* listing of the training done by members of the firm since January 2022. In addition, von Briesen & Roper has been the sole law firm to sponsor the annual January Legislative Days for the Wisconsin Chiefs of Police Association for years 2023 and 2024. **Exhibit 2RR** reflects that sponsorship.

For more than a decade, members of von Briesen & Roper have been asked to conduct training for the annual New Chiefs and Sheriffs training program conducted by Wisconsin DOJ. Of note, records of this training show that Sheriff Hakes himself attended this training more than once. He first attended in 2014 as a new Police Chief for Elk Mound. He attended again in January 2023, as a new sheriff, where this reporter and a von Briesen colleague presented for an entire morning. von Briesen is the only private law firm asked by DOJ to work with law enforcement on this important training of new Sheriffs and Chiefs. **Exhibit 2SS** is a record of Sheriff Hakes' attendance at these training events. It is presumed that Sheriff Hakes accurately reported his attendance to the Department of Justice.

## **2. Illegal Disclosure of Protected Health Information.**

**Third, one can reasonably question the competence and knowledge of Hall in some of the areas of the report. For example, Hall addresses on page 32 of the report an incident where I contacted you as the Director of Human Resources to report that a county employee had experienced a serious health issue. Hall writes that my doing so violated the ADA and Wisconsin and federal privacy laws by which I expect Hall meant federal requirements like HIPAA. ... Had Hall not been desperately searching for negative and derogatory information about me and actually understood the laws that Hall issued opinions about, Hall and any other knowledgeable attorney would know that such reporting was fully authorized and expected by law and county policy. The matter I reported certainly qualified as a serious health condition under the FMLA and therefore I had a legal obligation to disclose this information through proper channels to county human resources. ... This means that in this area Hall either was ignorant of the law or made an intentional misrepresentation of what it is. If the situation is the latter case, since Hall also faults me for a perceived lack of candor and concludes I cannot be trusted, if one applies the same standard to Hall and Hall's report, then nothing that Hall has written can be relied upon and Hall should not be trusted. Perhaps as the victim of this impropriety the county should even report Hall to the Office of Lawyer Regulation, but I leave that decision to others. (9/29/23 Augmentation, pp. 2-3).**

This reporter stands by the accounting in the First Report concerning Sheriff Hakes' unauthorized disclosure of private health information. (First Report, p. 32). As this reporter recounted, multiple legal resources within the County advised this reporter that Sheriff Hakes illegally disclosed the information to HR Director Hohlfelder. As the First Report states, "The Sheriff's disclosure *was identified to this reporter as a probable breach of the medical privacy* under the ADA, Wisconsin privacy law and County and Department policies." At the time of the report, this reporter made no legal proclamations or definitive declarations. As with many of Sheriff Hakes' statements, the above are mischaracterizations of the report itself, and also of the law. His statements can be seen as an after-the-fact effort to deflect from Sheriff Hakes' illegal conduct in disclosing the information. This is borne out by fact.

To elaborate, the individual involved – an elected official – is not an employee and does not fall under the coverage of the FMLA. Sheriff Hakes' assertion that he "had a legal obligation to report" under the FMLA is simply untrue and is another example of the Sheriff's failure to know the law as a manager. The Sheriff shared private information of another citizen based upon his simply involving himself inappropriately and illegally in the private medical matters of another elected official. Again, his request to HR Director Hohlfelder, to not reveal him as the source of the disclosure, demonstrated at least that Sheriff Hakes knew his disclosure was inappropriate, but it also suggests he knew it was a violation of Sheriff's Office Policy and possibly the law. In short, there was no legal or policy support for Sheriff Hakes' disclosure of private medical information.

Specifically, under Policy No. 339, "Standards of Conduct," his disclosure could be considered to be misconduct and a breach of policy, as stated below:

### **339.5 Causes for Discipline**

The following are illustrative of causes for disciplinary action...

#### **339.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE**

(a) Unauthorized and inappropriate intentional release of *confidential or protected information...obtained as a result of the member's position with this office.*

Moreover, his disclosure of such private medical information might be considered a breach of the official's privacy under Wisconsin Stat. § 995.50, "Right of privacy" which states,

(1) The right of privacy is recognized in this state. One whose privacy is unreasonably invaded is entitled to the following relief: ...

(2)(am) In this section, "invasion of privacy" means any of the following:...

3. Publicity given to a matter concerning the private life of another, of a kind highly offensive to a reasonable person, *if the defendant has acted either unreasonably or recklessly* as to whether there was a legitimate public interest in the matter involved, or with actual knowledge that none existed. It is not an invasion of privacy to communicate any information available to the public as a matter of public record.

### **3. Likeability Information.**

**Furthermore, this employee spoke highly of me to this "investigator" but she failed to report that in the report because it did not fit her clear agenda to paint me in an unfavorable light. He provided facts that did not fit her narrative so either they were intentionally omitted or forgotten due to deficient report writing. (9/29/23 Augmentation, p. 16).**

Information provided to this reporter indicates that the employee referenced above was a personal friend of Sheriff Hakes. His employment was terminated in July 2023 when he was not meeting minimum expectations of a Deputy. The employee, who was hired June 12, 2023, advised this reporter in his interview on July 7, 2023, that he had run into Sheriff Hakes only twice in the Sheriff's Office. He informed this reporter that Sheriff Hakes never individually or personally invited him to attend events. He also stated that contrary to Sheriff Hakes' assertions, Sheriff Hakes offered to help him buy a house if needed. The only favorable remarks he made were, "Throughout my hiring process with Sheriff he has been open and respectful. I feel that I was treated with respect and welcomed in." Such comments did not address issues of Sheriff Hakes' honesty, his inappropriate conduct toward the Complainant, his lack of judgment, professionalism and competence, or conflict of interest that became issues in this investigation. Again, the scope of this investigation did not extend into a determination of whether Sheriff Hakes is likeable.

#### **4. Open Records Requests.**

**Hall informed at least two of my previous employers that she was authorized, under your direction, to file broad open record requests regarding my employment ... Hall requested all documents containing my name during the entire decade I was employed there. (12/18/23 Letter to County Board Supervisors, p. 1).**

**Exhibit 2TT** contains all open records communications sent to the City of Chetek and the Village of Elk Mound and show the above statements to be inaccurate. The communications and records obtained speak for themselves.

#### **G. STATEMENTS REGARDING SHERIFF HAKES' JUDGMENT, LEADERSHIP AND CREATION OF RISK.**

Although Sheriff Hakes makes numerous and lengthy assertions regarding his activities since becoming Sheriff, this report focuses on the truthfulness of his statements regarding those actions frequently identified in interviews with Office staff as demonstrating Sheriff Hakes' lack of judgment, failure of leadership, incompetence, or creation of risk for the County. These actions are considered in addition to the circumstances cited in the Complaint.

##### **1. Real Estate Sales.**

**Since I was sworn in as sheriff, I have not had a single real estate transaction with any member of the sheriff's office or any county employee, and if any have asked me about real estate, I have offered to provide them free help in finding a realtor. (10/5/23 Press Release, p. 1).**

**Prior to being sworn in as sheriff, like many peace officers, I did off-duty work and had side businesses to help provide for my family. Since being sworn in as sheriff I have had little time or interest in doing them, and my expected gross income for 2023 will be significantly less than it was in 2022. (10/5/23 Press Release, p. 1).**

**I do not solicit my businesses at our Office, when the topics or questions arise I offer my services at no cost to our employees, as a courtesy with no expectations. (10/10/23 Counter**

Those real estate sales records of Sheriff Hakes' sales activity that this reporter was able to obtain from the Internet, show that Sheriff Hakes' 2023 real estate sales exceeded his 2022 sales. These records show that his sales in 2022 totaled \$1,448,000.00, and his sales in 2023 totaled \$1,754,800.00. Notably, fifteen (15) days after making this statement proclaiming his lack of interest in his real estate business, he closed his biggest real estate sale of \$925,000.00. He conducted his real estate business throughout his first year as sheriff. **Exhibit 2UU** contains a listing of his sales activity based upon the records this reporter was able to locate on the internet, for the years 2021, 2022 and 2023. These records, suggest that Sheriff Hakes in fact did spend time and have interest in conducting his real estate business in 2023, contrary to his assertion above.

This reporter stands by section III, Conflict of Interest, of the First Report in which she recounted the information she was provided by non-management members of Sheriff Hakes' Office. At least three subordinates reported that Sheriff Hakes talked about his house sales while they were on duty. At least three subordinates also reported that Sheriff Hakes has offered to help them find a house to purchase. They did not indicate that he told them that it would be at no expense, as a courtesy with no expectations.

## **2. Apprehension of Alcalá in Courthouse Threat.**

**Implications that how a threat to the courts was handled that implies improper response could not be further from the truth. The specifics of the multi-layer approach that was used is something I will not disclose, lest it become a guide for future domestic terrorists that seek to do harm to our courthouse or the court. I will simply state there was a coordinated response involving many law enforcement entities and the fact nothing bad happened showed that what we did worked. The fact that some people that were interviewed did not know of the security plan put into place only shows that security plans are often discussed on a need-to-know basis, and those people simply did not need to know. (10/5/23 Press Release, p. 2).**

This reporter stands by the accounting of Sheriff Hakes' lack of involvement in planning and executing on the apprehension of Mr. Alcalá. (First Investigation Report, pp. 30-31). *All* officers involved in what Sheriff Hakes describes as a "multi-layer approach" indicated that the apprehension of Alcalá was planned and executed by Lieutenants Williams and Bauman under the supervision of Chief Deputy Dutton. Sheriff Hakes' colorful description of why he will not provide specifics is based on the fact that he was not involved in the actual planning or apprehension on the day Alcalá was apprehended as supported by the substantial evidence of this matter. This reporter interviewed officers involved in the apprehension, including Command staff, and all indicated that the Lieutenants created and directed the apprehension plan on May 2, 2023, and that the Sheriff was not present or demonstrably involved that day. Although he was present on Monday, May 1, 2023, and reportedly was engaged in making phone calls, evidence supports a conclusion that the calls did not impact or relate to the planning and execution of the apprehension plan which was created and executed on Tuesday, May 2, 2023.

## **3. High Speed Pursuit.**

**Allegations concerning a pursuit in which I was involved that imply fault on my actions are equally misplaced. If one reviews the facts and written report that was generated with a trained eye of an experienced officer, that trained eye would reveal the propriety of my actions on that date in dealing with this potentially dangerous suspect and the fact my actions were consistent with state pursuit guidelines. This pursuit was widely reported on, as it resulted in two of our patrol vehicles being damaged, and the pursuit went across the entire county. Had another member of this office done what I did they would not be subject to criticism or discipline by me or my office. (10/5/23 Press Release, p. 3).**

**The report concerning the subject of a pursuit needs to be in context. This pursuit happened on a Saturday when no other management staff were working. The suspect intentionally used his vehicle as a weapon to disable two of our marked patrol vehicles. The suspect also intentionally swerved his vehicle at an officer who attempted to use tire deflation devices while outside of his vehicle. Using a vehicle as a weapon can be considered deadly force. I used the radio and traveled at a speed consistent with the Wisconsin State Patrol guidelines**

while I was on Highway 53 and in fact the Trooper involved traveled faster than I did. When I caught up to the pursuit we entered Dunn County and I notified other units about the road structure in that area as I was familiar with it. When the suspect eventually crashed I took command of the scene and ordered the suspect out of his vehicle consistent with training I received regarding high-risk traffic stops. I also stayed with the vehicle and secured it in the evidence area. I did drive faster than the speed limit which in such circumstances the law allows me to do. .... If a person had a better understanding of the sheriff's offices policies, which are my policies as the sheriff, they would see that I did not violate policy given the circumstances, and contrary what this report suggests, since I having the ultimate authority for discipline I do not believe I would have suspended anyone for similar actions under similar circumstances. (9/29/23 Augmentation, pp. 14-15).

This reporter stands by the account of Sheriff Hakes' actions in rashly and unnecessarily entering into the high-speed pursuit. (First Report, pp. 31-32). The Sheriff implies that he was needed in the pursuit because he was the only management member. However, Deputies involved were being directed by their Sergeant. Sheriff Hakes asserts that his "actions were consistent with state pursuit guidelines" and also that he "traveled at a speed consistent with the Wisconsin State Patrol guidelines." However, based upon the information provided to this reporter by the "experienced officers" involved in the event or the subsequent review of the same, Sheriff Hakes did not conduct his activity with the required "due regard" necessary for any officer who exceeds the speed limit. The law Sheriff Hakes cites above as supporting his actions, is the pertinent "due regard" statute found at Wis. Stats. § 346.03, which states:

(5) The exemptions granted the operator of an authorized emergency vehicle by this section *do not relieve such operator from the duty to drive or ride with due regard under the circumstances for the safety of all persons* nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.

(6) Every law enforcement agency that uses authorized emergency vehicles shall provide *written guidelines for its officers and employees* regarding exceeding speed limits under the circumstances specified in sub. (4) and when otherwise in pursuit of actual or suspected violators. The guidelines shall consider, among other factors, road conditions, density of population, severity of crime and necessity of pursuit by vehicle.

The Sheriff's assertion that an "experienced officer" would have seen the propriety of his actions is simply dishonest, in light of the substantial evidence of the matter that shows that Sheriff Hakes was given his own private debrief following the incident in which he met with such "experienced officers" who advised him that his conduct was unsafe. He was deemed by the Deputies and Sergeant involved, both Lieutenants, and the Office's EVOG instructor, to have failed to use "due regard" in unnecessarily entering into a pursuit at excessive speeds – placing other officers and citizens at risk.

Specifically, substantial evidence regarding the incident shows that Sheriff Hakes was not asked to enter into the pursuit. Instead he heard on his radio that it was occurring and as he later told officers questioning his involvement, he "wanted to help" so he left his home many miles from the ongoing pursuit to drive there. This reporter was told by Patrol officers involved that they thought he likely exceeded the speed limit, and was emergent with lights and siren, in order to enter into a pursuit so many miles away from his home. He did this to enter a pursuit where he himself noted in his supplemental report that there were at least seven vehicles already involved in the pursuit. Record evidence and information provided by

participants in the pursuit support this conclusion because they reported there were already 6-7 squads in the pursuit when Sheriff Hakes became involved. The incident record reflects all squads that were involved. The Sheriff's implication that he was somehow needed for the pursuit is simply inaccurate.

Substantial evidence supports a further conclusion that he "flew by" one of his Deputies who had already been ordered to *trail non-emergent* by the Sergeant who was directing Sheriff's Office deputies involved in the pursuit. The order was given because of the number of squads already involved and the potential risk to public safety for another squad to also be operating at high speeds. Sheriff Hakes was reported to be traveling at an estimated 100 mph when he passed the Deputy on a two-lane road, forcing the Deputy who he came up behind at that speed to pull over on the road.

Although Sheriff Hakes touts inapplicable State Patrol Policy, record evidence shows that Sheriff Hakes had not reviewed or acknowledged "his own" pursuit policy at the time of the incident, *nor has he reviewed it since*. (See, Exhibit 2KK). This reporter was advised by the experienced law enforcement personnel, who Sheriff Hakes cites above, that any member of Sheriff Hakes' Office engaging in a vehicle pursuit is to follow Sheriff's Office policy, not an undefined State Patrol policy. Notably, the Office policy does not set an arbitrary top speed of 100 mph. As is made clear by the statute, each law enforcement organization sets its own pursuit guidelines, so any State Patrol guidelines are not relevant or even applicable to Sheriff Hakes' conduct contrary to his suggestion. The requirement that a pursuit must be conducted with due regard is shown by two excerpts from Sheriff Hakes' Office Policy No. 313, Vehicle Pursuits.

### **313.3.3 SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Vehicle speeds shall be taken into consideration *to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle*. (Wis. Stat. § 346.03(6)).

### **313.4 PURSUIT UNITS**

Pursuit units should be limited to *three vehicles* (two units and a supervisor)... A deputy or supervisor *may request additional units* to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspect. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

(Emphasis added). Policy 31, in its entirety, is attached here as **Exhibit 2VV**. It is noted that Sheriff Hakes has not yet met the requirement in the last paragraph of his Vehicle Pursuit policy which states,

### **313.9.2 POLICY REVIEW**

Certified members of this office shall certify in writing that they have received, read and understand this policy initially and upon any amendments (Wis. Stat. §346.03(6)).

Due regard was defined by “experienced officers” to this reporter as “what someone else with the same training and experience would deem is appropriate response.” The EVOC trainer who met with Sheriff Hakes for his private debrief stated the following about the conclusions over Sheriff Hakes’ impulsive conduct:

“You must have a thought process of whether it is worth it. You need to think what other people would think. The vehicle was just about to become disabled.... The crash was 2-3 miles ahead of the Sheriff. The vehicle was already losing some tires.... [The incident with the Cornell officer cited by the Sheriff] was thirty-some miles back from where the Sheriff had entered the pursuit. ... We don’t want a caravan of people trying to follow.

He went greater than 100 to catch up to a vehicle that was already disabled. There was no reason to get there that fast. His [the perpetrator’s] car was being disabled and slowing....

The reason we have the policy is to avoid risk. Once you go 20 mph over the speed limit, the question is how will you articulate that that was an appropriate speed? In my personal opinion, was it too fast, yes. ...The Sheriff admitted going over 100. I would have said it is a policy violation. The Sheriff knew the other vehicles were in the pursuit. The Cornell officer, Warden Peters was on the radio, Sperry and Jarecki were in it. They were ahead of Sheriff Hakes. He eventually caught up because the perp was rolling on rims.

The Sheriff’s assertion that his actions were appropriate is belied by the reality that he was entering into a pursuit at excessively high speed when the vehicle being pursued was already being driven on its rims. He was told in his debrief that his actions were unsafe by officers having a “trained eye” for spotting impropriety of action.

#### **4. Courthouse Security Evaluation.**

**The report concerning the security analysis is deeply flawed and inaccurate. (9/29/23 Augmentation, p. 8).**

All information in the First Report regarding the security evaluation was provided by eyewitnesses and first-hand participants in the audit. (First Report, p. 35). Substantial evidence from interviews of attendees shows that Sheriff Hakes’ statement that the report regarding his activity during the security analysis is not “deeply flawed,” but instead accurate as to his being frequently on his cell phone and on various social media sites. As previously stated, this reporter specifically chose not to interview outside of the County in order to preserve confidentiality. The reports suggesting that Sheriff Hakes was not attentive during the review is supported by the fact that Sheriff Hakes did not recall what occurred during the analysis so he contacted the security consultant.

This reporter also contacted that security consultant. While the security consultant had little recall regarding details of her communication with Sheriff Hakes, she did not think she would have told Sheriff Hakes that what he suggested was ridiculous, as previously told to this reporter, because it would not have been polite.

**5. Morale.**

**I have spent thousands of dollars from my own pocket attempting to improve morale. (10/10/23 Counter Investigation, p. 1).**

This reporter has been provided no evidence of such an expenditure. No member of the Office who interviewed was able to identify anything that would have amounted to a non-reimbursed expenditure of “thousands of dollars” by Sheriff Hakes.

**The morale of our Office is exceptionally high, minus a few select individuals. (10/10/23 Counter Investigation, p. 1).**

Every member of the Sheriff’s Office interviewed by this reporter stated that this statement regarding the Office is inaccurate. Some managers indicated that morale in their specific departments was improving due solely to their own efforts that they initiated before Sheriff Hakes assumed office and indicated the morale improvement was independent of the Sheriff. Some non-management members, including, but not limited to deputies and sergeants, advised this reporter that morale is at its lowest point.

**CONCLUSION**

The findings of this continued investigation provide substantial evidence of the dishonesty of Sheriff Hakes in his responses to the First Report issued in this matter and his multiple public statements issued since September 20, 2023.