

To: Mayor Jim Paine
City of Superior

Exhibit 556

From: Investigator Mikayla LeRette
Superior Police Department

Re: Internal Investigation Report Rebuttal

Dear Mayor Paine,

This rebuttal letter addresses the internal investigation report and investigation that was conducted against me. I am writing you this letter to make you aware of the misconduct I have discovered by several members of the Superior Police Department's administration. This rebuttal letter was also shared with Douglas County District Attorney, Mark Fruehauf. I firmly contest any assertion of untruthfulness or falsification of records on my part. This rebuttal will highlight a systematic pattern of misconduct by the City of Superior administration and its purportedly neutral third-party investigator. Whether driven by malice or incompetence, their actions have resulted in an unjustified attack on my character and reputation.

I believe this rebuttal will clearly demonstrate that the principal figures in this investigation pursued it as part of a concerted effort to retaliate against me. They sought to punish me for my pregnancies, my use of Family Medical Leave Act (FMLA) time for maternity-related matters, and my necessary light-duty status while recovering. Additionally, I will show a pattern of retaliation linked to my relationship with Chief Winterscheidt following his internal promotions and my vocal concerns regarding violations of my lactation rights.

Furthermore, this rebuttal will expose investigatory misconduct, including deliberate omissions of exculpatory witness statements, misleading statements, intentional disregard for exculpatory evidence, and misrepresentation of facts. Ultimately, I believe their conclusions are biased and fail to logically align with the evidence.

I do not make this claim lightly, but I believe the Mayor was misled by members of his administration in a deliberate effort to tarnish my reputation. Their actions amount to serious misconduct.

Background:

I began my career with the Superior Police Department in April of 2013. During the following years, I built a reputation as a competent, hard-working police officer. I was assigned to be a Narcotics Investigator in January 2020 by then-Chief Nicholas Alexander. My direct supervisor on the Superior Police Department was Lieutenant Michelle Pope. I was assigned to the Superior Police Department's internal narcotics investigation team. At that time, the Department assigned two narcotics investigators to the Northern Area Crime Unit (NACU). NACU was a non-centralized taskforce consisting of several agencies from the region. Investigators assigned to this taskforce were housed in their respective agencies. Investigator Ronald Custer was my partner for the majority of my time in the NACU taskforce. The Superior Police Department assigned a third investigator to the neighboring Lake Superior Violent Offender Taskforce (LSVOF), which is a centralized narcotics taskforce hosted by the Duluth Police Department. Investigator Tim Monte was assigned to the LSVOF taskforce.

In September of 2023, I was invited by the U.S. Drug Enforcement Administration (DEA) to become a DEA Taskforce Officer (TFO). Then-Chief Alexander supported this opportunity and signed the associated agreements. At that time, the DEA TFO position was housed at the LSVOF taskforce. Shortly thereafter, the TFO position was moved to the newly created drug taskforce in Carlton, MN. This DEA taskforce maintained jurisdictional responsibility for Douglas County, WI.

During the third quarter of 2023, the State of Wisconsin changed the grant that supported NACU was changed in a way that made it financially impractical for the Superior Police Department to continue participation in the NACU taskforce. The NACU taskforce was dissolved. I am aware through conversations with Chief Winterscheidt that newly selected (but not yet appointed) Chief Winterscheidt discussed options with then-Chief Alexander, then-Captain Thomas Champaigne, as well as leadership from the LSVOF Taskforce and the DEA. Chief-select Winterscheidt proposed dissolving SPD's internal narcotics bureau and transferring the senior investigator to the LSVOF Taskforce. While Captain Champaigne disagreed with this plan, Chief Alexander supported it. It should also be noted that leadership of the LSVOF taskforce requested my assignment to their taskforce several times before the NACU grant situation arose.

Beginning in approximately 2014, officers assigned to narcotics investigations were considered to be one assignment, regardless of their assigned taskforce. Prior to that, if an officer was assigned to the LSVOF Taskforce, and that position was eliminated, the officer assigned to the LSVOF Taskforce would return to patrol regardless of their seniority status compared to the other investigators. At the time, this created assignment uncertainty for Investigator Monte who was assigned to the LSVOF Taskforce. Then-Chief Charles Lagesse issued a directive to each of the narcotics investigators defining them as one assignment, regardless of work location. The directive stated the most junior narcotics investigator would be removed from their position in the event of a cutback. Chief Winterscheidt, Investigator Jim Olson, and Investigator Monte were assigned to narcotics at that time.

This directive guided Chief Winterscheidt in his decision to reassign Investigator Custer to patrol and me to the LSVOF Taskforce when NACU was dissolved in 2023. At the time, I was second in seniority to Investigator Monte. I now know through conversations with Chief Winterscheidt

that Captain Champaigne strongly disagreed with Chief Winterscheidt's decision. Captain Champaigne told Chief Winterscheidt that he believed the LSVOF taskforce assignment should've been posted for other officers to apply. Chief Winterscheidt recognized Captain Champaigne might not have been aware of Chief Lagesse's directive in the matter because he was not in a position that would've been made aware at the time. Despite becoming enlightened about the directive, Captain Champaigne insisted the position should've been posted for "optics." Chief Winterscheidt reminded Captain Champaigne that he could not discriminate against me because of my marital status, regardless of who I was married to, and this decision was guided by policy, contract, and law. To the best of my knowledge, that directive was never rescinded or replaced.

I am aware through conversations with Chief Winterscheidt that he decided to assign two officers to the LSVOF Taskforce and dissolve the internal SPD narcotics bureau for the following reasons:

- The LSVOF taskforce has jurisdictional authority to operate in Superior.
- The LSVOF taskforce has adequate staff assigned to the taskforce to conduct modern narcotics investigations, which have changed significantly over the years.
- The City of Duluth is designated as a High Intensity Drug Trafficking Area (HIDTA). This designation provides resources for controlled-buy funds and overtime expenses that would otherwise be absorbed by the Superior Police Department with the termination of NACU.
- Two investigators rather than three were assigned to LSVOF because he believed the assignment of three investigators to the LSVOF taskforce would be excessive, and the third investigator position would be more useful in ICAC.

Captain Champaigne and Lieutenant Pope were very critical of this decision. I believe their obstinacy to this decision was the result of Lieutenant Pope's personal experience on the taskforce early in her career when she negligently discharged her firearm while executing a warrant. According to information from members of the LSVOF taskforce and others, then-Investigator Lear (now Pope) claimed her firearm discharged when she was trying to re-holster her weapon, but the physical evidence did not align with her claim. Duluth Deputy Chief Luckovsky was her partner at the time. He brought up concerns about her honesty, and she left the LSVOF taskforce soon afterward. Lieutenant Pope's relationship with the LSVOF taskforce and Deputy Chief Luckovsky in particular have been strained ever since. I do not have personal knowledge of this situation. These are just rumors I've heard over the years, but it would provide a plausible explanation for her lack of communication and cooperation with the LSVOF taskforce.

Chief Winterscheidt was sworn-in as the Chief of Police at the end of January, 2024. Coincidentally, this was contemporaneous with the end of the NACU grant and our internal scheduling bid sheet. Chief Winterscheidt directed the aforementioned changes shortly after being sworn-in as Chief to coincide with the end of the NACU grant and the start of the winter bid sheet.

This period encompassed pregnancies with my first and second child, as well as associated FMLA time. I was not assigned continuously to narcotics investigations during this time. Staffing shortages required me to work as a patrol officer occasionally.

The SPD Command Staff (2020 to 2024):

The Superior Police Department's "Command Staff" was defined generally defined as the Chief of Police (Nicholas Alexander), Assistant Chief of Police (John Kiel), Patrol Captain (Paul Winterscheidt), Investigations Captain (Tom Champaigne), Patrol Lieutenant (Thor Trone), and Investigations Lieutenant (Michelle Pope). Through conversations with other officers, I am aware that this group of people, with the exception of Paul Winterscheidt, were a very close friend-group. From my personal observations, I've noticed Asst. Chief Kiel spent a considerable amount of time in Lt. Pope's office, and visa versa, even though he was not her direct supervisor. Tom Champaigne was often described as Lt. Pope's protector by other officers on the department because of rumors that he often covered-up her mistakes. I have no personal knowledge of this behavior. These are only rumors that I have heard. Nevertheless, I am aware that Asst. Chief Kiel was the best man in Lt. Trone's wedding, and Capt. Champaigne was close personal friends with Chief Alexander, often spending a considerable amount of off-duty time together. Capt. Champaigne also had a very close relationship to Capt. Jeff Harriman. This information is relevant to the current matter because I believe these relationships created a lack of objectivity and influenced the actions of my supervisors.

I am aware through conversations with Chief Winterscheidt that Asst. Chief Kiel rarely spoke with him while he was the patrol captain, despite Asst. Chief Kiel being then-Captain Winterscheidt's direct supervisor, while Asst. Chief Kiel spent a significant amount of time interacting with Lt. Trone (Captain Winterscheidt's direct report). Then-Captain Winterscheidt sometimes complained that he felt he was being setup to fail by Asst. Chief Kiel because Asst. Chief Kiel would not provide any direction or expectations to Captain Winterscheidt. This took place from mid-2020 to the beginning of 2024. I believe Asst. Chief Kiel did not like Captain Winterscheidt because he competed with his close friend, Lt. Trone, for the Patrol Captain position and was ultimately selected for the role over Lt. Trone.

One of Chief Winterscheidt's first tasks after being sworn in as the Chief of Police was the selection of new Patrol and Investigations Captains. I am aware through conversations with Chief Winterscheidt that shortly after Chief Winterscheidt's selection for the chief position, Asst. Chief Kiel told Chief Winterscheidt that he hoped Lt. Pope and Lt. Trone (his close friends) would apply for the captain positions. Asst. Chief Kiel told Chief Winterscheidt that he believed they "deserved" the positions. Asst. Chief Kiel went on to explain that he hoped his last year on the department would be a "fun" experience for Chief Winterscheidt and not a "big F-U to the department." According to Chief Winterscheidt, the statement by Asst. Chief Kiel was a clear indication that he would face retaliation from Asst. Chief Kiel if his friends were not selected for promotion. In the end, I believe Chief Winterscheidt was partially correct. Instead of retaliation against Chief Winterscheidt, the retaliation was directed against me (his wife). In fact, this

internal investigation was apparently launched within days of Jeff Harriman's selection to be the Investigations Captain position over Lt. Pope.

Standards and Expectations:

Work hours for represented police officers in the City of Superior are defined by the Article 8, Section A, of the Local 27 union contract.

Article 8 - HOURS

A) For an employee regularly scheduled for 8 hour work days, a normal work week shall consist of 40 hours. For an employee regularly scheduled for 10 hour work days, the weekly scheduling pattern will be 5 work/4 off; 5 work/4 off; 6 work/4 off, with a normal work week consisting of 30 or 60 hours depending on the rotation. Shift hours are defined as follows: 8 hour shifts Day Afternoon Power Night 7:00 a.m. - 3:00 p.m. 3:00 p.m. - 11:00 p.m. 7:00 p.m. - 3:00 a.m. 11:00 p.m. - 7:00 a.m. 10 hour shifts 7:00 a.m. - 5:00 p.m. 2:00 p.m. - 10:00 p.m. 5:00 p.m. - 3:00 a.m. 10:00 p.m. - 8:00 a.m.

The work hours and expectations for narcotics investigators have remained consistent for the known past. Chief Winterscheidt inherited these standards from Chief Alexander, Chief Lagesse before him, and Chief Peters before him. Narcotics has always had a flexible schedule because of the nature of the work. Narcotics investigators are often required to act on information at the last minute and take after-hours phone calls from informants and other investigators, just for two examples. There are many more examples.

It is in the best interest of the City and the investigator to maintain a flexible schedule. This is how it was when Chief Winterscheidt was a narcotics investigator, and this is how it was explained to him by his senior narcotics investigation partner at the time, Jeff Harriman. Chief Winterscheidt did not set this standard. This standard has remained consistent as far back as I know, and it is the same standard narcotics investigators in other agencies adhere to. This is not something unique or new. It should be noted that any changes to that expectation are at the sole discretion of the Chief of Police. Subordinate supervisors do not have the contractual authority to make changes to vice/narcotics officer schedules, according to Article 8 of the working agreement. The working agreement also trumps any existing City policy.

According to the contract, only the Chief of Police has the contractual authority to change this arrangement, and Chief Winterscheidt ordered no such change. In fact, I am aware that Chief Winterscheidt asked the investigations division leadership to consider revising the flexible schedule expectations for all non-essential officers because detectives and other investigators would benefit from this flexibility as well. Chief Winterscheidt proposed this idea at a command staff meeting in March 2023. He also proposed providing equipment to detectives, so they could work from home during dangerous weather to improve safety. Chief Winterscheidt asked Captain Harriman to work with Lt. Pope to create a draft special order for consideration, but they

never completed the draft. Instead, Lt. Pope provided direction to non-essential staff that was not consistent with the Chief's direction when she had no contractual authority to do so.

Changes in policy or practice are communicated through a Special Order from the Chief of Police, directive from a division commander or above, or a memorandum from any supervisor. Special Orders supersede existing policy and are meant to make quick adjustments before a full review of the applicable policy can be conducted. Because special orders carry the weight of policy, the Chief of Police is the only member of the department authorized by Department policy to issue such an order. Directives are intended to clarify existing policy without superseding the policy. Directives may be issued by division commanders (captains) or above. Memorandums may be issued by any supervisor to memorialize a communication for present and future members of the department. Special orders, directives, and memorandums are maintained in the department's police and procedure RMS and have an employee acknowledgement process.

Accounting of Work Hours:

I strongly disagree with any suggestion that I was dishonest about any aspect of my career, and I did not intentionally falsify any work hours. I simply followed the standard practice for the narcotics investigator position and the sometimes conflicting advice of my supervisors. I was apparently subjected to different standards than my male counterparts, including Investigator Monte, SHA Liaison Officer Patrick Deignan, and Detective Griff Coffman, who also enjoyed flexible work schedules. I was also held to a different standard than members of the command staff. The differences in those expectations became more severe after I became pregnant with my first child.

For example, Lt. Pope at one time told me I had to provide my schedule a month in advance, but Detective Coffman was allowed to provide his schedule on the Sunday before the start of his week, and Officer Deignan was allowed to change his schedule mid-week to help with childcare. These varied expectations were in place at the same time.

It has been common practice to allow changes to the time-keeping system to be made after-the-fact. Other officers and administrators have been allowed to do this for years. The Department currently uses PowerTime to record officer work hours, but the City's time-keeping/payroll system is TimeClockPlus (TCP). Officers do not enter their work hours into TCP. Rather, the Department's administrative assistant manually records all work hours recorded in PowerTime on paper sheets, which are then sent to the Finance Department for their entry into TCP on a bi-weekly basis. It is not uncommon for staff to update their schedules in PowerTime after the fact, and this usually does not create an issue because the actual timesheet into TCP is not made in real time.

Entering time-off after the fact is very common, especially for non-essential staff that do not count toward minimum patrol staffing levels. For example, according to PowerTime records, the

following is a list of detectives and supervisors who submitted time off requests after-the-fact. I have preserved these reports for future reference.

Detective Griff Coffman – 110 after-the-fact entries.

Detective Russ Milroy – 50 after-the-fact entries.

Detective Chris Woolery – 159 after-the-fact entries.

Detective Holmgren – 36 after-the-fact entries.

Detective Taavi Mattson – 19 after-the-fact entries.

Detective Kelsey Davis – 26 after-the-fact entries.

Lieutenant Thor Trone – 105 after-the-fact entries.

Lieutenant Michelle Pope – 129 after-the-fact entries.

Captain Jeff Harriman – 59 after-the-fact entries.

Former Captain Bill Lear – 212 after-the-fact entries.

Asst. Chief John Kiel – 101 after-the-fact entries.

During this time, I had 174 after-the-fact entries. It is important to note that I was not counseled for these entries or told this was an unacceptable practice.

It should be noted that former Captain Tom Champaigne's report was not available because his profile appears to have been **deleted** from PowerTime.

While I don't have them in time for this rebuttal, I plan to file an open records request for all key FOB logs pertaining to the aforementioned individuals. I am interested to see what those logs show, and I believe it may present an uncomfortable quagmire for my accusers. Will they be subjected to internal investigations and will their credibility be in question?

Supervisor Reaction to my Pregnancy:

I informed my supervisors of my first pregnancy in approximately April 2022. Capt. Champaigne and Lt. Pope's reaction was to immediately go to Human Resources to force my removal from my narcotics assignment. Capt. Champaigne was very upfront with me about his actions. He literally told me that he went to Human Resources with Lt. Pope to find a way to force me onto light duty and remove me from my narcotics assignment because I was pregnant. When that failed (because it was illegal), they further restricted my flexible work schedule. It was around that time that Asst. Chief Kiel told me, while in the presence of other officers, that I should be forced to wear a "matron's skirt and sit at the front desk because they don't know what to do with me." He was referring to my new pregnancy. I was absolutely mortified by this demeaning and degrading comment in front of my coworkers. It is important to recognize that the police officers must trust each other with their lives. Asst. Chief Kiel's statements

undermined my hard-built reputation with my coworkers and made it difficult for me to be a trusted member of the department. This comment embarrassed me. It was hard enough to decide when to share my pregnancy with the department, for various reasons. Even more disturbingly, these actions made it clear they would come after my job with all tools at their disposal because they did not think a pregnant woman should be a narcotics investigator. It should be noted that I was the first pregnant police officer on the Superior Police Department in more than 20 years. I felt like a guinea pig, and penalized for being a working, expectant mother in the year of 2022.

After the birth of my first child and maternity leave, I returned to work in a light duty capacity while I healed from child birth. It was immediately clear that Capt. Champaigne and Lt. Pope were still after me. After they learned that they could not overtly discriminate against me by removing me from my assignment and forcing me to a light-duty status while I was pregnant, it appears they decided to make my life as difficult as possible by assigning me to a light-duty assignment that had been used as a punishment tool in the past. I was assigned to the property room despite ample work that I could perform as a narcotics investigator while on light-duty. I requested to remain in my narcotics detail while I recovered from the birth of my child, but my request was denied by Lt. Pope.

One of my first days back to work from the birth of my first child, I believe the date was November 8th, 2022, Lt. Pope stormed into the police department record's bureau and started to yell at me in front of the record's staff. Lt. Pope said something similar to "aren't you supposed to be doing a training?" I had just returned to work and the front desk receptionists, who hadn't seen me in months, simply asked to see a photograph of my newborn. The record's staff were shocked with Lt. Pope's attitude and comments directed at me, as we discussed this in great detail after the fact.. I am certain they would testify to this. Officer Kelsey Davis was also present during this interaction and also felt the wrath of Lt. Pope.

It is interesting to note that I was allowed to wear leggings while I was pregnant, but after I was assigned to the property room, I was required to wear uniform pants which were obviously uncomfortable after the birth of my child, even though I had no contact with the public in the property room. This happened to be a brand new rule that was implemented upon my return to work. Officer Jennie Nelson wore jeans and tennis shoes to work, for years. Her assignment was the property room officer.

During one of Lt. Pope's "check ups" on me in the property room, she decided to address wardrobes with Officer Nelson and Officer Davis, directly in my presence. She asked them what sizes of clothing they needed and were going to now be required to wear a property room uniform. Lt. Pope however, made no attempt to have a conversation with me about what I was wearing, and did not ask to order me clothing, or provide me with any guidance for how she would like me to be dressed.

The next day, Capt. Champaigne emailed me the uniform policy (Superior Police Policy 1024 – Uniform Regulations), and said I was clearly not adhering to it. Why wasn't I informed of the new uniform standards by Lt. Pope when she was speaking directly to Officer Davis and Officer Nelson? Why was I sent the uniform policy instead, by a higher chain of command?

While on light duty, I was also prohibited from leaving the station during the workday in any city vehicle. I don't believe there was any legitimate purpose for these restrictions, and they were not equally applied to male staff who had been on light duty. For example:

My narcotics counterpart, Ron Custer, was able to remain in his narcotics assignment while on light duty.

Jeff Harriman was assigned to an investigation position while on light duty as a sergeant.

Officer Brian Davis was assigned to the detective bureau while on light-duty.

Detective Sean Holmgren was able to remain in his detective position while on light-duty.

Chief Winterscheidt, while a narcotics investigator, was allowed to remain in his assignment while on light duty. Later, as a sergeant, he was assigned to ICAC while on light duty. It is interesting to note that Chief Winterscheidt was allowed to carry a firearm, drive a city vehicle, and participate in warrant executions, despite similar light duty restrictions to my own.

Then-sergeant Bill Lear was assigned to work on a cold case while on light duty, despite not having investigations experience. This was near the same time that I was assigned to the property room. His sister, Lieutenant Pope, was responsible for assigning light duty assignments. May it be noted, Bill Lear showed up to his light duty assignment wearing jeans, clearly outside of dress code policies for his position. May it also be noted there were no narcotics investigators for the City of Superior, but a cold case took precedence over active, felony level drug offenses which were occurring daily in the community.

Former Chief Nick Alexander was on light duty for significant lengths of time while a sergeant, deputy chief, and while the chief of police. He was allowed to carry a firearm and leave the station while on light duty at the same time as me.

I find it interesting that the only two fully trained police officers assigned to the property room for light duty were women, along with Probationary Officer Seth Noll who was injured during his training at the police academy.

I am aware that property room assignments have been used as disciplinary measures in the past. I am aware that former Sergeant Kirchoff was "sentenced" to the property room for a period of time in response to a disciplinary infraction. After that incident, assignment to the property room was widely known as a potential disciplinary measure, especially by the veteran officers.

While working my light-duty assignment in the property room, Capt. Champaigne stopped down for a visit. I asked him when he thought I would be able to return to my narcotics assignment. He responded by saying if he had it his way, I wouldn't have been in narcotics at all. It should be noted that other narcotics investigators, who happened to be male and not a new mother, were allowed to remain in their narcotics investigator assignments (and detective assignments) while on light duty. They were allowed to operate a city vehicle, leave the station while on light duty, and carry a firearm.

Officers on the police department are allotted on-duty work out benefits. While on light duty, I was going to physical therapy and had exercises to strengthen my body after the birth of my child. I put in a submission in Planit Police (our time keeping system) to use my on-duty physical fitness time at the end of my shift. While using the gym, I had stepped into the locker room and used the bathroom, when I came back into the gym, I saw Capt. Champaigne poking his head in the gym from the men's locker room. I literally looked at Detective Milroy who was walking on the treadmill (also using his on-duty work out privileges) and asked if Capt. Champaigne had seriously come into the gym to check on me. This was just many unexpected "check ins" that I had experienced while on light duty from the birth of my child.

The next day, Capt. Champaigne called me and accused me of not working out on duty, and not being at the department gym. I told Capt. Champaigne that I was not surprised he called me, because I witnessed him checking up on me yesterday (while working out on duty) and was able to describe what he was wearing and even what he was carrying. Detective Milroy was my witness to me working out on duty. When I challenged Capt. Champaigne on his accusations of me not working out on duty, in the department gym, he quickly changed the subject. Capt. Champaigne then told me he didn't even know that Detectives or Investigators were allowed to use the on duty work out privileges.

I approached Chief Alexander about the bizarre behavior I was experiencing from Lt. Pope and Capt. Champaigne. I also brought to his attention that I was concerned about being exposed to drugs and hazardous chemicals in the property room while I was still nursing my baby. This was something Officer Nelson told me to be aware of while I was nursing. She said to be careful as there were drugs and other hazardous materials in the property room that we were required to handle. Officer Nelson was aware of fentanyl in particular, that could get onto my clothing and into my breastmilk/lactation equipment. Chief Alexander suggested I communicate those concerns to my healthcare provider and see if they would be able to restrict me from duties in the property room. Then union-president Charlie Mahlen was present during my conversation with Chief Alexander. This was ultimately the route I took. Given the apparently illegal attempts to destroy my career already made by Capt. Champaigne and Lt. Pope, I was concerned to take my complaints further for fear of retaliation. You will see in the following pages that my fears were reasonable. I even told Chief Alexander that I feared retaliation from my supervisors, and I did not want to rock the boat. I told Chief Alexander that I also have no idea why I was suddenly being treated this way by Lt. Pope. The only thing that had changed was the fact that I had a baby, and had taken FLMA.

My First Return to Full-Duty from FMLA:

I was eventually cleared by my medical provider to return to a full-duty status in December of 2022. I returned to my investigator assignment in narcotics with my partner, Ron Custer. I decided to push forward, even with the differential treatment compared to my male counterparts. As a female officer in a male-dominated profession, I've learned it is important not to make

waves. The comments made by Capt. Champaigne and Asst. Chief Kiel were a clear warning to me of what the consequences of speaking up for my rights would be.

Upon my return to work, I was pumping breastmilk to feed my new little baby. I requested lactation facilities. I was provided with a shower stall in a bathroom with a curtain and an extension cord across the floor. There was little to no privacy. While using this "lactation space," male officers sometimes entered the women's bathroom because they stored their honor guard equipment in the women's locker room. Male custodial staff also sometimes entered the women's locker room while I was pumping. I knew complaining would earn retaliation, but it was clear they were trying to make things hard on me for pumping breast milk.

After my conversation with Chief Alexander, Lt. Pope called me into her office. Lt. Pope told me she found it awfully suspicious that I was not allowed to be around drugs, but I was able to complete my computer work as a narcotics officer. Lt. Pope stared at me, and asked me to explain my medical note. I asked Lt. Pope if she was requiring me to share my private and protected medical information along with the opinions of my doctor. Lt. Pope immediately back pedaled, dropped a pen she was holding under her desk, and told me she was not asking that. I repeated exactly what Lt. Pope had just asked me, and told her something to the effect of "that is exactly what you just asked of me". I told Lt. Pope I was also following a directive of Chief Alexander. Lt. Pope was obviously not expecting me to question her about digging into my private and protected medical information. Lt. Pope then said something to the effect of "I think we may have just gotten off on the wrong start". It was obvious Lt. Pope was aware of her adversarial relationship toward me based on this comment.

When I continued to speak to Lt. Pope about my plans to continue pumping my breastmilk at work, she discussed her own return to work from having her daughter. I asked Lt. Pope what she did when she returned to work after having her daughter. Lt. Pope told me she simply couldn't pump/breastfeed after her child was born because she was too busy getting her work done as an events coordinator for Barker's Island Inn. Message received – I understood Lieutenant Pope did not approve of my lactation needs and that work should be a priority over expressing my breastmilk.

I approached Chief Alexander with my lactation facility concerns. I was accompanied by then-union president Charlie Mahlen. He told me he would get back to me. He eventually told me I could go to a space in the public health nurse's office. This space was not always accessible during my work hours, and it was not reliably available because I would need to sign up every time I needed to use the space. This space was also not near my work area. The bathroom was the only real option I had to not take up too much time in my day. I attempted to plan my pumping breaks when I did not have to be out in the field when I could.

It should be noted that then-Capt. Winterscheidt repeatedly warned Chief Alexander, Capt. Champaigne, and Lt. Pope that the space was not a suitable lactation space and did not meet the requirements of federal law. Still, nothing was done. It should also be noted that Chief Winterscheidt highlighted this situation as a key priority he would correct as the new chief of police in his interview and selection process. Chief Winterscheidt was able to create suitable

lactation space within a short time of his appointment. Interestingly enough, Lt. Pope requested to be on the lactation space committee. I learned during the implementation of this facility, that Lt. Pope was argumentative with Officer Phillips about the facility being equipped with a sink. Lt. Pope did not feel the facility needed or should be equipped with a sink. This is another federal law requirement.

Weekly Meetings and Performance Reviews:

During my time as a narcotics investigator attached to the NACU taskforce, Officer Custer and I had regular meetings with Lt. Pope and sometimes with Capt. Champaigne. No performance concerns were mentioned during those meetings. It wasn't until September of 2023 that Officer Custer and I received a poor performance appraisal from Lt. Pope and Capt. Champaigne. Interestingly, Lt. Pope and Capt. Champaigne did not seem to think this "poor performance review" was important enough to be documented until three months later (December of 2023), when rumors of my second pregnancy began to circulate in the department. It was also documented at the same time Chief Winterscheidt stated that I would be starting with the LSVOTF.

While rumors about my private medical information were being circulated by Capt. Champaigne and Lt. Pope, I was reluctant to formally announce my pregnancy for fear of additional retaliation. They admitted they went after my job once for being a pregnant woman, and I assumed they would do it again. I received information from Jennie Nelson that Capt. Champaigne and his wife were discussing rumors of my pregnancy at the 2023 SPD Christmas party. Additionally, Nikki Kalan told me Lt. Pope asked her about my rumored pregnancy, while they were both on duty, at the Superior Police Department. Coincidentally, after rumors of my pregnancy seemed to be a hot topic of discussion amongst the command staff at the Christmas party, the command staff attended a party with Daniel Hardman, at Chief Alexanders's house. Daniel Hardman was the "neutral third party investigator" selected for my internal investigation.

Retaliation Returns:

As my second pregnancy progressed, I made the decision to announce my LSVOTF supervisors of my pregnancy. I feel Captain Champaigne and Lieutenant Pope were thwarted in their efforts to violate my civil rights during my first pregnancy, and it was now obvious they set out to make my new assignment as uncomfortable for me as possible. It was during this time that the NACU grant went away, and Chief Winterscheidt made the aforementioned changes to the department's narcotics assignments. Being assigned to the LSVOTF taskforce meant I would have a local taskforce supervisor, and it would be more difficult for Capt. Champaigne and Lt. Pope to continue retaliating against me.

It was also at this time that Chief Winterscheidt did not select Lt. Pope to be the next investigations captain, and Lt. Trone was not selected to be the next patrol captain. Things immediately became very uncomfortable for me. I received conflicting directions from Lt. Pope

and the new investigations division commander, Capt. Harriman. May it be noted that my investigative partner, Tim Monte, received none of these requirements for his previous 15 years on the task force, and after three months of being assigned to the LSVOTF, Capt. Harriman and Lt. Pope remembered they should probably tell Investigator Monte to adhere to their new “directives”. This occurred only after Investigative Monte asked Capt. Harriman for clarification, as Investigator Monte saw what Capt. Harriman and Lt. Pope were giving me conflicting directives.

I was told by Capt. Harriman via email that I was simply expected to submit overtime when I worked in excess of 40 hours in a week, and I was supposed to submit time off when I worked less than 40 hours in a week. This is an example of the schedule flexibility enjoyed by narcotics investigators because of the unpredictable nature of the assignment. This is also an example of a mutually agreeable schedule deviation, as outlined in Article 8 of the working agreement. This arrangement is beneficial to the City because the working agreement otherwise requires the compensation at the overtime rate for any hours worked outside of the employee’s normally scheduled hours. This would be far more costly to the city than the long-held, mutually agreed practice that has been in place for as long as any of the other investigators can remember. I would also remind the reader that the Chief of Police is the only person who can make that change, and that authority cannot be delegated according to Section 8 of the working agreement.

Then things escalated, unbenounced to me. Capt. Champaigne admitted to placing a GPS tracking device on my assigned police vehicle without my knowledge or consent on February 28th, 2024, mere days after his friend was not selected to be the investigations captain. It is my belief that Capt. Champaigne may have placed the Douglas County Sheriff’s Department’s tracker on my narcotics vehicle prior to February 28th, 2024. It is also my belief that Capt. Champaigne went to extreme measures to monitor me, because he believed he would have no consequences due to his upcoming retirement.

Capt. Champaigne told Mr. Hardman that he had concerns about my time accountability prior to installing the tracking device. Interestingly enough, none of my supervisors had the decency to speak to me about this concern, clarify my working hours, or simply make me aware of exactly what they wanted of me. Capt. Champaigne later told a DEA background investigator he did not ask me about his concerns because he did not want it to be a small problem. He wanted to wait until it was a bigger deal. Instead, Capt. Champaigne continued to covertly surveille my movements using an electronic tracking device. The device was installed without a warrant, expressly to track my movements as a person, not the movements of a department-owned vehicle. Given the circumstances leading up to these actions, I believe this tracker was placed on my vehicle in order to further retaliation against me for my pregnancy and use of FMLA time. My home and primary work assignment were in the State of Minnesota. If these concerns are true, they could represent a felony violation of Minnesota Statute 626A.35. Both City Attorney Frog Prell and Mayor Jim Paine denied giving authorization to place a tracking device on my assigned vehicle without consent, and no such authorization was given by Chief Winterscheidt. The covert application of GPS tracking devices on police vehicles is not authorized in Department policy or the working agreement. Capt. Champaigne does not have the authority to

authorize the covert placement of a GPS tracking device on a department vehicle. It is clear, and I believe a jury would agree, that the extraordinary measures pursued by Capt. Champaigne and Lt. Pope represent a clear violation of my 4th Amendment rights and were pursued in retaliation for my pregnancy and use of FMLA time. Why would a supervisor watch perceived policy violations day after day and not bring it to the employee's attention?

According to the National Labor Relations Act, employers must bargain in good faith over changes to working conditions, which include surveillance and monitoring. Implementing covert GPS tracking without negotiation could likely be considered an unfair labor practice. Surveillance (including GPS tracking) is generally recognized as a mandatory subject of bargaining when it impacts employee privacy and discipline. I am aware that labor arbitrators have ruled in favor of unions when employers unilaterally introduced surveillance tools (including GPS) without bargaining. Covert GPS tracking of employees is not addressed in SPD policy or contract.

It is unclear where the GPS device was installed. Wisconsin Statute 940.315 provides legal restrictions for the installation of GPS tracking devices without consent. While the statute provides an exception for the installation of tracking devices on company owned vehicles by employers, Capt. Champaigne did not have that authority as a police captain. While Capt. Champaigne was a supervisor in the agency, he had no more authority to place a covert tracker than any other supervisor in the department. May it be noted, Capt. Champaigne would have accessed the Douglas County Sheriff's Department GPS tracker, and also the login and subscription information to track me. I believe this is a misuse of public funds and equipment. This will obviously require me to look into the Douglas County Sheriff's Department's involvement in this violation.

Standards for Other Officers, Investigators and Detectives:

Superior Police Officers are not afforded a scheduled lunch break. This applies to supervisors, officers, and investigators/detectives. Most members of the administration and detectives are generally entered into the schedule as "Days." Article 8 of the working agreement defines the day shift as 7am to 3pm, Monday through Friday. Nevertheless, this is not the common schedule worked by most members of the administration or detectives and investigators. For example, it is common for Captain Harriman to arrive to work in shorts and a t-shirt sometime between 830am and 9am, despite his schedule indicating he works "Days." For approximately two weeks after my internal investigation was formally launched, he was careful about updating his hours according to his actual hours of work. That fell off, and he is back to his old habits. The Patrol Division commander, Capt. William Lear, would regularly deviate from his schedule by hours and not update his timesheet.

All members of the department who are not assigned a designated lunch break are free to take lunch whenever they wish, as long as they are still available to perform their duties if needed. There is no restriction on where lunch can be taken or its duration. It must simply be reasonable and within jurisdictional boundaries. Officers are not required to eat while taking a lunch break.

In fact, it is authorized and commonplace for staff to exercise during their lunch break. I am also aware that it is common for detectives to sometimes take lunches in excess of an hour in neighboring jurisdictions. I am aware it was common for Jeff Harriman to have lunch at Buffalo Wild Wings in Duluth while he was an investigator, especially during March Madness. It should be understood that flexibility in our lunches is a necessity because of the unpredictable nature of our job. While staff are sometimes able to take a longer than normal lunch, it is far more common for lunch to be cut short.

It is common for officers to stop home for lunch and at other times during their shifts. It is common for patrol officers to stop home in the evening to tuck their kids into bed, and this has never been an issue... until I became pregnant and had a baby...

My house is in Duluth. My assignment is in Duluth. There is no policy that says I cannot stop home during my shift. Doing so is not an indication that I am not working. It must simply be reasonable. If Capt. Champaigne, Lt. Pope, or Capt. Harriman, believed my liberties were unreasonable, he should've brought that to my attention immediately. In fact, failure to take immediate corrective action is a violation of department policy (Superior Police Policy 320 – Personnel Complaints). My behaviors were in line with the behaviors of members of the command staff and other detectives, and there was no reasonable expectation that I would be required to update the timesheet for such deviations.

Narcotics investigators have always had a flexible start time. This has not changed. It would be completely reasonable to go in late in the morning, if I took a call from an informant overnight, for example. This is the standard for every other narcotics investigator I work with. Capt. Champaigne's assertions that I was expected to update the schedule for day-to-day deviations are not consistent with years of precedent, and they do not reflect the behaviors of members of the command staff, nor was this the expectation they had for me before my pregnancies.

The internal investigation report cited FOB-swipe times and purported them to be evidence of tardiness when those swipes occurred after 8am or perhaps were absent for the entire day. I would've expected experienced investigators to recognize the significant limitations of that evidence and follow more logical conclusions, but it seems their objectivity was clouded by their zeal to make a 'big deal' out of their perceived infractions. There are many explanations for why a person's FOB-swipe time may be later than expected. Perhaps they entered with someone else, and the other person used their FOB? Perhaps the employee made a stop along the way or drove by a location to see if a suspect vehicle was present? Those are both very common occurrences. Had Capt. Champaigne immediately addressed his concerns with me, perhaps I could've recalled what I did on a specific day. Instead, I wasn't asked about their perceived infractions until more than seven months later, despite numerous in-person meetings with Lt. Pope and Capt. Harriman during those months. Mayor Paine noted in his documentation of counsel, that I did not provide sufficient testimony to refute the allegations. I would respectfully point out that it is the City's responsibility to prove the allegations. It is not my responsibility to prove my innocence. The City cannot simply wait until my memory is clouded by time to ask me about a perceived infraction and then claim that I did not provide sufficient defense. It was also obvious to me that members of the police department administration were bringing claims of dishonesty in my role

as a police officer. I certainly was not going to even attempt to guess what I was doing during these times and then have my responses viewed as a “lie”. During a formal meeting with Human Resources and Assistant Chief Kiel, Human Resources Director Janigo, stated “of course she couldn’t remember what she was doing on a certain date approximately 7 months ago”. If this was reasonable, why is it unreasonable for me to truthfully say I don’t remember what I was doing during a specific hour, 7 months prior?

Another significant limitation to their logic was the absence of exit time information. No attempt was made to ascertain when I exited the building or for what purpose. They did not consider times I FOB’d into the building on the weekends. Narcotics investigators do not spend all day at their desks. It is common to come and go multiple times in a day. There is no mention of when I left on a given day relative to when I arrived. The investigation report claims to show I started work at a given time, and it claims those times represent shorted hours, but end times are not recorded. The logic doesn’t follow, and a qualified investigator should’ve figured that out immediately. Unfortunately, facts didn’t matter in this case. The only imperative was using this as a tool to end my career when they already tried and failed to do it through other means.

Selection of the “Neutral” Investigator and a Biased Investigation:

According to the internal investigation documentation, the principal investigator, Daniel D. Hardman, was contacted by Asst. Chief John Kiel and asked about his background and experience. His CV was submitted to the Superior Human Resource Department and the City Attorney’s Office. He was eventually selected to conduct the internal investigation because of his expertise and perceived neutrality in the matter. Sounds clean and tidy, right? Unfortunately, the internal investigation report willfully omits facts that are very relevant to his ability to conduct a neutral, unbiased investigation.

Mr. Hardman is the former Chief of Police for the Lake Delton Police Department in central Wisconsin. He is also a close, personal friend of Nick Alexander (who has claimed to be close friends of Tom Champaigne, John Kiel and Jeff Harriman). I am aware they have spent time at each other’s houses. I am aware that Mr. Hardman, Tom Champaigne, Frog Prell, and other members of the command staff, celebrated with Nick Alexander at his personal retirement party at his home. Personal observations of the event described their interactions as chummy.

Based on the pattern of targeted retaliation and their demonstrated zeal to take away my career, it is no surprise that they picked an ally to conduct the supposedly neutral investigation. When I asked Asst. Chief Kiel who was the investigator they had selected, he lied straight to my face in the presence of Capt. Harriman. Asst. Chief Kiel stated, “I don’t know, Mikayla. I believe it is a retired chief of police from the Wisconsin Dells area.” It is clear Mr. Hardman was suggested for the role because of his personal relationship with the accusers in this case. I would be curious to know if the extent of his relationship was disclosed to the City of Superior Human Resources Department or the City Attorney’s Office prior to his selection. It would be bad enough if their relationship was not disclosed by Asst. Chief Kiel. It would be far worse if the relationship was known and they proceeded forward with him anyways. Given City Attorney

Frog Prell was recently having drinks with Mr. Hardman at Chief Alexander's retirement party, I am deeply concerned the latter may be true. I do have some concerns that the selection of Mr. Hardman could represent a Private Interest in Public Contracts violation pursuant to Wisconsin Statute 946.13.

The City of Superior ended up paying Mr. Hardman (close personal friend of members of the administration) approximately \$15,000 to conduct an "unbiased" internal investigation he was not actually qualified to perform. Mr. Hardman conducted an investigation that was far from neutral or fair. My interview with Mr. Hardman was shockingly adversarial. He used demeaning and mocking language, offered leading questions, and tried to set traps for me, obviously hoping to catch me in a mistaken recollection that he could use to accuse me of lying. He also said there was no way I could perform my duties as a pregnant woman, and toward the end of my pregnancy, couldn't have been out in the field. This was completely untrue. Audio recordings of this interview are available.

Mr. Hardman interviewed witnesses he believed would provide inculpatory information, and he purposely avoided interviewing witnesses that might provide exculpatory information. One of the central questions in this investigation is whether I worked my hours and recorded my time according to the expected standards. I suggested that to Mr. Hardman that he interview Chief Winterscheidt regarding department expectations, practice, and policy. It seems like Chief Winterscheidt would be an important witness in the matter and be able to provide critical context to the allegations. Mr. Hardman simply replied mockingly and never made any attempt to interview Chief Winterscheidt.

In the section titled **Interview with retired Captain Tom Champaigne**, on page 3 of the internal investigation report, Mr. Hardman wrote Captain Champaigne explained "detectives and investigators have the option of working a flexible schedule if they work 40 hours and keep their supervisor informed of their schedule." Captain Champaigne claimed there is a "regular expectation that you, the employee communicate your schedule to your direct supervisor at the beginning of each week." That statement is untruthful. There is actually a wide range of "regular expectations" for various members of the department, depending on who the person is. For example, I am aware that a number of detectives are not held to this standard. I was once given direction that I was supposed to provide a month's notice, but other people were held to a different standard, sometimes weekly. Sometimes daily. I don't make the claim that this is an untruthful statement lightly, but Captain Champaigne should've known this, and he instead provided untruthful information that painted his case in the most positive light.

According to Mr. Hardman's report, Capt. Champaigne stated I had been previously counseled about the requirement of providing my schedule to my SPD supervisor on a weekly basis, and this was a continuous issue. This was an untruthful statement by Capt. Champaigne. I do not recall ever receiving "counseling" for this issue, and there is no such entry for counseling in my employee record. I sometimes received emails from Lt. Pope asking what I planned to work during a given week, which I replied to. It was also common for Lieutenant Pope to forget to update my schedule according to the information I provided. Capt. Champaigne's claim that I

was “counseled” and this was a “continuous issue” is a bold-faced lie that cannot be excused by interpretation.

Based on the previous two paragraphs, the third paragraph of Capt. Champaigne’s interview also becomes suspect. Capt. Champaigne said he decided to swing by my residence because of the concerns listed in the first two paragraphs. It follows that if the first two paragraphs were untruthful, the reason for his surveillance was not what he claimed in his interview with Mr. Hardman.

In the second paragraph of page 4 of the internal investigation report, Mr. Hardman wrote that Capt. Champaigne said he contacted former LVSOFTaskforce supervisor Lt. Chad Nagorski, and Lt. Nagorski said they do not allow taskforce members to work remotely. I spoke with Lt. Nagorski. He said while he does not recall every single conversation he has had with Captain Champaigne, he does not ever recall making a blanket statement to that effect, and he said he commonly allowed taskforce investigators to work from home. This statement by Captain Champaigne is clearly untruthful and bears directly on the key tenets of this case.

Captain Champaigne also failed to mention that he worked a 4 day, 10-hour per day schedule, and he worked every Friday from home, and he was off every Monday. Captain Champaigne maintained that schedule until his retirement. Captain Champaigne was a running joke at the department because of his lack of time accountability. Despite his schedule, his timesheet record indicated he worked “Days.” I am aware of multiple occasions when Assistant Chief Kiel, Lieutenant Trone, and Lieutenant Pope left work to attend to doctor’s appointments, run errands for their father, or because they were busy fighting a fire for their other job, and they were not required update their timesheet or use paid time off. I have evidence of these occasions readily available.

I remember Officer Nelson contacting Capt. Champaigne via phone in my presence. Capt. Champaigne was in the schedule. Officer Nelson had Capt. Champaigne on speaker phone. Officer Nelson asked Capt. Champaigne if he was working, to which he replied “why, who’s asking” and chuckled. It sounded like Capt. Champaigne was also driving in a vehicle, not “working from home”.

I should note that the three days they claimed I stole were actually supposed to be converted to paid leave by Captain Harriman, but he forgot to do it. He then cited these hours as an example of my inaccurate timekeeping to the DEA background investigator. When I became aware of Captain Harriman’s error, I contacted him and reminded him of the request. He recalled my request and apologized. Incredibly but not surprisingly, he forgot to enter the hours again! In fact, upon completion of this internal investigation, those hours were still not deducted from my time bank despite multiple reminders to my supervisors. The resolution of my discipline did not even require me to have those hours deducted from my vacation. Nevertheless, those hours should have been deducted, and I allowed those hours to expire unused because they were STILL NOT CORRECTED!

Mr. Hardman failed to include exculpatory information from his interviews with LSVOF taskforce, including statements from them indicating I was outperforming other members of the

taskforce, and that they had no concerns about my work hours or performance. The LSVOF taskforce supervisor, Sgt. Rod Wilson mentioned to me that their interview with Mr. Hardman was “oddly adversarial.” He said Mr. Hardman seemed upset that he was not providing the answers Mr. Hardman wanted to hear, despite his leading questions. He said Mr. Hardman was incredibly unprofessional, failed to record the interview, and took very few notes. Sgt. Wilson said he thought it was weird that Captain Harriman accompanied Mr. Hardman for the interview, given Mr. Hardman was supposed to represent a neutral investigation. Sgt. Wilson also knew that Capt. Harriman was involved in collecting other information regarding my internal investigation.

Mr. Hardman’s language in the report is clearly intended to paint a picture that Chief Winterscheidt pulled strings to get a position for me on the Duluth Taskforce. It should be noted that conversations about these decisions take place at ranks much higher than a taskforce sergeant.

I provided Sgt. Wilson with the internal investigation report. Sgt. Wilson pointed to several specific examples in the report that were deceptive. Sgt. Wilson specifically told Mr. Hardman I was outperforming other investigators on the taskforce. Instead of including that information, Mr. Hardman said the LSVOF taskforce appreciated my contribution because they were short-staffed, implying they wanted me to be there out of desperation. On that note, the report fails to mention that there weren’t enough spots for me to immediately have a desk, and they had to make changes to accommodate me. Hardly what one would expect from a desperately short-staffed taskforce.

Mr. Hardman’s report said Sgt. Wilson received a call from Captain Champaigne (1st paragraph on page 7 of the report) reminding him of the requirements of the Superior Police Department, that employees are required to keep their assigned Superior Police Department supervisors aware of what hours they are working and generally should send a copy of their weeks’ schedule to at the beginning of their work week. Sergeant Wilson said that paragraph was inaccurate, and it was Jeff Harriman who called – not Tom Champaigne.

Mr. Hardman’s report indicated Sgt. Wilson agreed that an investigator could not pull garbage or conduct surveillance in a matter of 30 minutes. Sgt. Wilson said he did not agree with that statement, and the statement that he agreed is not truthful. I can assure you 30 minutes is more than enough time to pull a bag of garbage or drive by a house or two to see if a drug dealer is back in town. This was yet another example of Mr. Hardman’s deceptive report. In this case, it seemed to be a lie.

It is interesting to note that Mr. Hardman was placed on administrative leave while he was the Chief of the Lake Delton Police Department, after he was accused of demeaning and humiliating his EMS personnel, and the local union accused him of decimating morale through gender, sexual orientation, and religious discrimination claims. Mr. Hardman was eventually reinstated by the local Police and Fire Commission.

Another example of Mr. Hardman’s deceptive claims is that the LVSOFF taskforce does not allow members to work from home. That is a false statement, and it bears heavily on their case against

me. LVSOFF taskforce sergeants Rod Wilson and Ryan Taggart said it was perfectly acceptable for investigators to work from home. The same was true for SPD employees. While I was on maternity leave for my first child, Lieutenant Pope gave me a laptop computer and told me I could work from home on an active narcotics case instead of using my FMLA time. These examples clearly illustrate that working from home is not only authorized, but it was actively facilitated by Lieutenant Pope and other supervisors. Captain Champaigne and Chief Alexander regularly worked from home. It is important to recognize that “working from home” generally does not mean setting up shop in my house and spending the day typing a report. It often means taking multiple phone calls from informants or other investigators when I am at home. It might mean checking GPS trackers or surveillance cameras. In one case, Sgt. Taggart authorized me to work from home on a particularly snowy day when my assigned take-home car was unable to drive on the roads. My instructions were to review surveillance footage, which I did.

I suggested to Mr. Hardman that he interview former LVSOFF Sgt. Taggart because he could provide additional information. I believe Sgt. Taggart would be able to provide exculpatory information critical to this investigation. Unfortunately, Mr. Hardman did not interview Sgt. Taggart, and he concluded his information was not relevant because he was “not in the office over half the time in question.” He also said the most relevant issue is that Sgt. Taggart did not have the authority to grant my time off or approve deviation of my approved schedule. I believe Sgt. Taggart’s testimony is essential to my case because his testimony could provide some context for the inconsistency of scheduling expectations from my supervisors. He could also shed some light on the past practices and expectations in the unit. .

In the section labeled **Follow up with Captain Harriman** on page 25 of the internal investigation report, Mr. Hardman writes that my answers did not make sense to him. He said I stated that I “took days off consecutive,” but he claims that is not what the record shows, and he implies this is an example of deception. I recalled submitting my vacation time in two-day chunks as I neared the birth of my child. I intended to work as long as possible until I gave birth, but predicting an exact birthdate is not an exact science. When my baby came along, it was a chaotic time, as one might imagine. The timesheet was not at the top of my list of worries as I was laying in the hospital. After I returned home, I received a phone call from Captain Harriman asking how I wanted to take the time and whether I had worked hours on several other days that I was listed in the schedule. While I had actually performed some work on those days, I told him to mark me off with banked time rather than trying to recall what I had performed on those days. Ultimately, Captain Harriman forgot to update my schedule anyway.

Mr. Hardman wrote Captain Harriman pointed out that it would be impossible for me to make many calls to informants because I had only four active informants signed up. I would argue this is a false conclusion. Captain Harriman also said I only logged 12 calls in five months. I believe this statement is intentionally misleading and meant to paint a distorted picture of my workload to support a flawed and biased investigation. They failed to even attempt to find where my narrative reports were kept in the Duluth Police Record’s keeping system. I also have numerous case files and reports that are not kept in a police department report database for privacy reasons and on-going investigations.

I am certainly not suggesting that officers should be allowed to break rules because their supervisor breaks the rules. These examples are merely meant to illustrate the inconsistent expectations of timesheet accounting.

I would point out that City Human Resource Policy on “insubordination” (Human Resource Policy 1602) suggests the supervisor take into account aggravating behaviors of the supervisor that contributed to the incident. In this case, there was a clear pattern of harassment and discrimination from my supervisors beginning when I became pregnant with my first child. They systematically engaged in efforts to remove me from my position. When that didn’t work, they tried to make my working conditions unbearable. When that still didn’t work, they became desperate and launched this “internal investigation” as a last-ditch effort to ruin my career. Captain Champaigne covertly placed a GPS tracking device on my vehicle without the authority to do so, violating my 4th Amendment rights. He did so within weeks of his retirement I believe because he thought he could get away with it, and there would be no consequences. Captain Champaigne is a knowledgeable and experienced investigator. It would be difficult for him to claim ignorance. This can only mean he engaged in this violation of my 4th Amendment rights with willful disregard of the law.

Hardman’s Interview with Investigator Monte:

Mr. Hardman began his narrative by painting a picture that Investigator Monte was somehow intimidated by my marriage to Chief Winterscheidt. That is a highly deceptive assertion. Mr. Hardman wrote, “After clarifying the issues, he agreed to answer my questions.” Mr. Hardman doesn’t mention what “issues” were clarified. Investigator Monte mentioned to me that Mr. Hardman was trying very hard to get him to say I was late for work and somehow abusing our on-duty workout time order (Special Order 24-01).

Mr. Hardman’s Conclusions:

Mr. Hardman claimed I was being deceptive in my statements because I could not recall otherwise mundane events or my daily activities months prior, after the birth of my child. Mr. Hardman should know that memories tend to diminish over time. Had these questions been asked soon after the alleged violation I would’ve likely been able to recall details with more clarity. I brought up this exact point during my interview with Mr. Hardman. Mr. Hardman contradicts himself in the reports. In one part of the report, he claims remote work was not authorized. In the conclusion he states that remote work must be authorized in advance. Mr. Hardman claims only 12 calls with informants were logged, suggesting that I only received 12 phone calls from informants. This is laughable. We don’t log every call from an informant. I assume he is referring to intelligence reports. Not every call with an informant generates an intelligence report.

Mr. Hardman’s conclusion that I did not work at least a 40-hour week based on the evidence he cites does not follow logically. He bases his conclusions on my inability to prove my own

innocence rather than his ability to prove my guilt. While I am not required to prove my innocence in the first place, it becomes increasingly difficult to provide an accurate account of each day's activities months later.

Given Mr. Hardman's obvious attempts to misrepresent the statements of witnesses who provided exculpatory information, I can only imagine the conspiratorial lengths he went to in his interviews with Captain Champaigne, Lieutenant Pope, and Captain Harriman. I believe Captain Champaigne clearly provided an untruthful statement in this internal investigation. Mr. Hardman was hardly the neutral investigator he claimed to be. His relationship with my accusers, the inflammatory and sensational language in the report intended to tarnish the reputation of Chief Winterscheidt, and his unprofessional investigative efforts clearly demonstrate his bias. Internal investigations of misconduct are not supposed to be adversarial investigations. They are simply fact-finding exercises intended to determine what happened with the utmost clarity. When an investigator is driven by an agenda to find one answer or another, it is not difficult for confirmation bias to occur. This is investigations 101. Apparently Mr. Hardman and the other members of the command staff missed that class.

Resolution of Internal Investigation:

When I was made aware of this internal investigation, I was told Asst. Chief Kiel would take the place of the Chief of Police in determining the outcome of the investigation and imposing discipline, if appropriate. I was placed on administrative leave and had my gun, badge, ID card, and keys taken away from me. Additionally, I was prohibited from visiting the entire Douglas County Government Center. According to Superior Police Department Policy 1010 – Personnel Complaints (1010.8 – Administrative Leave), administrative leave may be used when the complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department. Termination was not a likely outcome in this case. I did not have any previous disciplinary history, and I was allowed to continue in my role for months before being placed on administrative leave. Further, taking my firearm and badge is not a mandatory extension of administrative leave, and there was no reason to do so. Banning me from the Government Center clearly served no legitimate purpose and was clearly meant to be punitive.

I should point out that other male officers facing more severe discipline than me were not placed on administrative leave during the past several years. I was clearly treated differently, and I believe it was because of their desire to embarrass me and tarnish my reputation as a police officer.

I found it appalling that Assistant Chief Kiel would be the one to determine my fate, given all the circumstances surrounding this investigation. He provided the name of a clearly biased investigator to Human Resources. He made derogatory statements about my pregnancy and status as a police officer in the presence of other staff (remember the matron's skirt comment?), and he clearly had an axe to grind with Chief Winterscheidt because Chief Winterscheidt did not promote his friends. Perhaps this was the "Big F-U to the Department" he was talking about.

If the command staff considered my alleged violations to be severe, I would ask why they allowed them to continue for months without intervention. If the violations were so severe that I had to be placed on immediate administrative leave, why was I allowed to continue my behaviors for months without intervention? Captain Champaigne summed it up in his statement to the DEA background investigator – He wanted to build a robust case, not just a “couple mistakes.” He wanted to lay a trap. I often joked with my husband during this time that it felt like they placed a tracker on my car. It was just a feeling that I had. My husband told me that would be completely unacceptable and not allowed because it would undermine trust between officers and administration and it would be illegal. I guess we were both correct in our assessments. I should note that my concerns about a tracker did not cause me to change any behavior because I was under the impression that I was performing according to standard.

I remained on administrative leave for more than two months. I was returned to work after I finally filed a formal grievance in the matter. In our oral discussion phase of the grievance process, HR Director Janigo and Asst. Chief Kiel, could not cite a reason for me to be on administrative leave, other than the investigation was ongoing. I was returned to duty shortly thereafter. After being returned to full duty, Captain Harriman and Lieutenant Pope refused to approve my overtime and time-off requests. Captain Harriman and Lieutenant Pope approved overtime and time-off requests to other detectives and investigators, but they refused to approve mine. Generally, Captain Harriman and Lieutenant Pope are responsible for approving overtime and time-off requests for personnel in the investigations division. Patrol sergeants are responsible for approving time off requests for personnel in the patrol division. Sergeant Rude and Sergeant Poskozim noticed Captain Harriman and Lieutenant Pope’s refusal to approve my requests and asked permission to take care of it themselves. It is ironic that Captain Harriman and Lieutenant Pope appear to be punishing me by refusing to approve entries in the same system they claimed I was circumventing.

When I returned to full duty, I learned that Captain Harriman had spoken with Sgt. Wilson and encouraged him to remove me from the taskforce and take away my desk at the Duluth office. According to Sergeant Wilson, this conversation occurred shortly after I was returned to duty from administrative leave.

Following my return to duty, Sgt. Wilson contacted Captain Harriman to get clarification of SPD’s expectations for me because there was clearly a disconnect. According to Sergeant Wilson, Captain Harriman refused to clarify his expectations and suggested he ‘call my husband.’ I find this incredibly demeaning and disrespectful, and it helps paint a very clear picture of Captain Harriman’s bias in the matter.

Following my return to duty, Captain Harriman refused to respond to multiple text messages I sent him with important questions, including specific questions about scheduling expectations. The problem became so bad that I had to reach out to Human Resources on the matter. I received a response from Captain Harriman only after I complained to Human Resources.

After Sgt. Wilson attempted to clarify my schedule with Capt. Harriman, I also attempted to resolve the issue. Capt. Harriman told me “I am not dealing with your schedule, Paul can do that”. This was in the presence of Detective Coffman.

Because I was living in such paranoia of making another unknown mistake, I asked for a sit down meeting with Capt. Harriman on 12/07/2024. Capt. Harriman was in the schedule as "Days". I arrived at the police department around 0830. Capt. Harriman was nowhere to be found. Capt. Harriman rolled into work, outside of dress code, just before 0900. Only after I demanded to know my scheduling expectations, did I receive an answer and directive from Capt. Harriman.

In another particularly disturbing situation, Asst. Chief Kiel threatened to release details of my internal investigation to the media if I did not accept a strong disciplinary outcome without being provided any information about the investigation. I will be able to provide that email if necessary. The WPPA (Wisconsin Professional Police Association) Union Representative, Bob Powell, requested all reports on my internal investigation, but he was denied. This represented a clear effort to coerce me into taking a strong disciplinary outcome. Asst. Chief Kiel also docked on an extra "20 hours" of stolen time, with no explanation! One of the provisions of Asst. Chief Kiel's "settlement agreement" for a speedy resolution to this investigation, was forfeiting any and all of my rights damages related discrimination. Umm... No thanks. I find this to be a despicable and demeaning offer by the City after they were made aware of my continued harassment and retaliation.

Officer Lucas Ciciora reached out to Mayor Paine as a whistleblower on my behalf because of the violations of law and policy he was witnessing. We were able to meet with Mayor Paine shortly thereafter and explained many of the details outlined in this rebuttal letter. Mayor Paine took control of the internal investigation from Asst. Chief Kiel and resolved the matter with a non-disciplinary letter of counsel. Asst. Chief Kiel abruptly moved his last day of work up from his planned retirement date. It should be noted that Asst. Chief Kiel sent a department-wide parting email that was highly critical of Chief Winterscheidt in his usual passive-aggressive manner. Chief Winterscheidt and I were the only department staff not included in the email distribution. Does this sound like someone who has no "bias" against myself or Chief Winterscheidt?

Asst. Chief Kiel lied directly to my face, again, at the 2024 Superior Police Department Christmas party. When I confronted Asst. Chief Kiel about him trying to paint the picture that I am a liar, he told me that this was nothing personal. I asked Asst. Chief Kiel why he failed to send his "good-bye" email to everyone in the police department except Chief Winterscheidt and I, he told me that he purposefully only took Chief Winterscheidt off of the email exchange. Asst. Chief Kiel told me he didn't send Chief Winterscheidt his good-bye email because he had already said everything in the command staff meeting, so he didn't think Chief Winterscheidt needed to hear it again. I asked Asst. Chief Kiel why he included every other member of the command staff on that email chain who had already heard everything he had to say at the staff meeting. Asst. Chief Kiel's response was "I can't answer that question Mikayla."

While I was on administrative leave, Capt. Harriman again reached out to Sgt. Wilson. Capt. Harriman accused Sgt. Wilson and Lt. Tanski of the LSVOTF of "leaking details" of my internal investigation, which disclosed Mr. Hardman's identity. I find this conversation telling, as it illustrates Capt. Harriman's concerns with information circulating about Mr. Hardman's involvement in my internal investigation. It was clear the police department administration wanted this information to be concealed as long as possible. This theory is easily reiterated if you view the recording of my interview with Mr. Hardman. Mr. Hardman, confrontationally, asked myself and Officer Ciciora, how we were made aware of who he was prior to the date of the interview. I did not know who Mr.

Hardman was before he had interviewed me. I remember thinking, why does this man care if we knew who he was prior to this interview? Now it all makes sense.

This internal investigation has been a nightmare. I value my career in law enforcement. My father was a police officer, and his brother was a police officer. The LeRette name has a strong reputation in the law enforcement community, and I would never do anything to tarnish that reputation. Unfortunately, I faced a determined group of people who thought they owned the police department, thought they were entitled to promotions, and thought they could violate my civil rights with impunity. I believe they were motivated to retaliate against me because I was the first police officer to become pregnant in more than 20 years, and my intention to continue working did not align with what they thought a pregnant woman should be allowed to do. The evidence for this is in their own statements and actions. The audacity of their actions and behaviors were nothing short of ridiculous. Unsubstantiated allegations were spread from members of the command staff to my coworkers and officers from other departments. Details of the internal investigation were leaked to officers and deputies in the Superior Police Department and Douglas County Sheriff's Department. In fact, I first learned of the tracker being placed on my assigned car through information provided by officers and deputies.

Unfortunately, I believe the actions of the Asst. Chief, Captain Champaigne, Captain Harriman, and Lieutenant Pope have permanently tarnished my reputation as a law enforcement officer in our community and permanently interfered in my ability to do my job. I am concerned that no amount of retraction, apology, or damage control can fix the damage they have caused. I have suffered physical and mental damages from this experience, and I have lost time that I will never get back. I know I did not misrepresent or lie about anything, and I believe the totality of circumstances in this case clearly demonstrate that. While I may win this battle, it appears they have gotten what they wanted – to destroy my career.

This investigation has been a targeted attempt to destroy my career due to my pregnancies, use of FMLA time, and perceived association with administrative decisions beyond my control. The clear bias, selective enforcement of policies, and retaliatory actions taken against me have permanently damaged my professional standing.

I request that my record be cleared of any allegations of dishonesty or misconduct, and I urge an external review of the actions taken against me to ensure accountability for those who abused their authority.

Sincerely,

Mikayla LeRette