Grand Chute Police Department

INTRADEPARTMENTAL MEMORANDUM

Date: 06/30/2020

To: Chief Greg Peterson

From: Lieutenant Dave Maas

Re: Status of Internal Investigation 20-PC-03

At your request, I am providing you with a status update on my investigation into the allegations raised in a complaint against Officer Bryce La Luzerne received on May 31, 2020. Below is a summation of the investigative activity which has occurred thus far.

This investigation was opened following the review of a social media post shared with our department by a community member. For the purposes of this memorandum, the concerns expressed regarding the social media post will be referred to as the "complaint." The complaint contained images of posts purported to be from the personal Twitter account of Officer La Luzerne which were considered to be highly offensive.

A conversation with the reporting party showed that they have possessed this information for an extended period of time. The reporter referenced that they have known La Luzerne for a "very long time" and that they have "known about the tweets for a while". The reporting party indicated that they felt this was the appropriate time to make the information public, given the widespread protesting throughout the country. The reporter identified two individuals by name who may have additional information about the conduct of La Luzerne during his high school years. I have sent follow-up messages to the reporting party requesting additional information which may be helpful to this investigation. The reporting party was not responsive to these messages for a period of two weeks. Recently the reporter resent four images from social media which had been contained in the original report stating that the original ones may have been cropped. The reporting person stated that they have not personally witnessed any concerning behavior from La Luzerne over the past "5-6 years." It is unclear if there was witnessed behavior prior to that time or if that is the duration in which this person has known La Luzerne. I am attempting to clarify this information with the reporting party. The lack of responsiveness of the reporting party is a significant factor in the duration of this investigation.

This investigation has shown that the Twitter activity contained within the complaint was both unaltered by the reporter and, by his own admission, authored by La Luzerne. Further examination of all available activity for La Luzerne's Twitter account found that offensive content, more specifically described as variations of the "N word," was posted throughout a period of time extending from November 30, 2011 through September 4, 2014. La Luzerne was born in November 1995 and would have been 16 years of age at

the time these posts first originated and eighteen when these posts ended. La Luzerne became an employee of the Town of Grand Chute Police Department in December 2017 at the age of 22. La Luzerne has admitted to writing these posts prior to his employment with our Department. La Luzerne is apologetic for his behavior. La Luzerne noted that a number of the posts contained words and phrases from popular songs which, in some cases, included the "N word." La Luzerne expressed that these posts do not represent his personal views. I reviewed the content of the Twitter posts and found many instances where this language appeared to be song lyrics. These particular posts often included quotation marks, tags of an artist, or reference to an album name. The identification of these posts as song lyrics was later confirmed through the use of internet searches.

While not identified in the complaint, I questioned La Luzerne about his use of the phrase "The Boogaloo" on an Instagram post, dated in October 2019. La Luzerne reported that he used this phrase in reference to the protection of gun rights. La Luzerne told me that he was not aware of the connection between "The Boogaloo" and white supremacy views. La Luzerne identified two other internet pages where he learned of the concept of "The Boogaloo." I went to these pages and found that the context of these pages supported the explanation provided by La Luzerne.

Given that the Twitter posts occurred prior to La Luzerne being employed with the Town and he would not have fallen under the jurisdiction of the Department's code of conduct at the time he made the Twitter posts identified in the complaint, the investigation focused on evaluating relevant pre-employment records as well as La Luzerne's work performance. While these matters were not the subject of the complaint, they are relevant and appropriate areas for this Department to address and understand whether La Luzerne has engaged in any conduct in violation of policies, including exhibiting bias or prejudice in policing.

Review of Hiring Process Background History. During my examination of pre-employment records from La Luzerne's hiring process, I reviewed the personal history form he submitted prior to a background investigation being conducted. Question 12 of this form reads, in part, "Are you now, or have you ever been a member of any foreign or domestic organization, association, movement, group, or combination of persons which is subversive, or which had adopted, or shows a policy of advocating or approving the commission of acts of force or violence to deny other persons their right under the Constitution of the United States, or which seeks to alter the form of government of the United States, by unconstitutional means?" La Luzerne responded "no" to this question.

I reviewed the background investigation report completed by Detective Callaway in October 2017. In this report, Callaway noted that La Luzerne served as vice president for the organization "Sociology and Social Work" and participated in a variety of activities in other municipalities to learn about community development, poverty, gang activity, and drug activity. Callaway spoke to representatives in management positions at three of La Luzerne's prior employers who each stated that they never observed La Luzerne display any bias or prejudice toward someone based upon their sex, race, religion, age, or sexual preference. Similarly, Callaway spoke with 11 other individuals ranging in relationship

from roommates/friends to professional contacts, each of whom also reported that they never observed La Luzerne display any bias or prejudice towards someone based upon their sex, race, religion, age, or sexual preference. Detective Callaway noted that he looked at La Luzerne's Facebook account and did not find anything inappropriate or distasteful. The background investigation for La Luzerne spans 44 pages and included no evidence of any bias or prejudice.

Following the issuance of a conditional offer of employment, La Luzerne underwent a psychological examination as well as a polygraph examination consistent with the department's standard hiring practice. This information revealed that La Luzerne has not gotten into arguments with co-workers or supervisors at work, where he raised his voice or used insulting language, and that La Luzerne has not committed, or threatened to commit, physical harm against coworkers or superiors at a place of employment. La Luzerne has also not been a member or supporter of a group that seeks to deny civil rights to others".

The polygraph examination is preceded by a questionnaire that was filled out by La Luzerne. This questionnaire contained 140 questions. Of particular note is the question which read "Have you ever been associated with or been a member of any militant, terrorist, subversive, outlaw motorcycle club or street gang organization?" to which La Luzerne replied "no." The examiner asked several questions including: "Are you now deliberately lying to any questions in the application process"; "Before you came here today did you intend to lie about any particular incident"; "Are you withholding information from me about any of the issues we have discussed"; and "Did you deliberately lie to any of the questions on this test?" The polygraph examiner reported that the polygraph charts showed no significant reactions to the relevant test questions and provided a final result of "No Deception Indicated." This result confirms the validity of information provided by La Luzerne during the application, background, and psychological examination steps of the hiring process.

Based upon my review, I believe that a comprehensive pre-employment background investigation was conducted of La Luzerne and the results overwhelmingly showed no evidence of personal bias or prejudice at the time of hire. The background investigation results are supported by observations from a licensed psychologist and further confirmed through the use of a polygraph examination.

Interviews of Character Witnesses. In order to further assess La Luzerne's character, I had conversations with individuals who may have had first-hand experiences with him in the past. Two of the individuals that were interviewed had been identified by the complainant. Both of these individuals did not recall interactions with La Luzerne in high school or since that time. A conversation with La Luzerne's ex-fiancé revealed that she believed the things he wrote in high school were not intended to be offensive and were consistent with routine language used in the rural school they attended. She added that La Luzerne had more exposure to diversity throughout his college years and discontinued the use of offensive words near the beginning of his college career. A conversation with a concerned citizen who knew La Luzerne in high school revealed that she felt La Luzerne

was an upstanding person and did not have racist or homophobic views. This woman informed me that she is African-American and would have remembered if La Luzerne possessed racist views.

Review of Conduct as an Officer of the Town. I continued the investigation by focusing on the conduct of La Luzerne during the period of his employment with our department. It was identified that La Luzerne has arrested African-American individuals on 22 occasions since his date of hire. All of these incidents were reviewed and compared with a random sampling of 22 incidents involving the arrest of individuals who are not African-American. A total of 44 incidents were reviewed. The incidents involving non-African American arrests were selected at random as there were far more than 22 incidents fitting this criteria. My analysis of the incidents and review of available body camera and squad camera video found no discernable difference in the way La Luzerne treated individuals during the investigation and arrest process with regard to race.

Review of Use of Force Incidents. I examined La Luzerne's use of force for the years 2018 to present. There were four documented use of force incidents in 2018. Three of these incidents involved a decentralization, while the remaining incident involved the use of a pressure point. There were two documented use of force incidents in 2019. One of the incidents involved the use of a decentralization and the other involved the discharge of a Taser. There were no documented use of force incidents in 2020. All of the above incidents were deemed as reasonable and justified through the department's internal review process. In each of these six cases where force was used, the involved subject was identified as a white male.

Review of Citizen Complaint History. A review of personnel complaint records showed that La Luzerne received no formal complaints in 2018 and 2020. There were two complaints received in 2019. One of the complaints alleged minor misconduct and the other alleged a procedural issue. Both complainants were identified as white males.

Review of Citation and Arrest History. I conducted a statistical analysis of the citation and arrest ratios for La Luzerne compared to departmental averages. This analysis showed that La Luzerne's citation ratio mirrors the department average for the issuance of citations to African-Americans when compared to the total number of citations issued for the years of 2019 and 2020. Officer La Luzerne's citation ratio exceeded the Department average in 2018. I also found that La Luzerne's arrest ratio mirrored the Department average for the arrest of African-American individuals when compared to the total number of arrests. This analysis did not reveal evidence of racial bias.

Review of Department Internet Search History. A review was conducted of La Luzerne's use of internet service provided by the Department. This review did not show any evidence of visits to sites that promote hate, racist views, or extremism. A limited search was conducted of La Luzerne's personal cell phone which did not show any evidence of hate speech, racist views, or extremism.

Preliminary and Tentative Findings. La Luzerne has admitted to posting content on Twitter prior to his employment at the Grand Chute Police Department which is offensive to many. There is no evidence that this behavior continued during the time he has been employed by our agency, with one exception. This exception is the Instagram post from October 2019 which references “The Boogaloo.” La Luzerne has provided an explanation that this post was intended to express support for the constitutional right to bear arms and was not intended to suggest support for racist views. La Luzerne’s explanation was supported by identifying two places where he learned of the phrase, both of which had used it in the context of constitutional second amendment rights.

I have invested significant effort through interviews with La Luzerne’s associates, review Department records, arrest and citation records, personnel records, body worn camera footage, and statistical analysis of citation and arrest data. These efforts have not uncovered evidence that La Luzerne holds any bias or prejudice that impacts his work performance, nor have they shown evidence of negative personal views based on a person’s race or sexual orientation.

This investigation is ongoing. I am reviewing information and working on completing the official report as well as locating any additional information that may be available and pertinent to this matter. I will provide you with an additional update within two weeks.