

On September 8, 2019, I, Supervisor Samantha Schlecht, was on duty as the communications supervisor. I read a Trouble Unknown that was pending at 17:32 hours (Call For Service [CFS]# 495) and overheard a Kenosha Police Department (KPD) officer ask if a pending Battery was the same call. I did not read the Battery at that point. A couple of minutes later, I heard Communications Training Officer (CTO) Staci Schertz, who was sitting the KPD channel at that time, say out loud, "Yo, that's..." but I didn't hear the rest of it. I also heard the officer who responded to the Trouble Unknown (Officer Gacke - 649) ask for a road supervisor. I glanced at the call again but didn't read any details (incident 19-055689).

A few minutes later, I heard Staci and Telecommunicator (TC) Christine Gursky talking about overtime on third shift. I assumed they were talking about the round that had just come out the night prior due to a retirement, so I went over by them to talk, and I heard them say, "She works tonight." Christine said they were trying to figure out if there'd be third shift overtime tonight (Sept. 8). I asked why there would be, and she said TC Brittney Smith was involved in a battery that had been dispatched. Staci advised that is what she had said earlier - "Yo, that's Lil' Smith." I went back to my desk to read the call more in-depth. At that point, TC Anna Stewart messaged "Sam; what is happening [sic]" in the group chat. I replied with "that info doesn't leave this room" as I knew what they were talking about since the person who took the call, TC Samantha Mason, was sitting in the same pod as Anna, and I knew the law enforcement pod was aware of the call already. I messaged the KPD supervisor responding to the call (Sergeant Miller - 495) and asked him to call me once he knew what was going on. I then sent a CAD (Computer Aided Dispatch) page to Manager Mike Blodgett and Assistant Manager Nikki Beranis advising them that Brittney was named as a suspect in a battery, and I would keep them in the loop.

Officers on scene requested the KPD2 dispatcher (Christine at the time) call Brittney and attempt contact because she had locked herself inside the residence. To do this, Christine, using TC Danielle Wenberg's computer, did have to access her information in global subjects. She asked me if I could double-check that the number she had was accurate, so I verified it with her using Brittney's information from Aladtec.

I then went to speak to Anna and warned the fire pod (Anna, Samantha, and TC Kim Fischer) that there is already an ongoing issue with confidentiality from another time, and if this were to leave the room, discipline would be issued. Samantha advised me that the caller called Brittney out by name and mentioned she was one of "our dispatchers." The girls in the pod asked what the outcome of this call would be, and I said I don't know, but that nobody in here knows what had actually happened anyway since they weren't on scene and it'd be dealt with if needed. They also asked when they would know if

there'd be overtime tonight, and I said if there would be, I would let them know (for the purpose of filling it). Staci walked by me on her way out the door for break, so I followed her to the training pod and told her that, especially given the circumstances of the current investigation (of which I know she's a part), she needs to make sure to keep the call information to herself and not tell anybody else, even in dispatch. She said she understood. I turned back to the fire pod where Kim advised me that somebody had called in custody on the call. I returned to my desk and sent out another message to the group saying, "Also it does not leave this shift, and I'm not even kidding, they will go to town with discipline if anybody else figures out what happened." Anna replied with "i dont even know what you're talking about" (which I took as a way to say she won't say anything to anybody), and Samantha replied with, "yeah no one else needs to know; my lips are sealed."

At around 1820, CTO Lacey Ebler asked if I had gum. As she followed me to my office, she asked, "So what's going to happen with this? Like in Zion— I mean, the whole room knows since they announced it which I don't think was appropriate." I replied that nobody outside the eight of us working need to know about this so she also needs to make sure she doesn't mention it to anybody. She said she was going to "keep her mouth shut."

At 18:29 hours, Sgt Miller messaged me that he would be at the west door to the building in five minutes. I walked outside and met with him at approximately 18:35. He advised me that Brittney was the one arrested and she would be charged with multiple DV (domestic violence) charges. Concerned about her return to work, I asked if any of them would be felonies. He advised he was unsure if any were felonies, but she was getting charged with DC/DV (disorderly conduct/domestic violence) and intimidation of a witness, which could be a felony, but he didn't know for sure. I told him I would let my manager know. Nikki had messaged me asking if Brittney was the one in custody; I messaged her back that yes, she was, and I would be calling Mike and her afterward if needed. She said it was fine that I just called Mike.

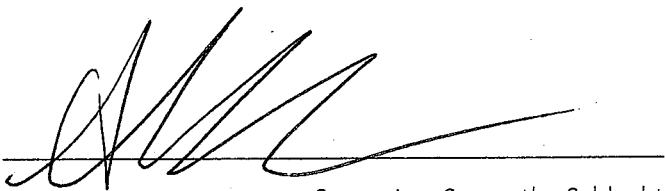
At about 18:40, I came back to the desk and wrote to the room, again, "I know you guys have been talking about other things now, so keep doing that, I do not want to hear anybody talk about this incident at all, do not gossip about it, stay off your phones, and do not look up anybody in house that officers don't run." I then called Manager Mike Blodgett from the phone in the supervisor's office and advised him of the situation. He asked me to ensure nobody talks about it and to finish this statement for him, and that he'd deal with whatever was to come next on Monday. He said I could advise Supervisors Chavela Velasquez and Pat Wadin as they are Brittney's direct supervisors and the incident affected their shift for the night. I sent them both a CAD page requesting one of them to call in (to make sure they'd

both be here at 0200 for overtime purposes). Chavela called the supervisor phone at 19:04 hours, and I gave her a brief synopsis and let her know about the overtime.

At 19:30, Mike called back to the supervisor phone to advise me that if Brittney were to show up for work, he does not want her to be there so she is to be sent home. I told him I would attempt to find out if she even could get out (bond on a misdemeanor). I then went to KPD operations and asked Sgt Miller if he knew about her getting out of jail. He went and grabbed the arresting officer (Gacke) and had him talk to me. Officer Gacke said she was arrested on three misdemeanors but made the statement that she didn't know if she would be able to afford bond. I said that if the 72-hour no contact form was filled out, the jail will send it to us when she's released so we will know if she gets out prior to her shift. I came back up to dispatch and sent that information to Mike via CAD page.

At 20:52, Christine answered the phone and advised it was for me. I picked it up at the supervisor desk seeing it was from extension 5414 (intake). It was Brittney, who asked if I was aware of her situation and if she was supposed to come to work as she isn't allowed back at her residence. I told her she was not to return to work tonight and that Mike would figure out what's going on and probably contact her on Monday. She asked if she was still scheduled to come in Monday night, and I said yes, for right now, it was just tonight (Sunday) she can't come in. That was the end of our phone call. I paged Mike once more via CAD and advised him of the same information.

This concludes my involvement in this incident. I did not speak to anybody else about the events that had transpired.

A handwritten signature in black ink, appearing to read 'S. Schlecht', is written over a horizontal line.

Supervisor Samantha Schlecht

On September 8, 2019, I Supervisor Chavela Velasquez was informed via phone call about the situation involving TC Brittney Smith. Supervisor Sam Schlecht informed me that one of my dispatchers had been arrested and she was wondering if both Supervisor Wadin and I would be in for the whole night to help cover the 2nd half of 3rd shift. I advised her that I would be there but I didn't know if Pat would leave early or not and when I got in I would let him know that he couldn't. When coming into work Sam informed me that as of now TC Smith couldn't come into work tonight per Manager Mike Blodgett's direction.

Shortly after 2200 hours TC Kara Kraning-Eschbach called me over to her and asked what Brittney's last name is. I said Smith why? TC Kraning-Eschbach advised that she just took a call from booking and they advised that they were sending over a DV form. I said ok and to not mention this to anyone else in the room or outside of the room. TC Kraning-Eschbach advised oh I'm not saying anything. A few minutes after that CTO/TC Mercurio said someone had just text her saying "they heard we were going to be down another dispatcher" – the room kind of ignored the statement and continued on with their duties. I believe they all thought maybe she was referring to TC Zarletti's retirement.

At around 2219 hours the DV release form came thru I made sure to grab it off the printer. At 2227 hours TC Christina Gursky took a call for DV notification at TC Smith's residence. TC Gursky did not make any mention of it and just entered the call as usual. At 2229 TC/CTO Renee Riesselmann took a call from the other half involved with TC Smith and I overheard TC/CTO Riesselmann confirming the address and the caller's name. After she was done with the call. I advised TC/CTO Riesselmann and TC Amanda Williams (she was dispatching for PD) that whatever calls they get regarding TC Smith are not to be shared with anyone else and not to talk about the situation with anyone. They advised they understood. Being that TC/CTO Mercurio was sitting Sheriff and could overhear what was being said I informed her as well not to talk about what is going on with anyone and to not respond to any officers that maybe inquiring about it. She advised she understood.

At 2236 hours I received a call from Sgt Nichols (399) he was wondering if TC Smith was working tonight. I advised him she was not. 399 was inquiring about her being here due to the fact that we had just received a 2nd call from the residence regarding TC Smith's mom going to the residence and wasn't for sure if they were going to need to come up here into dispatch to arrest her. I advised him that she would not be in tonight and things would have to be sorted out. 399 advised that he would have to wait until the officers were done with investigating the situation anyway. This ended the conversation. This information was not shared with anyone else outside of the room about what happened.

A handwritten signature in black ink that reads "Chavela Velasquez" followed by the date "09.08.19". The signature is written in a cursive style.

Supervisor Chavela Velasquez



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Fleet Maintenance

Mark D. McMullen
Evidence/Identification

To: Tom Genthner, Director

From: Michael Blodgett, Communications Manager

Date: September 13, 2019

Subject: Summary of Brittney Smith Interview

On Thursday, September 12, 2019, Assistant Director Nielsen and I interviewed Brittney Smith regarding an incident occurring on Sunday September 8, 2019 during which Smith was arrested by the Kenosha Police Department. The purpose of the interview was to determine if there was a violation of Joint Services work rules stemming from this off-duty conduct.

Prior to beginning the interview, the purpose for the interview was explained to Smith. Because this incident involved potential criminal charges, Smith was presented with a Garrity Warning advising her of her rights and of the requirement to truthfully answer the questions asked as well as the possible ramifications for failing to do so. Smith stated she understood the warning and signed the document. The signed document is included with this report. A copy of the criminal complaint had also been obtained under a public records request from the District Attorney's office and Smith was advised that this copy was in our possession.

The interview commenced by asking Smith to provide detail of the events of the evening of September 8, 2019. Smith stated she had come home from work early that morning and went to sleep. She woke at 5:00PM, proceeded to place some personal items and clothing in her bathroom so she could shower. After doing this, she found the other resident of the home, Haley King, going through her phone.

Smith was asked what the relationship between her and King was. Smith advised that King was her girlfriend who also lived at the residence with her.

Smith stated King began yelling at her. Smith stated that she went to her living room and sat on the couch where King continued the confrontation and grabbed Smith's shirt. Smith states that she felt threatened, but not necessarily afraid of King during this confrontation and in an effort to get King off of her, she pushed her away forcefully with the back of her hand to King's face in self-defense. Smith stated she had to be forceful because King is "bigger" than she is.

Following this part of the confrontation, Smith states King grabbed a phone belonging to King and told Smith she was calling 911. Smith states that at that time, she didn't feel that was necessary so she attempted to grab the phone from Haley to prevent her from calling 911.

Smith stated she believed the call to 911 was placed so that she would lose her job. Smith states that King has threatened this in the past. Smith stated that upon connecting with the 911 telecommunicator, King told the telecommunicator "One of your dispatchers, Brittney Smith, keeps punching me in the

face." With permission from Deputy Chief Eric Larsen, Kenosha Police Department, I played back the recording of the call for service placed by King. While not an exact quote, the information provided by Smith was materially identical to what was actually said by King.

Upon arrival of Kenosha Police officers, Smith states King tried to enter the locked residence using a key, but Smith held the lock preventing her from entering. Smith states that the key was given to a party she knew to be a Kenosha Police officer. The officer subsequently attempted to enter the residence using the key. Smith states she knew it was a police officer attempting to enter and continued to hold the lock preventing entry.

After a short time, Smith states she allowed the officers to enter the residence. She was asked to provide detail about the conversation between her and the officers.

Smith states that the officer asked if King lived there. Smith replied that she did not. When questioned why she would say that when King is on the lease and had been living there for some time, Smith advised that she and King had discussed the situation and that Smith wanted King to move out. Smith states King had agreed to move so she did not consider her to live there anymore.

Smith was asked if she was cooperative with officers after she allowed them entry. She stated she was, but admits to being upset and using "unkind words". When asked to expand on what she meant, she stated the words were not directed at the officer, but at the situation as a whole and, although she couldn't remember exactly what she said, admitted they included profanity.

Smith states she related what she had told us during this interview to the officer while seated in the squad car.

Based on statements found in the criminal complaint, Smith was asked some additional clarifying questions.

The criminal complaint states that Smith grabbed keys from King during the incident. Smith admits to doing this and stated the only reason for doing so was because she thought King was leaving for good and wanted her house key. She additionally stated King has no personal items at the residence aside from clothing and that she could make arrangements to retrieve those.

The criminal complaint states that King reported Smith had beaten her up several times in the past, including two incidents in which King suffered a concussion. Smith admits to prior physical fights, but stated she never hit King. Any physical contact was in the form of pushing. Smith denies any physical contact that could have resulted in a concussion, stating that King claims she receives concussions regularly with no proof of that occurring. Smith states King has grabbed her by the neck on prior occasions. When asked to elaborate what she meant by "grabbed her by the neck", Smith stated it ranged from grabbing her shirt to grabbing Smith by the side of the neck to control her.

Smith was asked why she did not answer her phone when called by dispatch. Smith stated her phone was not on her person, but was elsewhere in the residence and on vibrate so she did not know of the call.

Smith was asked if she told officers during their initial contact with her that they could leave. Smith advised she told them she didn't want King there and that everyone could leave.

The criminal complaint states that officers noticed a smell consistent with marijuana in the residence. The odor was stronger in the bathroom and officers found small pieces of a green leafy substance that looked like marijuana between the sink and toilet, and on the toilet bowl. Smith was asked about her knowledge of this substance. Smith advised she knew that King smoked marijuana, but Smith did not allow her to do so in the apartment. Smith denies any knowledge of the substance being where it was found. She stated she didn't notice the odor as she had just awakened. Smith further denies any personal use of marijuana. She stated, "It's not my thing" and "I expect a drug test at any time" and that using marijuana wasn't worth losing her job over.

Smith was asked about harboring any animosity against the arresting officers or the Kenosha Police Department in general. She stated she bore none, further stating several times that the officers were just doing their job. She did exchange some words with the officer placing her in the squad, telling him he didn't need to be so rough with her. She states the officer let go of her after she said something. She continued by stating that she was upset at the situation, not the officers involved.

Smith was also asked whether she felt this incident affected her ability to take calls from citizens reporting domestic violence. She stated she would take them just like she had always done.

At the end of the interview, Smith was told she was required to update Joint Services of any changes in the status of the case. She agreed to do so.

It is difficult to determine if there are any work rule violations in this incident without it being fully adjudicated. Given the information presented during this interview, there is a potential for violation of Joint Services General Rules and Regulations, Section II(B)(25) as it pertains to 1.) Smith preventing King from calling 911 and 2.) initially being uncooperative with officers. A 911 telecommunicator physically preventing another person from calling 911 when they feel they need to runs counter to what a telecommunicator should stand for. After discussion with the Assistant Director and the Director, it was decided that Smith would be removed from responsibility for dispatching the Kenosha Police Department and that we would wait until Smith's next court date to take any further action.

GARRITY WARNING

The reason for this meeting is to interview you regarding an arrest by the Kenosha Police Department relating to an incident in Kenosha, WI on September 8, 2019. You are being questioned as part of an internal investigation by Kenosha Joint Services ("KJS") to determine whether your actions violated any rules, policies, standards or practices of KJS. This is **not** a criminal investigation and is not related to any criminal investigation which may be conducted by any law enforcement agency.


I want to advise you that you have all the rights and privileges guaranteed by the laws of the State of Wisconsin and the Constitution of Wisconsin and of the United States. Because this is an internal investigation and not a criminal investigation, you do not have a Fifth Amendment right against self-incrimination. While you may refuse to answer any question that I may ask of you, you may be disciplined for insubordination for failing to answer any material and relevant questions relating to the performance of your duties as a KJS employee or relating to your off-duty conduct which may have a relationship to or impact on your employment with KJS.

You have an obligation to truthfully answer the questions I ask of you. If you omit, misrepresent or falsify any information which you provide during this interview, you could be disciplined for misconduct. If you refuse to answer a question, you could be disciplined for insubordination. Further, if you fail to answer any question asked of you during this investigation, Kenosha Joint Services may draw an adverse inference regarding your conduct from your silence.

I further advise you that the answers you may give to the questions asked you at this interview, or any information or evidence which are or may be gained by reason of your answers, may not and will not be provided to law enforcement for any criminal proceeding unless ordered by a court of law to do so.

Do you understand all of the information I have just read to you? I need your signature to confirm that you have been provided the above information.

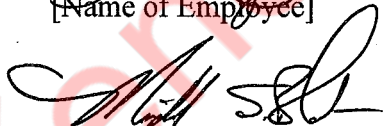
By signing below, you acknowledge that you have been provided the above information and you confirm that you understand your rights and obligations as set forth herein.



[Name of Employee]

9/12/19

Date



Witness

9/12/19

Date



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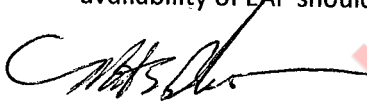
Mark D. McMullen
Evidence/Identification

On September 8, 2019 at 17:46 hours, I received a text message to my work cellular phone from Communications Supervisor Samantha Schlecht notifying me that Telecommunicator Brittney Smith had been named in a battery and may be the suspect. I was later notified that she had indeed been arrested. I directed Communications Supervisor Schlecht that, should Smith be released from jail, Schlecht was to notify her she was not to report for work that evening so that I could have some time to discuss the incident with the Director the following day to determine proper course of action.

I called Director Genthner at 18:49 and left a voice mail message for him informing him of Smith's arrest. Director Genthner called me back at 19:16 and I gave him the information I had at that time.

On Monday morning, I spoke with Director Genthner to find out what action should be taken. I was advised that at this time, nothing should be done, we would wait until we had further details and that Smith could return to work as scheduled that evening.

At 12:48 Monday, September 9, 2019, I received a call from Telecommunicator Smith who wanted to find out what was going on from our end. We spoke about the incident in some detail. The details she gave were the same as what she provided during her interview on September 12, 2019. Smith expressed concern about losing her job and felt that the other party involved in the incident did this intentionally to make her lose her job. Smith was told that the decision had been made to let things play out for now until we received further information and that she was to report to work as scheduled that evening. We discussed how to best handle any curious co-workers and Smith was reminded of the availability of EAP should she need it.


9/13/19
Mike Blodgett, Communications Manager



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To: Thomas Genthner, Director
From: Joshua Nielsen, Assistant Director *JN*
Subj: **Internal Investigation Regarding Brittney Smith**
Date: October 3, 2019

On September 8, 2019 Kenosha Joint Services Communications supervision became aware that an employee, Brittney Smith, was involved in a domestic violence incident which the Kenosha Police Department was investigating. Sgt. Miller of the Kenosha Police Department advised Communications Supervisor Samantha Schelcht that Brittney was arrested and was being charged with multiple domestic violence charges.

Incident

I obtained, through the District Attorney's Office, a copy of the criminal complaint. See attached. The complaint outlines the three misdemeanor charges as well as the events that transpired on September 8, 2019. The document contains three accusations that could possibly constitute work rule violations: preventing a person from calling 911, failing to cooperate with law enforcement, and controlled substances in her residence.

Investigation

The investigation has consisted of a review of the criminal complaint, review of the 911 recording and an interview of Brittney Smith. A summary of the interview was completed by Manager Mike Blodgett and is attached. Brittney was provided a Garrity Warning prior to the interview.

Through the interview Brittney advised that during the incident she had attempted to prevent her partner from calling 911. She did this by attempting to physically grab the phone from her partner during the altercation.

Brittney advised that initially, she physically prevented the police officer from entering the residence, she advised that she had told the officers they could leave. She also advised she used unkind words including profanity when interacting with the officers, although she stated she wasn't directing the language at the officers.

Brittney advised she knew her partner smokes marijuana but had told her partner not to do so in the home. Brittney denied personal use of marijuana. She states she was unaware of the marijuana being in the residence and didn't notice the odor.

Findings

I find that there are provable work rule violations of Kenosha Joint Services General Rules and Regulations Policy, Section II (B) (25) for the following reasons:

1. The act of preventing another person from calling 911. Brittney has admitted to this act. This act is contrary to the purpose of her employment with Kenosha Joint Services and has negatively affected her relationship with the Kenosha Police Department. In addition, this has the potential to harm the reputation of Kenosha Joint Services with both the agencies we serve as well as the community.
2. Failing to cooperate with Kenosha Police Officers. Although Brittney states that she did eventually cooperate with the police officers, her initial actions were not cooperative. This act has negatively affected her relationship with the Kenosha Police Department.

It is difficult to believe that the officers could smell marijuana but Brittney was unaware of its presence when the marijuana remnants were out in the open inside the residence. However, at this time, there is not enough evidence to prove a work rule violation.

Brittney has one prior disciplinary action, a written warning issued on October 30, 2018 for tardiness.

Recommendations

I and Human Resources Coordinator Bev Sebetic reviewed the incident, investigation, and findings with Attorney Susan Love. Attorney Love has concurred with the findings.

Due to the findings of the work rule violations I am recommending a two day suspension for:

1. The act of preventing another from calling 911.
2. Failing to initially cooperate with Kenosha Police Officers.

Regarding the marijuana, Attorney Love has recommended that in order for the investigation to be completely thorough, the employee should be drug tested as a result of reasonable suspicion surrounding the circumstances listed in the criminal complaint.

If we choose to conduct the drug testing I recommend we hold discipline in abeyance pending the results of drug testing with the option to modify the recommendations.

I also recommend that Brittney be made aware that future disciplinary action may be considered if there are changes in the status of the court case, such as, charges being upgraded to felony or additional acts that constitute work rule violations come to light.



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Mark D. McMullen
Evidence/Identification

To: Brittney Smith
From: Thomas Genthner
Subject: **Administrative Leave Pending Investigation**
Date: October 4, 2019

JSM 19-115

It has come to our attention that you were arrested for battery domestic violence and other related charges. This incident took place on September 8, 2019.

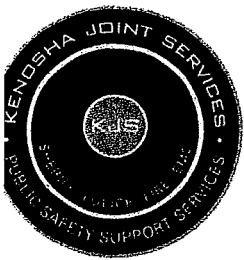
The internal investigation by Kenosha Joint Services of potential work rule violations resulting from the incident is continuing. During the interviews conducted as part of the investigation you admitted to attempting to prevent your partner from calling 911, physically preventing the officers from entering your residence, telling the officers they could leave, and using profanity with the officers. These actions have been found to be in violation of work rules.

We have found that the status of one of the charges has been upgraded to include a felony charge for Intimidating Victim/Use or Attempt Force. A conviction of this felony charge is substantially related to your position as a 911 Telecommunicator and would result in termination of your employment. Therefore, any disciplinary action for conduct related to this incident will be held in abeyance until resolution of the criminal charges.

Effective immediately you will be placed on paid administrative leave until resolution of these charges.

While on administrative leave you are required to report to work as requested by management members.

Thomas Genthner, Director
Kenosha Joint Services



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To: Brittney Smith
From: Thomas Genthner
Subject: **Return to Work from Administrative Leave**
Date: January 30, 2020

JSM 2020 - 019

As a result of your arrest for battery domestic violence and other related charges which included a felony charge, you were placed on administrative leave with pay.


You have since entered into a stipulated hold open agreement through Kenosha County Circuit Court. A copy of the stipulated hold open agreement is included with this memo. The agreement states that prosecution will be "deferred for a period of nine (9) months, provided you plead to Count 2 Battery and comply with the following material terms of the agreement." If you comply with the conditions of the agreement Kenosha County will dismiss the case.

Given the agreement, I am authorizing you to return to full duty status with Kenosha Joint Services. You should contact Manager Mike Blodgett to discuss the timeline for your return.

Additionally, you will need to keep Kenosha Joint Services, through Manager Blodgett updated as to the status of the hold open agreement and any changes or violations of it.

Once the case has been decided the internal investigation as to potential work rule violations will be concluded. At that time a final determination as to discipline and/or your employment status will be made.

If you have any questions please contact me or Manager Blodgett.


Thomas Genthner, Director
Kenosha Joint Services

COPY

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

DA Case No.: 2019KN004554

STATE OF WISCONSIN
Plaintiff,

Court Case No.: 2019CF001538

vs.

BRITTNEY M. SMITH
[REDACTED]
Defendant.

**STIPULATED
HOLD OPEN
AGREEMENT**

Hon. Jason Rossell

For Official Use

TO: Brittney M. Smith
[REDACTED]
FILE NO. 2019CF001538
[REDACTED]

You are reported to have committed criminal offenses on or about September 08, 2019 and are currently charged with Felony Intimidation of a Victim; Domestic Abuse, Battery; Domestic Abuse, Disorderly Conduct; Domestic Abuse. After reviewing the police reports and investigating the offense, it appears that your interests and the interests of the community could be served by the deferral of your prosecution for a period of 12 months.

THEREFORE, by this written agreement, your prosecution in Kenosha County Case File No. 19-CF-1538 will be deferred for a period of **nine (9) months**, provided you plead to **Count 2, Battery**, and comply with the following material terms of the agreement. If you comply with the material terms, at the conclusion of the hold open period, the State will:

Dismiss the case. If you fail to comply with this agreement, the State will have a free hand at sentencing.

The material terms are as follows:

1. You agree to attend counseling at: Circle of Change for Women (656-3500). If you demonstrate that you absolutely cannot attend one of these preferred providers, you must provide documentation showing enrollment and successful completion of a comparable program dealing with issues of domestic violence and you agree to follow any and all recommendations of the counselor.
2. You are required to successfully and actively participate in the counseling. You must: (1) attend each session; (2) be on time and (3) successfully complete the program to the satisfaction of the counselor. **You must have an appointment with your treatment provider within 30 days of entering into this agreement.**
3. You must sign a consent for release of confidential and medical information to allow the District Attorney's Office access to information regarding your compliance with treatment and counseling and provide a copy of that signed release to this office within 30 days. The District Attorney will utilize these records only for the purpose of this case and will otherwise maintain the confidential nature of these records. **You will further provide your treatment provider with a copy of your criminal complaint in this case, as well as a copy of this Deferred Prosecution Agreement.**
4. You agree to pay a domestic abuse assessment pursuant to Sections 971.37(1m)(c) and 973.055, Wisconsin Statutes, of \$100.00, which amount will be due within the first six months of this agreement and payable to the Clerk Of Circuit Court in Rm. 204 of the Kenosha County Courthouse at 912 - 56th Street, Kenosha, Wisconsin. **You must present a copy of this agreement at the Clerk's Office at the same time you pay this surcharge.** You must present proof of payment by presenting the receipt or a copy of the receipt to this office.

COPY

5. You will comply with any and all existing conditions of bond, which conditions will remain in effect (unless lifted by the Court) while this agreement is in effect. Any behavior constituting an act of domestic abuse as defined in Section 968.075(1)(a) will be considered a violation of your bond. You agree to refrain from any conduct which will create probable cause to believe that you have violated the criminal laws of any state or the United States or the ordinances of any municipality substantially conforming to a criminal statute during the period of this agreement.
6. **You (not your attorney or therapist) are personally required to file a written letter with the District Attorney's Office once every month while this agreement is in effect.** The letter must include your current address and telephone number, the name of your treatment provider and the date of your next appointment. Failure to provide this letter is a violation of the agreement. The letter may be mailed to the Office of the District Attorney, Molinaro Building, 912 - 56th Street, Kenosha, Wisconsin 53140.
7. During the period of this agreement, you shall not possess any weapons or firearms.
8. You shall not consume any alcohol or illegal drugs.
9. You agree to submit to any alcohol and drug assessment and comply with any treatment plan recommended by the assessing agency, if the treatment provider in paragraph #1 of this agreement so recommends.

If, during the period of this hold open agreement, you violate the terms of this agreement or if new information becomes known concerning this or other offenses, the Kenosha County District Attorney may: (1) move to revoke or modify the material terms of the agreement before the judge assigned to the case, based upon an articulated alleged violation of the agreement; (2) proceed with the prosecution of this case if the agreement is revoked and/or (3) file Bail Jumping charges against you in the event you violate any condition of your bond.

The filing of a Criminal Complaint in which probable cause is found shall be conclusive proof this agreement has been violated.

In the event the State moves to revoke this agreement, a hearing will be scheduled in the circuit court.

I stipulate to a "preponderance of the evidence" as the applicable burden of proof and further agree that Section 911.01(4)(c), Wis. Stats. applies to any such hearing.

Initials of Defendant BS

During the period of this agreement, you waive the right to a speedy trial pursuant to Section 971.37(1m)(b) and 971.10, Wisconsin Statutes, and agree to the tolling of any applicable statute of limitations.

Initials of Defendant BS

I understand that I have a right to consult with an attorney. I understand that I am waiving my constitutional right to a speedy trial while this agreement is in effect.

Initials of Defendant BS

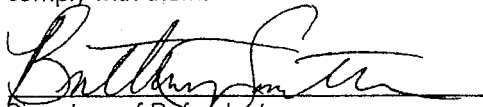
I understand that the first material term of this agreement is completing counseling as set forth in paragraph #1. My failure to successfully complete this counseling could result in revocation of this agreement and the consequences set forth above.

Initials of Defendant BS

I acknowledge receipt of a copy of this agreement.

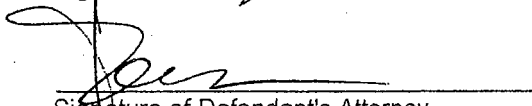
Initials of Defendant BS

I have read this agreement and understand the material terms of my stipulated hold open agreement and agree to comply with them.

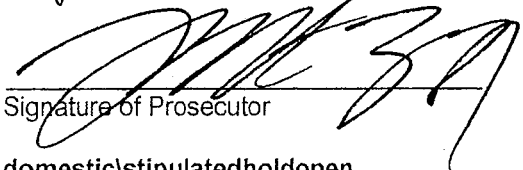

Signature of Defendant

1/29/20
Date Signed

7/20/93
Date of Birth


Signature of Defendant's Attorney

1/29/20
Date Signed


Signature of Prosecutor

1-29-2020
Date Signed

domestic\stipulatedholdopen

Kenosha County Eye

FILED
09-10-2019
Clerk of Circuit Court
Kenosha County
2019CM001209
Honorable Jason A.
Rossell
Branch 2

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

STATE OF Wisconsin
Plaintiff,

CRIMINAL COMPLAINT

vs.

DA Case #: 2019KN004554

BRITTNEY M. SMITH

Agency Case #: kpd 2019-00055689



Mandatory date 9/10/2019

Sex/Race: F/B
Eye Color: Brown
Hair Color: Black
Height: 5 ft 2 in
Weight: 118 lbs
Alias:

Defendant.

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: BATTERY, DOMESTIC ABUSE

The above-named defendant on or about Sunday, September 8, 2019, in the City of Kenosha, Kenosha County, Wisconsin, did cause bodily harm to Haley A. King, by an act done with intent to cause bodily harm to that person, and with knowledge that person did not consent, contrary to sec. 940.19(1), 939.51(3)(a), 968.075(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

Count 2: MISDEMEANOR INTIMIDATION OF A VICTIM, DOMESTIC ABUSE

The above-named defendant on or about Sunday, September 8, 2019, in the City of Kenosha, Kenosha County, Wisconsin, knowingly and maliciously did attempt to prevent Haley A. King, who has been the victim of a crime, from making a report of the victimization to a law enforcement agent, contrary to sec. 940.44(1), 939.51(3)(a), 968.075(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

Count 3: DISORDERLY CONDUCT, DOMESTIC ABUSE

The above-named defendant on or about Sunday, September 8, 2019, in the City of Kenosha, Kenosha County, Wisconsin, while in a public or private place, did engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01(1), 939.51(3)(b), 968.075(1)(a) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

PROBABLE CAUSE:

On September 8, 2019 at approximately 5:30 p.m., Officer Carlos Gerena of the Kenosha Police Department was dispatched to the area of 69th Street and 25th Avenue in Kenosha, for "trouble unknown." Dispatch subsequently provided an address of [REDACTED] in the City and County of Kenosha, State of Wisconsin, for a report of a battery, called in by the same phone number as the earlier call.

Upon arrival, Officer Gerena met with Haley King, who appeared to be upset. Ms. King reported that she had been punched by her girlfriend, the defendant Brittney Smith, and that they live together at this residence. Officers attempted to make contact with the defendant. The defendant opened the blinds to the back door but refused to open the door and speak to the officers. The defendant stated that Haley did not live at the residence and she wanted her to leave. Ms. King provided the officers with a key to the home and provided consent to enter the residence. The officers attempted to open the door, but they were unable to unlock the deadbolt because the defendant was holding it secure with her hand.

Ms. King reported the incident started last night when Ms. King's sister came over and wanted Ms. King to go out with her. The defendant was initially "okay" about it because she had to work at her job as a third shift police dispatcher, but as Ms. King was getting ready, the defendant became upset. Ms. King eventually waited for the defendant to go to work before she went out. When the defendant came home from work in the morning, Ms. King could tell she was still upset so she left her alone and let her sleep.

The defendant woke up at approximately 5:00 p.m. and was ignoring Ms. King. Ms. King asked the defendant to talk, but the defendant began yelling at her and told her to leave her alone. The defendant told Ms. King that she didn't want to live with her any more, and Ms. King told the defendant that she would move out. The defendant became confrontational and demanded to see Ms. King's phone. When Ms. King refused to give it to her, the defendant punched her on the right side of the face with a closed fist two times, causing her pain without her consent. Ms. King threatened to call the police, and began to call 911. The defendant became angrier and grabbed the phone out of Ms. King's hand. Ms. King told the defendant to return her phone, and grabbed for it, but was unable to take it back. The defendant began punching Ms. King in the face with a closed fist four or five more times on the right side of the face, again causing her pain without her consent.

Ms. King finally told the defendant that she was going to leave the house. The defendant returned her cell phone at that time. Ms. King went to get her keys but the defendant grabbed them. Ms. King again told the defendant she would call the police if she did not return her property. The defendant returned the keys and told Ms. King she did not want her back. Ms. King left the residence and called 911. Officer Gerena observed that Ms. King had visible bruising on her right cheek area.

Ms. King reported that the defendant has beaten her up several times in the past, including two incidents in which Ms. King suffered a concussion. Ms. King has never reported the incidents because she did not want the defendant to lose her job.

Officer Gerena review Ms. King's cell phone call log. Ms. King initially called 911 at 5:28 p.m. There are two missed calls from an unknown caller at 5:29 p.m. and 5:30 p.m. Ms. King then called 911 again at 5:31 p.m. Dispatch confirmed that they attempted to call Ms. King back at 5:29 p.m. and 5:30 p.m.

Officer Michael Gacke of the Kenosha Police Department attempted to speak to the defendant. The defendant stated through the closed door that the police did not need to be there any longer and that they should leave. Dispatch attempted contact the defendant by phone, but the call went to voice mail. Eventually, the defendant opened the door. The defendant stated to Officer Gacke that she just woke up and was going to take a shower when Ms. King began yelling at her about finding something on her phone. The defendant then sat on the couch while Ms. King stood over her and continued to talk. The defendant stated that Ms. King then reached down and grabbed her shirt. The defendant stated that she was not afraid of Ms. King at that time. The defendant then stated that she punched Ms. King in the head in "self-defense" because she was standing over her and grabbing her shirt. The defendant stated she did nothing wrong and did not want Ms. King at the residence. Once the defendant was in custody and placed in a squad car, she told Officer Gacke that Ms. King grabbed her by the neck.

While the officers were in the residence, they noted a "skunky" smell consistent with marijuana. Officer Gerena found that the scent was stronger in the bathroom. Officer Gerena found small pieces of a green leafy substance that looked like marijuana between the sink and the toilet, and on the toilet bowl.

Your complainant is an attorney with the Kenosha County District Attorney's Office, who bases his/her knowledge of this complaint on:

- The official law enforcement agency reports of the Kenosha Police Department prepared by Officers Carlos Gerena and Michael Gacke, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) Haley King; who are eyewitnesses to the facts they relate;
- Statements by the defendant, which were made contrary to her penal interests;

Subscribed and sworn to before me on 09/10/19

Electronically Signed By:

Jennifer A. Phan

Assistant District Attorney

State Bar #: 1059537

Electronically Signed By:

Zachary L Brost

Complainant

Kenosha County Eye



Kenosha Police Department

Summary

Print Date/Time: 09/09/2019 13:50
Login ID: kjs\swl385
Case Number: 2019-00055689

Kenosha Police Department
ORI Number: WI0300100

Case

Case Number: 2019-00055689
Location: [REDACTED]
Reporting Officer ID: 674 - Gerena


Incident Type: Domestic Disturbance
Occurred From: 09/08/2019 17:32
Occurred Thru: 09/08/2019 17:32
Disposition: eReferral Sent
Disposition Date: 09/09/2019
Reported Date: 09/08/2019 17:32 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	08	940.19(1)	BATTERY DV	1
2	State	08	940.44(1)	INTIMIDATE VICTIM/DISSUADE REPORTING DV	1
3	State	24	947.01(1)	DISORDERLY CONDUCT DV	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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	KENOSHA POLICE FIELD CASE REPORT	CASE# 2019-00055689
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EVENT	REPORTED DATE/TIME 09/08/2019 17:32	OCCURRED INCIDENT TYPE Domestic Disturbance	
	OCCURRED FROM DATE/TIME 09/08/2019 17:32	OCCURRED THRU DATE/TIME 09/08/2019 17:32	LOCATION OF OCCURRENCE <div style="background-color: black; width: 100%; height: 20px;"></div>

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUBJECT	JACKET/SUBJECT TYPE Adult Victim	NAME (LAST, FIRST, MIDDLE SUFFIX) KING, HALEY ALEXIS					
	DOB 10/28/1992	AGE or AGE RANGE 26	ADDRESS (STREET, CITY, STATE, ZIP) 505 ROOSEVELT RD LOWER KENOSHA, WI 53143				
	RACE Black or African American	SEX Female	HEIGHT or RANGE 5'3	WEIGHT or RANGE 5'3	WEIGHT or RANGE 160	HAIR 160	EYE Black
	IDENTIFICATION TYPE Verbal	PRIMARY PHONE (262)813-9280	PHONE #2	PHONE #3			

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	IDENTIFICATION TYPE	PRIMARY PHONE	PHONE #2	PHONE #3			

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	IDENTIFICATION TYPE	PRIMARY PHONE	PHONE #2	PHONE #3			

REPORTING OFFICER 674 GerenaCarlos	DATE 09/08/2019	REVIEWED BY Madsen, Michael W
		09/08/2019

**KENOSHA POLICE**

FIELD CASE REPORT

CASE# 2019-00055689

NARRATIVE

On Sept. 8th, 2019, I, PO Gerena #674 was assigned to work 2nd shift patrol, in full KPD uniform, and in marked squad 3388. At approximately 1730 hours I was dispatched to the area of 69th St and 25th Ave for a trouble unknown. As I arrived in the area dispatch provided an exact address of [REDACTED] Kenosha WI for a battery complaint that came from the same phone number as the trouble unknown. PO Gacke #649 also responded.

Upon my arrival I spoke with Haley King (verbal ID; F/B 10/28/92) who was sitting on the back patio. Haley appeared to be upset. Haley stated that she was being punched by her girlfriend Brittany Smith (verbally ID by Haley [REDACTED]). Haley stated that Brittany worked with us. When we asked for clarification, Haley stated that she was a 3rd shift dispatcher. Officers immediately requested a supervisor. Sgt. Miller #495 responded. Officers attempted to make contact with Brittany. Brittany opened the blinds to the back door but refused to open the door and speak with officers. Brittany stated that Haley did not live at the residence and wanted her to leave. Haley provided officers a key to the house and consent to enter the house. Officers attempted to open the door but were unable to unlock the deadbolt because Brittany was holding it secure with her fingers. I escorted Haley to my squad car to obtain a statement.

Haley stated that she and Brittany have been dating since Aug of 2018 and lived with Brittany at [REDACTED] three months after they started dating. Haley stated that just moved into this address in August of 2019. Haley stated that things started last night when her sister came over and wanted Haley to go out with her. Haley stated that Brittany was initially okay with her leaving with her sister because she had to work but as she was getting ready, Brittany became upset. Haley stated that she waited till Brittany left to go to work before she went out. Haley stated when Brittany came home from work she could tell she was upset so she left her alone and let her sleep.

Haley stated around 1700 hours, Brittany woke up and was ignoring her and went to the bathroom to take a shower. Haley stated she asked Brittany if she would talk to her. Haley stated that Brittany began yelling at her, telling her to leave her alone. Haley stated that Brittany exited the bathroom and walked into the living room. Haley stated that Brittany told her that she didn't want to live with her anymore. Haley stated that she told Brittany that was fine and she could move out.

Haley stated that Brittany became verbally confrontational and demanded to see Haley's cell phone. Haley stated she refused to give Brittany her phone. Haley stated that Brittany then punched her in the right side of her face with left closed fist two times striking her in the side of the head near her ear causing her pain and making her ear ring. Haley stated she threatened to call the police and began to call 911 at approximately 1752 hours. Haley stated that Brittany became even more upset and grabbed the phone away from her hand. Haley stated she told Brittany to give her back the cell phone grabbed for it out of Brittany's hand, but was unable to

REPORTING OFFICER	DATE	REVIEWED BY	
674 GerenaCarlos	09/08/2019	Madsen, Michael W	09/08/2019



KENOSHA POLICE
FIELD CASE REPORT

CASE# 2019-00055689

NARRATIVE (continuation)

get it from Brittany. Haley stated that Brittany began punching her in the face with a closed fist four or five more times on the right side of her face causing her pain.

Haley stated that this all occurred in the doorway between the living room and kitchen. Haley stated that she told Brittany that she would just leave the house. Haley stated that Brittany gave her back her cell phone. Haley stated she was in the process of grabbing her keys to the house but Brittany grabbed them. Haley stated that she yelled she hated Brittany and was going to call the police if she didn't give her back her keys. Haley stated that Brittany did give her back the keys and told Haley that she didn't want her back. Haley stated she exited the house and called 911 and provided the dispatcher with the address.

Haley stated that this has been an on going issue. Haley stated that Brittany has beaten her up several times in the past. The most recent being around June or July of 2019 where she suffered two separate concussions. Haley stated that she's never reported it in the past because Brittany works as a Dispatcher for Kenosha Joint Service and didn't want her to loose her job. Haley stated that she was seen by the walk-in ER at Aurora Kenosha where she works in food services and was sent home because of the concussions. Haley stated she did not give Brittany consent to hit her, causing her pain, or making her fear for her safety. Haley denied ever hitting Brittany back.

Haley stated that she knows that Brittany has mental health issues and has not been taking her medications the past week. I asked Haley if Brittany uses any drugs that are not prescribed to her or if she might be under the influence of anything. Haley stated not that she was aware of.

Haley provided me a signed written statement. Haley was provided the Notice of Restraints Protections (TRO) and the Kenosha County Domestic Abuse form. Haley signed both. Haley was provided a victims rights form and her copy of the TRO. Photographs were taken of Haley's face where she stated she was struck. There is visible bruising on her right cheek area.

PO Gacke was advised that there was probable cause for battery, disorderly conduct, and intimidation of a witness. Brittany was advised that she was under arrest. Brittany began walking into the house near the kitchen away from us. PO Gacke grabbed a hold of Brittany's right arm and was giving her orders to not tense up and to bring her other arm to her back. Brittany refused to comply so I grabbed a hold of Brittany's left arm and instructed her to place it behind her back which she finally complied. Once at the squad car before being placed into the back seat Brittany stated "this is why people cry out police brutality" as she sat in the back sat.

Haley escorted us into the house and showed that she had personal items throughout the

REPORTING OFFICER	DATE	REVIEWED BY	
674 GerenaCarlos	09/08/2019	Madsen, Michael W	09/08/2019



KENOSHA POLICE
FIELD CASE REPORT

CASE# 2019-00055689

NARRATIVE (continuation)

house. Haley stated that her social security card was in a drawer in the kitchen. She opened the drawer and showed us where it was sitting. She said a debit card with her name on it was in the kitchen counter. Haley stated that a black tooth brush that belonged to her was in the bathroom and a pair of black and gray gym shoes were in the closet area, her tan colored purse and brown sweater was hanging up in the laundry area. I walked around and observed each of the items where Haley said they would be. I photographed these items.

While in the house there was a strong skunky odor which my training and experience is marijuana. I asked Haley if there was any marijuana in the house. Haley stated she didn't believe there was. I asked Haley if she smoked marijuana. Haley stated that she did not. I asked Haley if Brittany is known to smoke marijuana or uses it on a regular basis. Haley stated that she was unaware if Brittany smoked marijuana. Haley stated her allergies were acting up and could not smell the scent of marijuana.

Haley provided officers verbal consent to search the residence. While I searched the bathroom I noticed the smell was alot stronger in there. I noticed that there were some small pieces of a green leafy substance that looks like marijuana between the sink and the toilet and on the toilet bowl.

Haley reviewed her cell phone and showed me when she initially called 911 at 1728 hours. There are two missed calls from an unknown caller at 1729 and 1730 hours and shows her calling 911 back at 1731 hours. Dispatch confirmed that Haley's phone number (262-813-9280) called at 1728 that was dispatched as a Trouble Unknown that was mapping in the area of 24th Ave and 69th St near St. Joseph Catholic School. The dispatcher stated that the sounds coming from the phone was either yelling or laughing. Dispatch confirmed that they called Haley's phone back twice, at 1729 and 1730 hours. Dispatch confirmed that they then received another 911 call from Haley's phone where she advised Dispatch of what happened and the address at 1731 hours.

Photographs were uploaded onto Kenosha Joint Services DIMS system.

I cleared with this report.

REPORTING OFFICER 674 GerenaCarlos	DATE 09/08/2019	REVIEWED BY Madsen, Michael W	09/08/2019
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KENOSHA POLICE
FIELD CASE SUPPLEMENT

CASE# 2019-00055689

ADDITIONAL OFFENSES

	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
01	940.19(1) BATTERY DV	1	COMMITTED
02	940.44(1) INTIMIDATE VICTIM/DISSUADE REPORTING DV	1	COMMITTED
03	947.01(1) DISORDERLY CONDUCT DV	1	COMMITTED

OFFENSES

REPORTING OFFICER 649 Gacke	DATE 09/08/2019	REVIEWED BY Madsen, Michael W	09/08/2019
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KENOSHA POLICE
FIELD CASE SUPPLEMENT

CASE# 2019-00055689

ADDITIONAL SUBJECTS

SUBJECT	JACKET/SUBJECT TYPE Adult Suspect		NAME (LAST, FIRST, MIDDLE SUFFIX) SMITH, BRITTNEY M							
	DOB [REDACTED]		AGE or AGE RANGE 26		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	RACE Black or African American		SEX Female		HEIGHT or RANGE 5'2 5'2		WEIGHT or RANGE 118 118		HAIR Black	EYE Brown
	IDENTIFICATION TYPE Verbal		PRIMARY PHONE [REDACTED]			PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)							
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)					
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR	EYE
	IDENTIFICATION TYPE		PRIMARY PHONE			PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)							
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)					
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR	EYE
	IDENTIFICATION TYPE		PRIMARY PHONE			PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)							
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)					
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR	EYE
	IDENTIFICATION TYPE		PRIMARY PHONE			PHONE #2		PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)							
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)					
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR	EYE
	IDENTIFICATION TYPE		PRIMARY PHONE			PHONE #2		PHONE #3		

REPORTING OFFICER 649 Gacke	DATE 09/08/2019	REVIEWED BY Madsen, Michael W	09/08/2019
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SUPPLEMENTAL NARRATIVE

On 09/08/2019 at 1732 hours, I, PO Gacke #649 while in full KPD uniform and marked squad 3342 (recording) responded to [REDACTED] to investigate a Battery Complaint. Dispatch advised there was a hang up in the area of 69st and 25Ave where yelling and or laughing could be heard in the background. Another call came out at [REDACTED] when phone contact was made with a someone saying a Brittany Smith keeps punching her in the face.

I made contact with a F/B seated at the rear porch of [REDACTED] on the south side of the residence. The F/B was later identified as Haley King. My initial observation of Haley was her seated on the stairs to the porch on the back side of the residence and she had her right hand up against the right side of her head.

Haley immediately stated that the dispatcher for us, Brittany, was inside the house and she was the one that punched her in the side of the head. Haley stated that she lives there with Brittany establishing a domestic relationship.

PO Gerena #674 was now on scene.

Haley said that Brittany has battered her multiple times in the past but did not want to report it because she was a dispatcher for the police department. Haley indicated that she did not report it because she did not want Brittany to get into any trouble or lose her job for battering her. Haley provided me with a key to the residence and stated I had her consent to enter.

Haley spoke further with PO Gerena away from the back porch and I attempted contact with Brittany who was still inside the residence. I did speak with Brittany through the door that was closed. Brittany stated that I did not need to be there any longer and I should leave now. Brittany then closed the blinds on the door and would not speak to me for a short while.

I had dispatch attempt contact with Brittany via telephone and they stated it went straight to voicemail. I knocked on the door again and all Brittany said was that I needed to go away and I did not need to speak with her any longer.

I still had the key to the residence that Haley provided me and I attempted to open the front door only to establish a better line of communication with Brittany so we could speak about the situation. When attempting to open the deadbolt to the residence, it opened approximately 1/8 of a turn and I felt it get turned back to the locked position as if a person inside was holding the lock closed.

I continued to make verbal communication with Brittany and I could hear her speaking to me inside but the words at this point were muffled because the door was still closed and she was speaking much softer. I could not make out what she was saying. Brittany eventually opened

REPORTING OFFICER	DATE	REVIEWED BY	
649 Gacke	09/08/2019	Madsen, Michael W	09/08/2019



SUPPLEMENTAL NARRATIVE (continuation)

the door and made contact with Brittany at the door that was now open.

Brittany was wearing some red pajama style pants with a white t shirt. Brittany advised she did not want me at her house anymore and did not want to speak to me. I advised Brittany that I needed her side of the story about the situation and she told me the following.

Brittany said that she had just woke up and was walking to the bathroom to take a shower. Brittany stated that Haley was following her towards the shower yelling at her about finding something on her phone. Brittany advised that she then went to sit on the couch and Haley stood over her still talking to her about what she found on her phone when Haley reached down and grabbed her shirt in the chest area. Brittany stated that she was not scared of Haley and not caused any pain.

Brittany did say that she punched Haley in the head only in self defense because Haley was standing over her and grabbing her shirt. Brittany ended her side of the story there and did not provide any other details. Brittany repeated herself that she did nothing wrong and she did not want Haley back inside the residence.

I spoke with PO Gerena away from Haley and Brittany. PO Gerena informed me that Brittany was to be taken into custody for battery, disorderly conduct, and Intimidation of a victim.

I advised Brittany that she was under arrest and took her into custody inside the residence. Brittany's right arm that I had ahold of tensed up slightly while placing her arms behind her back. Brittany was placed in handcuffs that were checked for fit and double locked. Brittany was escorted to my squad car, searched incident to arrest, and nothing illegal was located on her person.

I remained on scene with Brittany until I could have officers retrieve her cell phone and wallet from inside the residence prior to taking her to Kenosha County Jail. While Brittany was in the rear of my squad, she stated that Haley grabbed her by the neck. I advised Brittany that she stated earlier that she did not tell me about being grabbed by the neck and only the shirt. Brittany did not speak of being grabbed by the neck again. There were no marks on Brittany to substantiate the claim.

Prior to entering the jail I advised Brittany of her Miranda Rights (Audio/Video from squad) and she chose to remain silent and not speak to me any further.

I advised Brittany of the 72 Hour Notice of Restraint Protections and she advised that she understood it. Kenosha County jailers were present when Brittany advised she understood. Brittany was turned over to jail staff without incident.

REPORTING OFFICER 649 Gacke	DATE 09/08/2019	REVIEWED BY Madsen, Michael W	09/08/2019
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SUPPLEMENTAL NARRATIVE (continuation)

The following should be noted: I did not observe any injuries to Brittany nor did she claim any. It should be noted that while inside Brittany's residence, there was a very strong odor of marijuana inside. While handling Brittany's phone, the screen lit up and I observed missed calls from (262) 656-1234. I know this phone number to be the non emergency phone number from dispatch. There was also another 911 Hang Up Call mapping at 2582 Hwy 50 (CFS#493) which showed the number [REDACTED]. At this point I knew that phone number to be Brittany's number but she never stated she dialed 911 at any point.

Brittany was placed in jail on the following charges:

- 1) Battery Domestic Violence- 940.19(1)
- 2) Intimidate Victim/Dissuade Reporting DV - 940.44(1)
- 3) Disorderly Conduct Domestic Violence - 947.01(1)

No further action taken. See other reports for further information.

REPORTING OFFICER	DATE	REVIEWED BY	
649 Gacke	09/08/2019	Madsen, Michael W	09/08/2019

KENOSHA COUNTY ARREST - TAKE CUSTODY REPORT

Agency WI0300100	Case # 2019-00055689	I.D. #	<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juv	Arrest Date 09/08/2019	Arrest Time 17:52					
Last First Middle Name SMITH, BRITTNEY M		Race B	Ethnic Origin <input checked="" type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic	Sex F	Height 5'2	Weight 118	Hair Blk	Eyes Brown		
Social Security No. [REDACTED]	Date of Birth [REDACTED]	Age 26	Phone #1 Cellular Phone [REDACTED]	Phone #2	<input checked="" type="checkbox"/> Driver's License # WI	<input type="checkbox"/> ID Only/State				
Address Apt City [REDACTED]		Marital Status Single	Alias/Maiden Name							
Place of Birth City State [REDACTED]		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Country of Citizenship US	Employer/School	Occupation/Grade						
Place of Arrest 2505 ROOSEVELT RD	Alcohol <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	English <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	In Jail? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Arresting Officer #1 Unit # Gacke, 649 Michael	Arresting Officer #2 Unit # Gerena, 674, Carlos					
Father's Name (<input type="checkbox"/> Natural <input type="checkbox"/> Step <input type="checkbox"/> Foster <input type="checkbox"/> Legal Guardian) - Address City State Zip			Phone #1	Marital Status						
Phone #2	Place of Employment		Occupation							
Mother's Name (<input type="checkbox"/> Natural <input type="checkbox"/> Step <input type="checkbox"/> Foster <input type="checkbox"/> Legal Guardian) - Address City State Zip			Phone #1	Marital Status						
Phone #2	Place of Employment		Occupation							
<input type="checkbox"/> Parents <input type="checkbox"/> Guardian <input type="checkbox"/> Legal custodian			Juvenile Intake							
Notified By: _____ Time _____ Date _____			Notified By: _____ Time _____ Date _____							
Taken Into Physical Custody <input type="checkbox"/> Yes <input type="checkbox"/> No Time _____ Date _____			Released From Custody <input type="checkbox"/> Yes <input type="checkbox"/> No Time _____ Date _____							
JUVENILE DISPOSITIONS:			<input type="checkbox"/> Referred to Juvenile Intake Date: _____		Referred to Social Services Name of Agency _____ Date _____					
<input type="checkbox"/> Handled Informally & Released Date: _____ (Warning, released to Parents, etc.)			<input type="checkbox"/> Referred to Other Police Agency Date: _____							
<input type="checkbox"/> Cit # <input type="checkbox"/> Warrant <input type="checkbox"/> Commit <input checked="" type="checkbox"/> Case #	Court File #	Statute/Ordinance #	Counts	F E L	M O D	O R D	T R F	O T H	<input checked="" type="checkbox"/> State <input type="checkbox"/> Muni	Bond
2019-55689		940.19(1)	1		<input checked="" type="checkbox"/>				\$500.00	
Charge Description 01 BATTERY DV				Offense Date 09/08/2019	Issuing Agency KENOSHA PD					
Modifiers: <input checked="" type="checkbox"/> DV <input type="checkbox"/> PTAC <input type="checkbox"/> WHILE ARMED <input type="checkbox"/> 2 ND /SUBS <input type="checkbox"/> DOCS 1000' <input type="checkbox"/> POCS 1000' <input type="checkbox"/> HAB CRIM/REPEATER <input type="checkbox"/> DV/REP <input type="checkbox"/> ATTEMPT <input type="checkbox"/> OTHER										
Remarks:										
<input type="checkbox"/> Cit # <input type="checkbox"/> Warrant <input type="checkbox"/> Commit <input checked="" type="checkbox"/> Case #	Court File #	Statute/Ordinance #	Counts	F E L	M O D	O R D	T R F	O T H	<input checked="" type="checkbox"/> State <input type="checkbox"/> Muni	Bond
2019-55689		940.44(1)	1		<input checked="" type="checkbox"/>				\$500.00	
Charge Description 02 INTIMIDATE VICTIM/DISSUADE REPORTING DV				Offense Date 09/08/2019	Issuing Agency kenosha pd					
Modifiers: <input checked="" type="checkbox"/> DV <input type="checkbox"/> PTAC <input type="checkbox"/> WHILE ARMED <input type="checkbox"/> 2 ND /SUBS <input type="checkbox"/> DOCS 1000' <input type="checkbox"/> POCS 1000' <input type="checkbox"/> HAB CRIM/REPEATER <input type="checkbox"/> DV/REP <input type="checkbox"/> ATTEMPT <input type="checkbox"/> OTHER										
Remarks:										
<input type="checkbox"/> Cit # <input type="checkbox"/> Warrant <input type="checkbox"/> Commit <input checked="" type="checkbox"/> Case #	Court File #	Statute/Ordinance #	Counts	F E L	M O D	O R D	T R F	O T H	<input checked="" type="checkbox"/> State <input type="checkbox"/> Muni	Bond
2019-55689		947.01(1)	1		<input checked="" type="checkbox"/>				\$150.00	
Charge Description 03 DISORDERLY CONDUCT DV				Offense Date 09/08/2019	Issuing Agency KENOSHA PD					
Modifiers: <input checked="" type="checkbox"/> DV <input type="checkbox"/> PTAC <input type="checkbox"/> WHILE ARMED <input type="checkbox"/> 2 ND /SUBS <input type="checkbox"/> DOCS 1000' <input type="checkbox"/> POCS 1000' <input type="checkbox"/> HAB CRIM/REPEATER <input type="checkbox"/> DV/REP <input type="checkbox"/> ATTEMPT <input type="checkbox"/> OTHER										
Remarks:										
<input type="checkbox"/> Cit # <input type="checkbox"/> Warrant <input type="checkbox"/> Commit <input type="checkbox"/> Case #	Court File #	Statute/Ordinance #	Counts	F E L	M S D	O R D	T R F	O T H	<input type="checkbox"/> State <input type="checkbox"/> Muni	Bond
Charge Description				Offense Date	Issuing Agency					
Modifiers: <input type="checkbox"/> DV <input type="checkbox"/> PTAC <input type="checkbox"/> WHILE ARMED <input type="checkbox"/> 2 ND /SUBS <input type="checkbox"/> DOCS 1000' <input type="checkbox"/> POCS 1000' <input type="checkbox"/> HAB CRIM/REPEATER <input type="checkbox"/> DV/REP <input type="checkbox"/> ATTEMPT <input type="checkbox"/> OTHER										
Remarks:										
Summary (Adult or Juvenile) Above listed held in jail on listed charge. Non Armed Forces Veteran.										



KENOSHA POLICE
FIELD CASE SUPPLEMENT

CASE# 2019-00055689

SUPPLEMENTAL NARRATIVE

On Sept. 8th, 2019, I, PO Gerena #674 was assigned to work 2nd shift patrol, in full KPD uniform, and in marked squad 3388. At approximately 2229 hours I responded to [REDACTED] [REDACTED] tower for a disorderly conduct call. Dispatch advised that Brittany Smith's mother came to the house under case #2019-55733.


I spoke with Haley King (verbal ID; 10/28/92) who stated she was asleep in her bedroom when she heard the front door open. Haley stated she walked out into the living room and found Brittany's mother, Brenda Smith (verbally ID by Haley) in the house. Haley stated she told Brenda that she couldn't be here. Haley stated that Brenda told her that she was there to get clothes for Brittany. Haley stated that she told Brenda that she was going to call the cops. Haley stated that Brenda exited the house and left.

Haley stated that she wasn't sure if Brenda had keys to the apartment or not. Haley stated that she did not see Brittany. Haley stated that she didn't want to file a complaint she was just scared that she found Brenda in the house and wasn't sure what to do so she called 911. Haley stated she was planning on going to the Public Safety Building in the morning to sign the waiver of the 72 hour no contact.

Haley stated that she would gather some clothing for Brittany. Haley stated she did not want anyone back at the house until she signed the 72 hour waiver. Brittany's clothes were given to Brenda along with her KJS Key Badge. Brenda was advised not to come back to the residence until the 72 hour restraining order had expired. Brenda stated she understood this.

I cleared with this report.

REPORTING OFFICER 674 Gerena	DATE 09/08/2019	REVIEWED BY Galley, Jeffrey D	09/08/2019
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	KENOSHA POLICE FIELD CASE SUPPLEMENT	CASE# 2019-00055689
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ADDITIONAL SUBJECTS

SUBJECT	JACKET/SUBJECT TYPE Adult Witness	NAME (LAST, FIRST, MIDDLE SUFFIX) JOHNS, BRENDA M					
	DOB 02/06/1966	AGE or AGE RANGE 53	ADDRESS (STREET, CITY, STATE, ZIP) 1914 89TH ST 202 KENOSHA, WI 53143				
	RACE Black or African American	SEX Female	HEIGHT or RANGE 5'2 5'2	WEIGHT or RANGE 180 180	HAIR Brown	EYE Brown	
	IDENTIFICATION TYPE Photo Drivers License		PRIMARY PHONE (262)914-1215		PHONE #2	PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	IDENTIFICATION TYPE		PRIMARY PHONE		PHONE #2	PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	IDENTIFICATION TYPE		PRIMARY PHONE		PHONE #2	PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	IDENTIFICATION TYPE		PRIMARY PHONE		PHONE #2	PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	IDENTIFICATION TYPE		PRIMARY PHONE		PHONE #2	PHONE #3	

REPORTING OFFICER 585 Walters	DATE 09/09/2019	REVIEWED BY Galley, Jeffrey D	DATE 09/09/2019
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KENOSHA POLICE
FIELD CASE SUPPLEMENT

CASE# 2019-00055689

SUPPLEMENTAL NARRATIVE

On 09-08-2019 at approximately 2227hrs, I, PO Walters 585, while in full uniform and squad 3305 reported to [REDACTED] for a Domestic Violence notification. While in route, I was notified by dispatch that the suspect's mother, Brenda Johns, was at the address trying to get some personal effects for the suspect.

Upon arrival, I spoke with PO Gerena 674 who had already been speaking with the victim, Haley King, in the case. See PO Gerena's report for details.

Brenda arrived on scene again shortly after I arrived. She stated she was made aware of the incident that occurred between her daughter, Brittany Smith, and Haley. Brenda stated she had a key to the apartment and went over to get Brittany some clothes knowing that she would need them over the course of the next few days. Brenda said she walked into the apartment and began gathering the items she felt were necessary, when Haley came out saying she was calling the police. Brenda told me she immediately walked out of the house and had little to no interaction with Haley.

PO Gerena was able to gather sufficient clothing and personal belongings for Brittany for the next several days. These items were turned over to Brenda without incident. Brenda was informed that she should avoid any interaction in any way with Haley for the foreseeable future.

It was determined at this time that no violation of the restraining order had occurred. This ends my involvement in this case.

REPORTING OFFICER

585 Walters

DATE

09/09/2019

REVIEWED BY

Galley, Jeffrey D

09/09/2019



CASE NO. 2019-000 55489
DATE: 9/8/19
TIME: 1752

KENOSHA POLICE DEPARTMENT NOTICE OF RESTRAINT PROTECTIONS UNDER 968.075 (5)(a)(3)

I, NALEY ALBERT KEDD, understand that Wisconsin Statute 968.075(5)(a) provides for an automatic, temporary restraining order, which prohibits BRETTANY SMITH from having contact with me during the 72 hour period immediately following his/her arrest for an act which constitutes a Domestic Abuse.

I also understand that the Contact Prohibition provides that, during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim.

I understand that the arrested person is to avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim, unless there is a signed waiver as prescribed in Wis. Statute 968.075(5)(c).

I understand that BRETTANY SMITH may be arrested pursuant to Wisconsin Statute 968.075(5)(a)(1,2) for intentionally violating this provision and required to forfeit not more than \$10,000.00, or imprisoned not more than 9 months, or both.

I understand that I may waive the temporary Contact Prohibition by requesting a CONTACT PROHIBITION WAIVER FORM from the Kenosha Police Department at this time or at any time during the next 72 hours.

I understand that if I waive the Contact Prohibition, BRETTANY SMITH may return to my residence, or another premises temporarily occupied by me, and have contact for cause another to have contact with me.

I understand that if I choose to not waive the Contact Prohibition at this time, I may waive the provision at any time during the next 72 hours by:

1. Going to the Kenosha Police Department, in person;
2. Request a Contact Prohibition Waiver Form;
3. Completely fill out the form and sign it; and
4. Submit the signed form to the Kenosha Police Department.

In addition, I have been notified that the procedure listed below will be followed in regard to the release from custody of the arrested person.

1. They will be taken to the Kenosha County Jail and be processed as an arrested person.
2. Release from custody will be predicated on:
 - a. The arrested person, or someone on their behalf, posting the prescribed bail or bond, if there is one prescribed, or a magistrate prescribes one; and
 - b. The arrested person acknowledging that they were notified of and that they understand and agree to abide by the conditions of the Contact Prohibition and that they were notified and understand the penalty enhancements that will be applied to another incident of domestic abuse within the next 72 hours as prescribed under 939.621, they will be released.
3. When the conditions listed above are met, the person will be released from custody.
4. If the arrested person is cooperative and signs the proper agreements and acknowledgments and posts the proper bond or bail, they will be released.
5. The probable time of release is difficult to determine precisely; but, if the arrested person is cooperative and jail staffing is adequate, it is possible that they could be released in about one (1) hour.

I have read the above information or had it read to me and understand my rights and the procedure for waiving the Contact Prohibition.

Naley Albert Kedd
(Victim's Signature)

9-8-19
DATE

17:48
TIME

Carla [Signature]
(Informing Officer's Signature)

9/8/2019
DATE

1740 hrs
15
TIME

STATEMENT/HALEY KING

STATEMENT

City of Kenosha Police Department:

Case Number: 2019-00055689

County of Kenosha Sheriff's Department:

Date Of Birth: 10/28/1992

Name: Haley Alexis King

Address: 2505 Roosevelt Rd. Lower

Phone: 262-813-9280

Employer: Aurora Hospital Kenosha

On: 09/08/2019 @ 5pm

at 2505 Roosevelt Rd

I saw and heard the following:

Last night my sister came over the house and asked me to go out. My girlfriend Brittany Smith was originally okay with it and then didnt want me to go out. I waited until she went to work until I went out. When Brittany came home I could tell she was not happy with me so I left her alone all morning. This afternoon I tried talking to her around 5pm. Brittany ignored me and went to the bath room to take a shower. I asked her if she would talk with me. She began yelling at me and telling me to leave her alone. She walked away from me and went into the living room. She stated that she didnt want to live with me anymore so I told her she could move out.

Brittany began demanding me to show her my phone. I refused. Brittany punched me on the right side of my face with her left arm causing me pain two times to the point that my ear began ringing. I threatened to call the police. I began calling 911 at 5:28pm. Brittany became even more upset and grabbed the phone from my hand. I told her to give me back my phone and grabbed for it. Brittany began punching me in the face with a closed fist four to five times causing me pain. This occurred in door way between the kitchen and living room. I told her that I would just leave the house. Brittany gave me back the phone. I was about to grab my keys to the house but Brittany grabbed them. I yelled at her that I hated her and was going to call the police if she didnt give me back my keys. She gave me back the keys and said she hoped I didnt come back. I walked outside onto the deck I called 911 back and told them my address.

I do not know if Brittany uses any drugs or non-prescribed medications. I do know she has mental health issues and is prescribed medications for that. However, she has not been taking those medications for the past week.

Brittany has beaten me in the past several months ago. I've suffered concussions in the past from Brittany hitting me. I've been seen my medical staff at Aurora Hospital. Kenosha. I did not give Brittany consent to hit me, cause me to fear for my safety or cause me pain. PO Gerena assisted me with this statement.

HA

Kenosha

I have made the above statement without any threats or promises. It is my desire to state the true facts as to this incident. I have read the above statement and find it is true and correct.

Witness: *Carla Anna Ortiz*

Signed: *Haley King*

Page 1 of 1 9/8/2019 1814hrs

Date: 9-8-19 6:14 pm

DOMESTIC ABUSE WORKSHEET

Kenosha County Domestic Abuse Worksheet

Law Enforcement Officer to Complete

SECTION 1. INCIDENT

Suspect: BERTHANY SMITH Incident #: _____ Incident Date: 9/20/19 Incident Time: 1732
Case Number: 2019-000 KPDP KSD PPPD TLPD SLPD Other (specify): _____
55089

SECTION 2. VICTIM -- Primary Language ENG

Name: AARON A. KING DOB: 10/28/92

Phone #1: 242-813-9280 Phone #2: _____

Employment: AURORA HOSPITAL KENOSHA

Describe Victim's demeanor: (i.e., angry, crying, fearful, calm, upset, nervous, sobbing, shaking)

*Intoxicated/Influence of drugs: Yes No

*Injuries to victim: Complaint of pain Bruises Fractures

Abrasions Lacerations Minor cut Redness/Swelling

Medical Attention: None Refused First Aid Hospital

Treated by: _____

Physician's Name

Victim made statement to police? Yes No

SECTION 3. SUSPECT -- Primary Language ENG

Name: BERTHANY SMITH DOB: _____

Describe Defendant's demeanor: (i.e., angry, crying, fearful, calm, upset, nervous, sobbing, shaking)

*Intoxicated/Influence of drugs: Yes No

*Injuries to suspect: Complaint of pain Bruises Fractures

Abrasions Lacerations Minor cut Redness/Swelling

Medical Attention: None Refused First Aid Hospital

Treated by: _____

Physician's Name

Arrested: Yes No

Suspect made statement to police? Yes No

Recorded Yes No

SECTION 4. CHILDREN**

Full Names and DOBs: _____

Relationship to Victim/Suspect: CLOSE FRIEND

Children involvement: Witnessed incident Did not witness incident Past abuse of children Injured during incident

Children will be: Left at residence w/victim/suspect - Placed with foster/shelter care relative/neighbor - name/address where placed

Name of Crisis Worker Contacted: _____

SECTION 5. RISK FACTORS (check all that apply) - now, or in the past!

Gun/other weapons in home Suspect carries/has access to weapons Suspect abuses alcohol/other drugs Suspect under recent high stress

Suspect has threatened/attempted suicide Suspect obsessed with victim/stalking victim Suspect has injured/made threats to Pets

Suspect threatened to kill or severely harm victim/others Recent separation/divorce in past six months Victim believes suspect may seriously injure/kill him/her

Victim has filed prior restraining order Victim has prior unreported abuses Children were present during prior abuse Defendant has had restraining order

Defendant is out on bond/bail Other _____

ORIGINAL CALLER'S NAME AND STATEMENT:

HOLLY KING - CLOSE FRIEND BEST FR.

CALL RECEIVED BY: 911 Non-Emergency

IDENTIFY THREATS MADE BY SUBJECT:

N/A

WITNESSES WHO WERE PRESENT FOR INCIDENT:

N/A

IDENTIFY ANY DISCLOSURE WITNESSES:

N/A

(GET ALL WITNESSES' FULL NAME, DOB, AND CONTACT INFORMATION)

COMMENTS: N/A

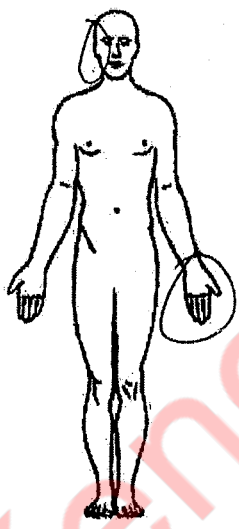
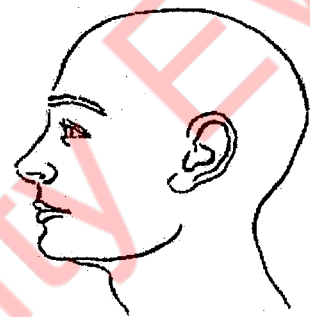
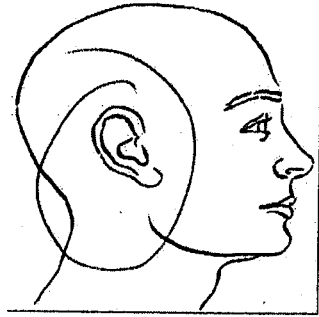
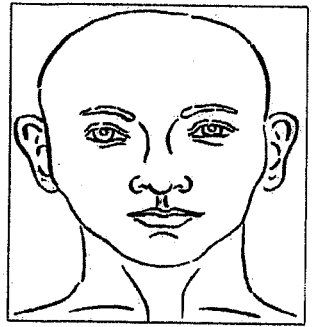
* Follow up required in narrative

** Include children's statements in narrative

Suspect: Brittney Smith Incident #: _____ Incident Date: 9/8/19 Incident Time: 1732
 Case Number: 2019-000 KPD KSD PPPD TLPD SLPD Other (specify): _____
55089

SECTION 6: VICTIM MUST COMPLETE VICTIM MUST CIRCLE ANSWERS TO QUESTIONS

Mark the area(s) on the diagrams which identify where you were injured by Brittney Smith.



1. I showed the officer where I was struck/injured. Yes No
2. I marked on the diagrams where I was struck/injured. Yes No
3. I can identify the person who struck/injured me. Yes No
4. I showed the officer the object used to strike/injure me. Yes No N/A
5. I struck/pushed the suspect first. Yes No
6. I consented to being struck/injured. Yes No
7. The suspect has struck/injured me before this incident. Yes No
8. I understand all of the questions. Yes No
9. I have circled all of the answers. Yes No

Victim's Initials
BS

I affirm this information is true and correct.

Brittney Smith
 Victim's Signature

Date 9-8-19
 Time 6:34

Creeva 474 9/8/19
 Officer Name Badge Number Date

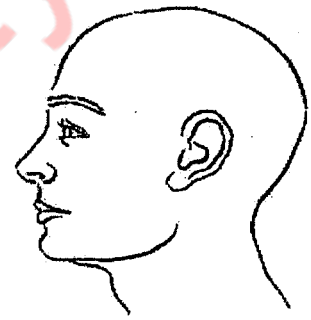
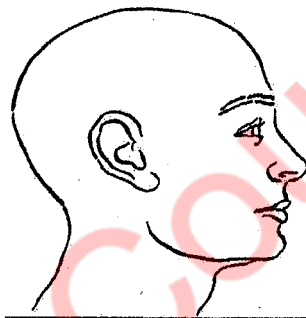
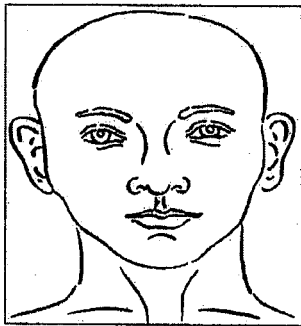
Suspect: BRELLIOW SMOJA Incident #: _____ Incident Date: 9/8/19 Incident Time: 1732
 Case Number: 2019-000 KPD KSD PPPD TLPD SLPD Other (specify): _____
55689

DOCUMENTATION CHART FOR STRANGULATION CASES

SECTION 7: OFFICER MUST COMPLETE --- For use when a victim reports being "choked" or strangled
 INDICATE BY CIRCLING

Breathing Changes	Voice Changes	Swallowing Changes	Other
*Difficulty Breathing *Hyperventilation *Unable to Breathe *Other _____	*Raspy Voice *Hoarse Voice *Coughing *Unable to Speak *Other _____	*Trouble Swallowing *Painful to Swallow *Neck Pain *Nausea *Other _____	*Dizzy *Headaches *Fainted *Urinated *Defecated *Other _____

Use face and neck diagrams to mark visible injuries:



Circle all that apply: Face	Eyes and Eyelids	Nose	Ears	Mouth
*Red or Flushed *Pinpoint Red Spots (petechiae) *Scratch Marks *Other _____	*Petechiae on Eyeball(s) *Petechiae to Eyelid(s) *Bloody Red Eyeball(s) *Other _____	*Bloody Nose *Broken Nose *Other _____	*Petechiae *Bleeding from Ear *Canal *Other _____	*Bruising *Swollen Tongue *Swollen Lips *Other _____
Under Chin	Chest	Shoulders	Neck	Head
*Redness *Bruises *Scratch Marks *Abrasions *Other _____	*Redness *Bruises *Scratch Marks *Abrasions *Other _____	*Redness *Bruises *Scratch Marks *Abrasions *Other _____	*Redness *Swelling *Scratch Marks *Finger Nail Impressions *Ligature Mark *Other _____	*Petechiae (on scalp) *Hair Pulled *Bump(s) *Skull Fracture *Concussion *Other _____

GREENA 474 9/8/19
 Officer Name Badge Number Date

This page to be used by officers for suspected Strangulation cases only.

Kenosha County Sheriff's Department Conditional Release and Contact Prohibition

CASE NO: 2019-55489
 ARRESTED PERSON: Brittany Smith JAIL ID #: 152913
 ARRESTED DATE: 09/08/19 RELEASED DATE: 09/08/19
 TIME: 1952 hrs TIME: 2219

You have been arrested for a Domestic Abuse Incident.

In order for you to be released from this facility you must understand and comply with the following conditions:

- Unless the victim signs a waiver of no contact prior to your release during the 72 hours immediately following your arrest, you are required by law:
 - To avoid the victim's residence and any residence temporarily occupied by the victim.
 - To avoid contacting or causing any person other than a party's attorney to contact the victim. Contact includes contact at work, school, at public places, by phone or in writing.
- If you intentionally violate the above requirements and provisions, you are subject to arrest and a fine of up to \$1000.00.
- If you commit any further acts of domestic abuse during the 72-hour period following your arrest and that act constitutes the commission of a crime, the penalty increases from a misdemeanor to a felony. This condition of release shall apply regardless of whether or not the victim has presented a signed waiver of no contact to this agency.
- If a bond condition or a restraining order exists, you will not be able to have contact with the victim even after the 72-hour period has expired. Your release is conditioned upon your signed acknowledgment that you have received and understand these requirements and the consequences of violating these requirements.
- If you refuse to sign this notice, you will not be released from custody until 72 hours after the time of your arrest.

Has waiver been signed permitting contact with the victim? Yes No

(If yes, the suspect may have contact with the victim.)

(If no, contact is prohibited as described in #1.)

AGREEMENT

I acknowledge receipt of this notice and understand the requirements explained above.
I agree to honor the contact prohibition required by WI Statute 968.075 (5)(a)(1&2).

Witness: Britt #12030 Arrested Person's Signature: [Signature] Date: 09/08/19
 Address: [Redacted]

Name of Victim: Haley King
 Address (Victim): 2606 Roosevelt Rd. Phone No. (Victim): (262) 813-9280

DISTRIBUTION: (ORIGINAL) Inmate's File (COPY) Inmate (COPY) Arresting Agency Supv. (COPY) Dispatch Center

Arresting Agency: Colley @ 2219 hrs
 Dispatch: Kare @ 2219 hrs

NOTIFIED BY
585 AT 2245 AC

REQUEST FOR CRIMINAL COMPLAINT

IN CUSTODY: YES / NO

DOMESTIC VIOLENCE: YES / NO

INTERPRETER NEEDED YES / NO

AGENCY: Kenosha Police Department BOND POSTED: YES / NO BOND AMOUNT: \$1,150.00

COMPLAINT & SUMMONS COMPLAINT & WARRANT PO HOLD MANDATORY DATE: 09/10/19

DETECTIVE/OFFICER ASSIGNED: DETECTIVE DANIEL WIENKE #461

DEFENDANT INFORMATION

FIRSTNAME, MI, LASTNAME: BRITNEY M. SMITH

DRIVER'S LICENSE #: STATE: WI SOCIAL SECURITY #:

D.O.B.: AGE: 26 GENDER: F RACE: B EYES: BROWN HAIR: BLACK HGT: 502 WGT: 118

ADDRESS: CITY/STATE/ZIP:

HOME PHONE #: WORK PHONE #:

EMPLOYER'S NAME: EMPLOYER ADDRESS/CITY:

CO-DEFENDANT NAMES:

CHARGE #1: INCIDENT #: 2019-00055689 DATE & TIME OF INCIDENT: 09/08/2019 @ 1732HOURS

LOCATION OF INCIDENT (INC. MUNICIPALITY):

CHARGE DESCRIPTION: BATTERY

CHARGE SEVERITY: Misdemeanor

STATUTE # (WITH SUBSECTIONS): 940.19(1)

MODIFIERS/ENHANCERS: DOMESTIC VIOLENCE

CHARGE #2: INCIDENT #: 2019-00055689 DATE & TIME OF INCIDENT: 09/08/2019 @ 1732HOURS

LOCATION OF INCIDENT (INC. MUNICIPALITY):

CHARGE DESCRIPTION: INTIMIDATE VICTIM/DISSUADE REPORTING DV

CHARGE SEVERITY: Misdemeanor

STATUTE # (WITH SUBSECTIONS): 940.44(1)

MODIFIERS/ENHANCERS: DOMESTIC VIOLENCE

CHARGE #3: INCIDENT #: 2019-00055689 DATE & TIME OF INCIDENT: 09/08/2019 @ 1732HOURS

LOCATION OF INCIDENT (INC. MUNICIPALITY):

CHARGE DESCRIPTION: DISORDERLY CONDUCT

CHARGE SEVERITY: Misdemeanor

STATUTE # (WITH SUBSECTIONS): 947.01(1)

MODIFIERS/ENHANCERS: DOMESTIC VIOLENCE

VICTIM: FIRSTNAME, MI, LASTNAME: HALEY A. KING

D.O.B.: 10/28/1992, GENDER: F, RACE: B

COMPLETE ADDRESS: 2505 ROOSEVELT ROAD KENOSHA WI 53143

HOME PHONE #: 262-813-9280 WORK PHONE #:

EMPLOYER'S NAME: EMPLOYER ADDRESS/CITY: