



Madison Police Department

Michael C. Koval, Chief of Police

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March 5, 2019

All requestors of Madison Police Department case 19-56447

To Whom it May Concern:

The Madison Police Department has received many requests for public records associated with Madison Police Department case 19-56447 (Whitehorse Middle School). With respect to the public's right to have access to the requested records "as soon as practicable and without delay", while at the same time recognizing that responding to each unique request would significantly delay our ability to respond in a timely manner, the Madison Police Department has consolidated reports and created a public file. There will be no fees associated with access. Madison Police Department will respond to additional requests through the normal public records request process, requests can be made through pdrecords@cityofmadison.com

Under the Wisconsin Public Records Laws, records custodians must carefully weigh the competing public interests involved when deciding to release any record in their possession. Custodians begin with a presumption of complete public access to such records. However, custodians must consider whether inspection of the record could result in harm to the public interest that would outweigh the benefits of such inspection. When such harm substantially outweighs the benefits of public inspection, such records or portions thereof, must remain confidential.

I have redacted statements about prior incidents involving juveniles that were not a part of this Madison Police Department Investigation. While I am not aware of the facts of any prior incidents, Wis. Stats. 48.396 and 938.396 relating to peace officers records of juveniles prohibit the release of records described in these statutes except in certain circumstances. There are no exceptions that apply with this circumstance. Additionally, I have redacted an interview of a child conducted under Wis. Stats. 48 while preserving for the record that the interview was conducted following Wis. Stats. 48.396. This is not purely a juvenile record under the statutes and that fact presents a challenge for redaction of records relating to minor children; by using the balancing test as a guide the public harm in releasing unsubstantiated allegations against a juvenile without investigation outweighs the public good in releasing those claims.

For the purposes of this release, because no arrest was made, all of the juveniles are treated as witnesses or contacts. The names of the juveniles, as well as their parents (since the juveniles can be identified through their parents), are therefore redacted in the police reports. The public harm in releasing records that contain information identifying juvenile witnesses and contacts outweighs the public good in such release as evidenced by state statutes protecting the release of juvenile records. Cooperation by members of the public in law enforcement investigations is paramount to a complete and true investigation. The public interest in knowing an investigation was thoroughly completed by releasing report information sometimes means that cooperating contacts do not have anonymity. However, under the balancing test the public harm in releasing the identity of juveniles far outweighs the public benefit in this case.

March 5, 2019

Page 2

I have also redacted personally identifiable information composed of birth dates, home addresses and private telephone numbers relating to cooperating contacts. Release of this information would facilitate identity theft crime and thus would be contrary to the well-established public interests in crime prevention and reduction (19.36(13) Wis. Stats.). Additionally, releasing this information would be contrary to the public interests in crime detection and crime fighting in that witnesses may be reluctant to report what they know to the police if they have the fear that this personal and sensitive information is subject to release upon a public records request.

I have redacted portions of these records that relate to a medical diagnosis and drug information. Multiple state and federal statutes protect the sensitive nature of medical information by declaring such records confidential. These statutes require the Madison Fire Department to keep such protected health information confidential. I interpret the Madison Police Department to have a likewise obligation. Therefore, I have redacted the details/description relating to any medical conditions and treatment

I have reached the above conclusions after weighing the reasons for nondisclosure against the public interest in disclosure and taking into consideration laws which either require or prohibit the release of certain records or information. For the reason(s) set forth above, I have concluded that the public interest in nondisclosure of the redacted information outweighs the public interest in disclosure. Pursuant to Sec. 19.35(4)(b) Wis. Stats., I advise you that this determination not to disclose the information described above is subject to review by Mandamus under Sec. 19.37(1) Wis. Stats., or upon application to the Wisconsin Attorney General or the Dane County District Attorney. I have consulted with the City Attorney regarding the denial of access for a portion of this record per 3.70(6) MGO.

Sincerely,



Julie A. Laundrie
Madison Police Records Custodian



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/05/2019 10:14
Login ID: pdktg
Case Number: 2019-00056447

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2019-00056447
Location: 218 SCHENK ST
Madison, WI 53714
Reporting Officer ID: 2640 - TOBIAS

Incident Type: Disturbance
Occurred From: 02/13/2019 09:01
Occurred Thru: 02/13/2019 09:06
Disposition:
Disposition Date:
Reported Date: 02/13/2019 09:27 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	[REDACTED]	[REDACTED]	[REDACTED]	Black	Female	[REDACTED]
Contact	2	MUELLER-OWENS, ROBERT J	[REDACTED]	(608)204-4482	White	Male	52
Contact	3	[REDACTED]	[REDACTED]	[REDACTED]	Black	Female	32
Contact	4	NATALELLO, CHRISTINA M	[REDACTED]	(608)204-4482	White	Female	34
Contact	5	[REDACTED]	[REDACTED]	[REDACTED]	Black	Female	45
Contact	6	[REDACTED]	[REDACTED]	[REDACTED]	Hispanic	Female	[REDACTED]
Contact	7	PETERSON, AUBREY A	[REDACTED]	[REDACTED]	White	Female	21
Contact	8	[REDACTED]	[REDACTED]	[REDACTED]	Black	Female	[REDACTED]
Contact	9	EAGLE, CATHRYN M	[REDACTED]	[REDACTED]	White	Female	58
Contact	10	[REDACTED]	[REDACTED]	[REDACTED]	White	Female	[REDACTED]
Contact	11	[REDACTED]	[REDACTED]	[REDACTED]	Black	Female	[REDACTED]
Witness	1	GUE, TAMMY	[REDACTED]	[REDACTED]	Black	Female	43
Witness	2	PIETZ, BARBARA S	[REDACTED]	(608)204-4490	White	Female	51
Witness	3	GUE, TAMMY A	[REDACTED]	(608)204-4480	Black	Female	43
Witness	4	[REDACTED]	[REDACTED]	[REDACTED]	Black	Female	[REDACTED]
Witness	5	RYBAK, CAROL L	[REDACTED]	[REDACTED]	White	Female	59
Witness	6	[REDACTED]	[REDACTED]	[REDACTED]	White	Female	[REDACTED]

Arrests



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/05/2019 10:14
Login ID: pdktg
Case Number: 2019-00056447

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
02/28/2019	Evidence	CD/DVD/Tapes/Di scs			CD CONTAINING AUDIO OF INTERVIEWS DONE WITH BARBARA PIETZ AND TAMMY GUE	427668	1
02/28/2019	Evidence	CD/DVD/Tapes/Di scs			CD CONTAINING AUDIO OF INTERVIEW WITH ROBERT MUELLER OWENS	427670	1
02/27/2019	Evidence	CD/DVD/Tapes/Di scs			CD CONTAINING 2 PHOTOGRAPHS OF VICTIM.	427622	1
02/26/2019	Evidence	CD/DVD/Tapes/Di scs			CD CONTAINING CELL PHONE IMAGES OF [REDACTED] CELL PHONE	427544	1
02/26/2019	Evidence	Documents			DVD CONTAINING RECORDING OF SAFE HARBOR INTERVIEW, USB DRIVE AND DOCUMENTS	427545	1
02/25/2019	Evidence	CD/DVD/Tapes/Di scs			DVD FIGHT	427496	1

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

01.PO TOBIAS/ORIG - DISTURBANCE

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
CASE REPORT		

DETAIL	REPORTED DATE/TIME 2/13/2019 09:27	OCCURRED INCIDENT TYPE Disturbance	LOCATION OF OCCURRENCE WHITEHORSE MIDDLE SCHOOL 218 SCHENK ST
	OCCURRED FROM DATE/TIME 02/13/2019 09:01	OCCURRED THRU DATE/TIME 02/13/2019 09:06	Madison, City of
REPORTING OFFICER DRURI TOBIAS			

NARRATIVE

SPECIAL ROUTING:

Chief Michael Koval
Captain Tom Snyder

On 02-13-2019 at 9:27 am, Fire/Rescue and I were dispatched to Whitehorse Middle School located at 218 Schenk St reference a parent calling stating her daughter was assaulted by a teacher at the school.

When I arrived on-scene, Fire/Rescue had already cleared the call. I made contact with [REDACTED] and her daughter, [REDACTED] in the school social worker's office. I asked [REDACTED] could speak to her in the hallway.

Statement

[REDACTED] told me she called police because her daughter [REDACTED] called her this morning crying, and she could tell in her voice something serious happened. [REDACTED] said she asked [REDACTED] what happened, and she said she was attacked by **Robert J. Mueller-Owens**. [REDACTED] stated Mueller-Owens let his emotions get the best of him and lost control today. She said what he was doing wasn't district related and wasn't consistent with school district training. [REDACTED] advised me she didn't want Mueller-Owens arrested but wanted the incident documented. [REDACTED] also advised me she knew her daughter wasn't an angel and stated she had already received an earlier call from the school about an hour after school started advising her [REDACTED] was off task. [REDACTED] gave me consent to interview [REDACTED] if she was able to sit in on the interview. I told her this wasn't a problem, and we walked back into the social worker's office.

Statement

[REDACTED] said Mrs. Barbara Pietz, teacher, called for Robert Mueller-Owens, School PBS (Positive Behavior Support) Coach, and **Tammy Gue**, Special Ed Assistant, for behavioral support because she had air freshener/perfume and Mrs. Pietz asked her not to put it on because she has a sensitive nose. [REDACTED] said she wasn't listening to Mrs. Pietz and was about to put the air freshener/perfume on by the classroom door. [REDACTED] admitted to being disruptive and wasn't doing what she was supposed, so they wanted her out of the class. [REDACTED] stated Mueller-Owens came into the classroom and told her to get out, and she told him, "No, I'm at my spot, doing my work." Mueller-Owens then walked over to where [REDACTED] was sitting, and she got up and moved to another seat over by the window. [REDACTED] said she didn't have a pencil, so she got up and walked over by the pencil sharpener. [REDACTED] then walked back over to her spot by the window with Mueller-Owens following. [REDACTED] stated the first time she told Mueller-Owens, "Leave me alone," but he kept on talking, so the second time she told him, "Leave me the fuck alone." [REDACTED] told me Gue told her to go. [REDACTED] said she got up and walked over by the classroom door. Mueller-Owens then asked Mrs. Pietz to walk out into the hallway to talk. [REDACTED] said she knew they were talking about her, and she didn't want the other



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT

REPORTING OFFICER
DRURI TOBIASREPORT DATE
2/13/2019

NARRATIVE (continuation)

students to hear them, so she closed the classroom door. [REDACTED] told me Mueller-Owens then forced the classroom door open, and the two of them were standing face-to-face. She said Mueller-Owens then tried to get her to leave the classroom by pushing her shoulder, and she told him, "Don't put your hands on me," and he did it again. [REDACTED] said this time she said, "Don't put your motherfucking hands on me."

Mueller-Owens told Mrs. Pietz to take the kids out of the classroom and to the library. [REDACTED] told Mueller-Owens, "You don't have to take them anywhere, I'll leave." [REDACTED] said Mueller-Owens then used both hands and pushed her in the back through the doorway. [REDACTED] said she looked back, and Mueller-Owens punched her in her left arm with a closed fist. She said they both swung on each other with Mueller continuing to punch her all over. [REDACTED] stated she was punching Mueller-Owens on top of his head. [REDACTED] said Mueller-Owens then pushed her out of the doorway to the lockers across the hallway. [REDACTED] said Gue intervened when they were at the lockers. [REDACTED] stated Mueller-Owens then flipped her over and slammed her onto the floor. She said both Muller-Owens and Gue ended up landing on her. [REDACTED] said she was lying on her back, and Mueller-Owens ended up sitting on her arm. [REDACTED] said nothing physical happened after this, and she was escorted to another classroom. I asked [REDACTED] if she was injured, and she told me her arm where Mueller-Owens punched her at hurt. She said there wasn't a visible injury to her arm. She also told me her lip was busted. I examined [REDACTED] outside and inside lips and didn't see blood or a cut. [REDACTED] then showed me two of [REDACTED] braids which she was holding in her hand. [REDACTED] told me [REDACTED] braids were ripped out of her head, and it takes a lot of force to pull these out from the root. I asked [REDACTED] when this occurred, and she said she noticed they were out after Mueller-Owens flipped her onto the ground.

Mueller-Owens Statement

Mueller-Owens told me [REDACTED] first hour teacher asked for assistance right away, stating she was already anxious because [REDACTED] came into the classroom dropping F-bombs. He said they put one of their behavioral people in the classroom and that didn't go well, and [REDACTED] ended up leaving the classroom. Mueller-Owens told me when [REDACTED] gets elevated, she has a problem communicating with her teachers.

Mueller-Owens said he and Gue and were able to get [REDACTED] to a place where she could come into his office and have a conversation. He said they spoke to [REDACTED] and thought they had a very positive interaction. Gue escorted [REDACTED] back to class and approximately 5 minutes later, Gue called him for assistance in the classroom. Mueller-Owens said when he got to the classroom, he didn't enter and motioned to [REDACTED] in a friendly manner because he still thought they were good because they had just had this positive meeting. He said [REDACTED] started raising her voice saying she wasn't going to talk to him and for him to leave her alone. Mueller-Owens didn't remember [REDACTED] exact language but stated it was very intense. He walked into the classroom nonchalantly, trying to keep things low key so as not to disturb the other students. He walked over to [REDACTED] asking her to come with him so they could talk and figure this out. Mueller-Owens said she walked toward the classroom door, so he thought things were good and she was going to leave, but instead of going to the door, she went to the pencil sharpener and started sharpening her pencil. He said he stood behind her telling her, "Let's just leave and go and talk about this." Mueller-Owens said [REDACTED] turned around and walked away from him. He said he followed her once again, telling her to come on, let's go, we can do this, we can keep this together. He said she then walked to the wall perpendicular to classroom door. Mueller-Owens told me [REDACTED] then said, "I'm going to swing on you." He said he turned to Mrs. Pietz and



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT

REPORTING OFFICER
DRURI TOBIASREPORT DATE
2/13/2019

NARRATIVE (continuation)

told her to evacuate the classroom to the library because things were going downhill. Mueller-Owens said before Mrs. Pietz could even turn around and address the classroom [REDACTED] said, "Fuck this" and started to exit the classroom door. He said as [REDACTED] was exiting the door, she started to slam the door, but he stuck his foot in the door in order to prevent it from slamming and freaking out the other students anymore. He said [REDACTED] then swung the door open and started wailing on him, punching him in the face and head. Mueller-Owens didn't have any visible injuries. He said he put his arms up to protect his face and then started pushing her forward out of the classroom. Mueller-Owens said Gue then tried to intervene. He then wrapped his arms around [REDACTED] upper body. Mueller-Owens said he wanted to get control of [REDACTED] because [REDACTED]. He said he walked her back into the lockers, and they somehow pivoted and all three of them ended up falling into a pile onto the floor. He said Gue was lying on [REDACTED] left arm and he was lying on her right arm, and Gue's legs were lying on [REDACTED] legs. He told me he never pushed or punched [REDACTED] and she started wailing on him first. He said the only time he touched her was to move her forward to prevent her from attacking him further. Mueller-Owens said he never grabbed at her hair intentionally but stated it was everywhere. He said school security officer, Brandon, came and relieved him. Mueller-Owens said he immediately went and called Principal Natalello who was off location at a principals' meeting.

Video Examination

Principal Christina M. Natalello arrived at the school and let me view the video. It was hard to see exactly what happened because the classroom where the incident took place was at the opposite end of where the video camera was located. Also, the camera just monitors activity in the hallway, and you couldn't see what actually occurred inside the doorway of the classroom. At 9:04 am, I was able to see Mueller-Owens facing [REDACTED] and walking her out of the classroom door to the lockers, across the hallway. It didn't appear that either one of them were punching each other. Once at the lockers, Gue tries to intervene, and all three of them end up falling onto the floor. It didn't look like Mueller-Owens intentionally flipped [REDACTED] over and body slammed her. It looked like they all tripped and fell on top of each other.

Disposition

Principal Natalello told me she would spend the remainder of the day interviewing students and staff about what had occurred. She explained to me this would take some time and didn't want to interrupt the school day. Since [REDACTED] didn't want to pursue any type of criminal charges, I told Principal Natalello this would be fine. She stated she would contact me at a later time once she concluded all the interviews and advise me of her findings.

NFA

PO Dru Tobias, 2640

dlb

02.PO TOBIAS, D - STATEMENTS FROM PIETZ AND GUE**MADISON POLICE DEPARTMENT**CASE# **2019-00056447****CASE REPORT SUPPLEMENT**REPORTING OFFICER
DRURI TOBIASREPORT DATE
02/19/2019**SUPPLEMENTAL NARRATIVE****Special Routing:** Chief Mike Koval, Capt. Tom Snyder, Lt. Joey Skenandore

On 02-19-2019, at 8:50 am, I responded to Whitehorse Middle School to interview staff members, **Barbara Pietz** and **Tammy Gue**, who had witnessed the disturbance between student, [REDACTED] and staff member, **Robert Mueller-Owens**. Both interviews were conducted in an empty office next to Whitehorse Principal **Christina Natalello's** office and Natalello sat in on both interviews.

Pietz's statement:

Pietz said at the beginning of the day, just before class started, [REDACTED] stuck her hand in the door, and sprayed air freshener. Pietz told me she has a fragrance sensitivity. She told me her eyes will water and she will cough. Pietz stated she closed the door to keep the odor out and started class. She stated [REDACTED] then came by her classroom, again, and sprayed air freshener into the classroom.

Pietz stated she called down to the office and said [REDACTED] is spraying air freshener in my room and I'm sensitive to that, can somebody please come and take the air freshener away from her. Pietz told me she completed science with her class and then [REDACTED] class comes in. She said [REDACTED] didn't come in right away with her class, but came in halfway through the class with a staff member and was told to go sit in her seat. Pietz couldn't remember who the staff member was [REDACTED] came in with [REDACTED] didn't sit in her seat and sat in a seat in the front of the class, near some friends of hers. Pietz stated she went over to [REDACTED] to re-direct her to go to her seat. [REDACTED] didn't move, so Pietz went back teaching the class. Pietz told me [REDACTED] had in headphones connected to her cell phone and was listening to music and continuing to talk to her friends, disrupting the class. Pietz said she talked to [REDACTED] three more times, trying to get her to move to her seat. Pietz told me she finally walked over to [REDACTED] and stood next to her. She told [REDACTED] she needed to go to her seat, now. [REDACTED] told Pietz, "I was going too, but I'm not going to now, because you're standing by me. You need to go away." Pietz told her, "I'm going to stand by you, until you go to your seat, you've had multiple chances." [REDACTED] then told Pietz, "I'm going to spray air freshener in your face. You need to leave me alone." Pietz told me she then called for support, again.

Pietz informed me Special Education Assistant, **Tammy Gue**, came to the classroom. Gue tried to get [REDACTED] to leave the classroom and she wouldn't go. Gue called for Robert Mueller-Owens, Positive Behavior Coach. Mueller-Owens responded to the classroom. [REDACTED] then goes and sits in her seat. Mueller-Owens stands in the doorway and quietly motions to [REDACTED] to get her attention to come out, but she ignores him. He then comes into the room and asks [REDACTED] to come over. She walks over to the door, but refuses to leave the room. Pietz told me Mueller-Owens then lightly put his arm around [REDACTED] upper back to guide her out of the room. [REDACTED] then got upset and started yelling, "Don't touch me. You can't touch me" Pietz said Mueller-Owens backed off and stood in the corner, trying to give her some space. Mueller-Owens continued trying to verbalize with [REDACTED] to get her to go, but she continued to refuse. Pietz advised me she couldn't remember if it was Mueller-Owens or Gue, but one of them radioed over their portable radio for school security officer, **Brandon Hillman**, to respond. Mueller-Owens then asked Pietz if she would escort her class to the LMC (Library). Pietz stated she turned around and faced her class to prepare them to leave. She said something happened behind her back, but she didn't see it, because she is facing the class. Pietz told me when she looked Mueller-Owens and [REDACTED] were out, in the hallway, on the floor. She said Mueller-Owens' eyeglasses were also laying on the floor. Pietz stated she couldn't see where Gue was at. Pietz then heard Gue say, "I got her Rob (Mueller-Owens), you can get up." Pietz then closed the classroom door. Pietz told me this concluded her involvement in the incident. I asked Pietz who initiated the physical contact and she told me she didn't know because her back was turned.



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DRURI TOBIASREPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE (continuation)

Tammy Gue's Statement:

Gue said Mueller-Owens radioed them this morning and made the comment that [REDACTED] wasn't in the best mood. Gue told me [REDACTED] and been in and out of class this morning and had gotten kicked out of her 1st period, homeroom class, because she got in to a verbal argument with her homeroom teacher, **Jacqueline Hilmer**.

Gue told me Mueller-Owens and her spoke to [REDACTED] and came up with some strategies to get her to calm down and self-regulate. Gue took [REDACTED] back to Pietz's class. Gue stated they got a call about [REDACTED] allegedly having a bottle of fragrance. Gue ended up going back to Pietz's class and stayed with [REDACTED] for the remainder of the class. Gue stated she never saw a bottle of air freshener in the classroom, but there was a scent of fragrance in the hallway. Gue told me she was standing to the left of the door and [REDACTED] was on the other side. She said [REDACTED] was sitting down working on math. Gue said another call came in over the radio about [REDACTED] making the comment, if the teacher doesn't shut the fuck up talking to her, she's going to spray her with the air spray. Gue advised me she was shocked because she never heard the comment by [REDACTED] and wasn't sure when it occurred. Gue stated Mueller-Owens came in and walked over to [REDACTED]. Gue described it as being like a cat and mouse game between [REDACTED] and Mueller-Owens. He told [REDACTED] to get out and [REDACTED] said, "I'm not going anywhere." She told me Mueller-Owens was following [REDACTED] around the room. Gue said [REDACTED] positioned herself to the right of the classroom door and was leaning against the wall. [REDACTED] started making comments saying, "I'm not fucking leaving, shut the fuck up, leave me the fuck alone, don't touch me."

Gue said Mueller-Owens was standing there with his hands folded in front of him and [REDACTED] just kept on cursing him out. She said Mueller-Owens then turned to Pietz and told her she needed to remove her class and take them to the LMC. Gue told me Mueller-Owens then nudged [REDACTED] and said, "Go." Gue described this nudge as Mueller-Owens placing the open palm of one of his hands on [REDACTED] back and pushing her forward. Gue said [REDACTED] then threw her shoulder/arm backwards, like to indicate get off me. [REDACTED] then said, "Don't fucking touch me. I'm not fucking going nowhere. You white bald headed motherfucker." Gue told me [REDACTED] walked to the door and opened it, then closed it. Gue stated Mueller-Owens stuck his foot in the door. Mueller-Owens opened the door, then [REDACTED] opened the door with the both of them playing tug-of-war with the door. Gue said Mueller-Owens and [REDACTED] are facing each other, now, and he then pushes her out of the door, using the open palm of one of his hands. She said [REDACTED] then punched Mueller-Owens in the face, using the closed fist of her left hand, and breaking his eyeglasses.

Gue stated hands just started flailing between them both, with [REDACTED] still yelling, "Don't fucking touch me." Gue described hands flailing to me as punches and slaps being thrown. Gue told me she ran out of the classroom and Mueller-Owens is pushing [REDACTED] back into the hallway. Gue tries to get in between them, but before she could do that, she said Mueller-Owens grabs both of them, pivots, and throws them onto the ground. Gue told me she ended up on her knees with her legs on [REDACTED] legs and her holding [REDACTED] right hand down. She said Mueller-Owens ended up, laying on [REDACTED] left arm. Gue stated she took [REDACTED] into a computer room and then [REDACTED] started screaming about her hair, saying Mueller-Owens tore her hair out. Gue said she never saw Mueller-Owens grab [REDACTED] hair, but saw his physical aggression as he was pushing her out of the class. Gue said she suspected when the hands started flying Mueller-Owens caught [REDACTED] braids. I asked Gue who initiated the physical contact and she said Mueller-Owens. She told me there was no justification for Mueller-Owens to push her out of the classroom.



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DRURI TOBIAS

REPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE (continuation)

Gue told me she didn't remember Mueller-Owens ever punching [redacted] the arm after pushing her out of the door. She said she only saw him forcefully push her out the door, but [redacted] could have thought it was a punch. This concluded my interview with Gue.

Additional Information:

MMSD Coordinator of Security and Safety, **Joe Balles**, dropped off a copy of the video of the hallway struggle between [redacted] and Mueller-Owens. This video will be tagged as evidence.

Principal Natalello also advised me [redacted] and three other students had completed written statements about what they had witnessed, but they had to check with their legal department, to see if it was ok to release the kid's names and their statements.

Principal Natalello told me at the start of school [redacted] did have a large bottle of Febreze which she was spraying, and from her understanding it was taken away from her.

PO Druri F. Tobias #2640

/mrs

03.DET SWANSON - WITNESS STATEMENT OF [REDACTED]



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE

PLEASE ROUTE COPY TO CHIEF MIKE KOVAL, CAPTAIN TOM SNYDER AND LT JOEY SKENANDORE

WITNESS STATEMENT OF [REDACTED]

On 02/19/2019, myself and Det. Pihlaja were assigned to assist with this incident. We originally met with Captain Snyder and Lt. Skenandore, who briefed us on the incident. Lt. Skenandore also provided us a copy of a video from the incident. The video covered a hallway in the school, where the incident took place. Det. Pihlaja and I viewed the video. In viewing the video, it was difficult to see exactly what was going on as the camera that captured part of the incident was on the other end of the long hallway.

While watching the video, it appeared there is an altercation of some sort on the other end of the hallway. It then appeared two subject emerge from a doorway and quickly make their way across the hallway and went against the lockers. It appeared the first subject to exit the room was facing backwards and the second subject had their arms extended straight, against the first subject as if they were trying to push the first subject back. It then appeared both subjects went against the lockers and then fell to the ground together. There appears to be a third subject who attempts to intervene as the subjects fall to the ground and this third subject then falls to the ground, but right after the first two subjects fall. The subject with their arms extended and pushing the other subject backwards did not appear to be swinging their arms.

Captain Snyder then emailed Det. Pihlaja and I the contact information for three students that had witnessed the incident that took place. We also learned these three students provided written statements to school officials, not associated with MPD, after the incident. We were also informed that the principle of Whitehorse Middle School had called the parents of the three students on 02/19/19 and asked if detectives could come and talk to their children about the incident, in which the parents granted such consent. Det. Pihlaja and I attempted contact at the first student's house but the family was not home and were not available. This student is [REDACTED] and she resides at [REDACTED]

Det. Pihlaja and I then drove to meet with student [REDACTED]. We were eventually able to meet with [REDACTED] and her mother, [REDACTED] whom was also present for the interview. [REDACTED] invited us into the residence and allowed us to sit in the living room. Det. Pihlaja and I were seated on a couch, directly across from [REDACTED] identified myself and Det. Pihlaja to [REDACTED] and made sure she understood that she was not in any trouble and that we only wanted to talk to her about what she may have witnessed during this incident. I also explained to [REDACTED] that as I was asking questions, it was perfectly alright if she did not know the answer to a question and to tell me she did not know. [REDACTED] told me she understood this.

I verified with [REDACTED] where she goes to school and she told me Whitehorse Middle School. [REDACTED] stated she was in the 6th grade. I asked [REDACTED] if she knew who [REDACTED] was and she stated yes and that she is currently friends with [REDACTED]. I asked [REDACTED] if she remembered an incident last week in which there was a disturbance in a classroom between [REDACTED] and a male teacher and she stated yes. [REDACTED] told us that [REDACTED] got into a disturbance with "Mr. Rob" and that "Mrs. Tammy" was also available. [REDACTED] verified that she was talking about Robert Mueller-Owens and Tammy Gue, both who work to "de-escalate" behavior situations. [REDACTED] told me that on the day of the incident she was in science class with Mrs.



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSONREPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE (continuation)

Pietz as the teacher. [REDACTED] said the class is about one hour long and that at about half way through class [REDACTED] came into the class and was accompanied by "Mrs. James." [REDACTED] told me that [REDACTED] was standing up in class and not sitting down in her seat and she was instructed to do. [REDACTED] stated [REDACTED] was told by Mrs. Pietz to sit down and [REDACTED] replied "I'll sit down when you take a shower." [REDACTED] explained that the students think it can smell in the classroom at times and that [REDACTED] was also going to spray Febreeze in the classroom on this date. [REDACTED] stated she didn't see the Febreeze but knew [REDACTED] had it in her backpack, which was in the classroom with her. I asked [REDACTED] if [REDACTED] threatened to spray the Febreeze at Mrs. Pietz and she [REDACTED] replied [REDACTED] may have threatened to spray Mrs. Pietz with the Febreeze.

[REDACTED] stated Mrs. Pietz called for support and Mr. Rob showed up to help with the situation. [REDACTED] said Mr. Rob asked [REDACTED] to walk out of the classroom but [REDACTED] stated she was not going to leave. [REDACTED] told me Mr. Rob then grabbed [REDACTED] arm and told her she had to leave the classroom but she again refused. [REDACTED] said [REDACTED] then told Mr. Rob not to touch her and that if he touched her again, she would punch him. [REDACTED] told me Mr. Rob then called for additional support in getting [REDACTED] to leave the classroom. [REDACTED] told me at this point she stopped paying attention for about 2-5 minutes because the situation did not involve her. [REDACTED] stated after a few minutes, she looked up and began to watch the incident again. [REDACTED] stated that Mr. Rob was standing at the door of the classroom but still in the classroom and [REDACTED] was also standing at the door, facing Mr. Rob, but was outside of the threshold of the door. [REDACTED] said [REDACTED] then began "throwing punches" at Mr. Rob with a closed fist. [REDACTED] told me [REDACTED] was using both fists to repeatedly strike Mr. Rob in the face and head and ended up knocking his eyeglasses off of his face while she was punching him. [REDACTED] said while [REDACTED] was punching Mr. Rob in the face with both fists, Mr. Rob was trying to grab [REDACTED] hands and shoulders to "get her off of him." [REDACTED] stated Mr. Rob then pushed [REDACTED] back, trying to get her away from him. [REDACTED] stated she didn't really see what happened when Mr. Rob and [REDACTED] left the classroom door but as she looked further, she could see Mr. Rob on the floor in the hallway. [REDACTED] told me another teacher, possibly Mrs. Tammy (Tammy Gue) went over to help Mr. Rob up off of the ground as he was slow to get up. [REDACTED] stated she could see Mr. Rob's face after he was helped off the ground and his face appeared "all red." I asked [REDACTED] if she saw Mr. Rob hit or punch [REDACTED] at all during the incident and she replied "no." I asked [REDACTED] where Mr. Rob touched [REDACTED] and she replied on her arm and shoulders as he was attempting to escort [REDACTED] out of the classroom.

[REDACTED] stated immediately after the incident, Mrs. Tammy came into the classroom and asked who saw the incident. [REDACTED] stated her, [REDACTED] and [REDACTED] all raised their hands because they are friends with [REDACTED] stated Mrs. Tammy took them to another room and had them write down what they witnessed. I asked [REDACTED] if she saw any injuries on [REDACTED] at all, including on her face and she stated no, she did not see any injuries on [REDACTED] after the incident.

I asked [REDACTED] if she could think of anything else she thought Det. Pihlaja should know and she stated no. I asked [REDACTED] if she had any questions she wanted to ask Det. Pihlaja and I and she stated no. I then asked [REDACTED] if she had any questions for us and she stated no, she did not. This then concluded our interview with [REDACTED] and we left the residence. NFA



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE (continuation)

Det. Daniel Swanson #4440

04.DET PIHLAJA - INTERVIEW/ [REDACTED]



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
GARY PIHLAJA

REPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE

On 2/19/19, I was assigned to follow-up on a disturbance incident from Whitehorse Middle School by Lt. Det. Schiferl. This incident occurred on 2/13/19 and was initially investigated by PO Tobias. See original and supplement reports for further information.

School Video

On 2/19/19, Lt. Skenandore provided Det. Dan Swanson and I with a copy of the school surveillance video from Whitehorse which captured some of this incident. The camera was mounted in the hallway and the disturbance occurred at the other end of the hallway from the camera. The disturbance was captured in the video on 2/13/19 at 9:04 AM on the 227 WH Office Hall camera. The video shows one person with their back pointed toward the hallway lockers being pushed backwards out of a classroom by another person who is walking forward with their arms extended out in front of them. The person who has their arms extended out appears to be a larger statured person and the person being pushed backward appears to be a smaller person. The smaller person who is being pushed backwards appears to cock one of their arms back at their shoulder level with their forearm still pointed forward. Based on my training and experience, it appeared as though this person was cocking their arm back to throw a punch. This person does not actually throw a punch before being pushed into the lockers by the larger person. Another person comes out of the classroom that the first two came out of and appears to be trying to intervene with the first two who are engaged in a physical struggle up against the lockers in the hall. It does not appear that any punches were thrown while the first two were up against the hall lockers. The first two people appear to fall down to the floor together and a very short time later, the third person also falls down on top of them. Once on the floor, two of the people appear to be trying to hold down the third person. Additional school staff converge on the disturbance and the primary parties are then separated after getting up off the floor. Based on statements of witnesses and involved persons, the larger statured person is likely Robert Mueller Owens, the smaller statured person being pushed backward who cocks her arm back is likely [REDACTED] and the third person who comes out of the classroom is likely Tammy Gue.

On 2/19/19, Capt. Snyder provided Det. Swanson and I with the names of three students who witnessed this incident. These students were [REDACTED]. On 2/19/19, Det. Swanson and I went to [REDACTED] the home of [REDACTED] and no one answered the door. I contacted her mother, [REDACTED] over the phone and [REDACTED] advised me that she and [REDACTED] were not home at the time. [REDACTED] told me that [REDACTED] were not available to talk to the police that night. [REDACTED] agreed to meet with officers on 2/21/19 to allow us to speak with [REDACTED]. Det. Swanson and I then went to [REDACTED] and spoke with one of the other students, [REDACTED], and her mother, [REDACTED]. See Det. Swanson's report for further information about [REDACTED] statement.

Interview with [REDACTED]

Capt. Snyder provided Det. Swanson and I with written statements from the three students regarding the incident. Prior to speaking with [REDACTED] I read her statement which was dated 2/13/19. In this statement, [REDACTED] wrote that Mr. Rob punched [REDACTED] on the back when [REDACTED] told him not to touch her. [REDACTED] wrote that [REDACTED] then started punching Mr. Rob.

Det. Swanson and I went to [REDACTED] and met with [REDACTED] and identified her verbally. We were allowed into the residence by an adult male who advised us that he spoke with [REDACTED]



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
GARY PIHLAJAREPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE (continuation)

mother, [REDACTED] who was currently in the shower, and he told us that she was fine with us talking with [REDACTED].

[REDACTED] told us that she is a 6th grade student at Whitehorse Middle School. I asked [REDACTED] how she knew [REDACTED] and she told us that they are best friends and have known each other since meeting in summer school in 2018. [REDACTED] told us that she [REDACTED] and [REDACTED] were all friends. [REDACTED] told us that the incident between Mr. Rob (Robert Mueller Owens) and [REDACTED] occurred during Miss Pietz's science class. [REDACTED] told us that the disturbance started about 30 minutes into the class. [REDACTED] told us that [REDACTED] came into class after class had started and she was escorted in by another staff member. [REDACTED] told us that [REDACTED] stood next to the "break chair" in the room instead of going to her normal desk. [REDACTED] told us that the break chair is a seat where students can sit and calm down when they are upset about something.

[REDACTED] told us that Miss Pietz asked [REDACTED] to sit down in her normal seat, but [REDACTED] wouldn't. [REDACTED] told us that [REDACTED] then told Miss Pietz that she was going to spray Miss Pietz with Febreze air freshener. I asked [REDACTED] if there was any kind of argument or words exchanged between [REDACTED] and Miss Pietz prior to this and [REDACTED] told us that she could not remember. [REDACTED] told us that [REDACTED] did not spray Miss Pietz with anything. I asked [REDACTED] if she ever saw [REDACTED] with a bottle of Febreze and [REDACTED] told us that she did. [REDACTED] told us that she saw [REDACTED] with a bottle in the classroom during this disturbance, but then changed her story and said that the bottle was in [REDACTED] locker.

[REDACTED] told us that Miss Pietz called on the school radio asking for additional staff help to deal with [REDACTED] after [REDACTED] said she was going to spray Miss Pietz with Febreze. [REDACTED] stated that Mr. Rob was first staff member who came to the room. [REDACTED] told us that initially, the only staff members in the room were Miss Pietz and Mr. Rob. [REDACTED] advised us that Mr. Rob told [REDACTED] that she needed to leave the classroom and [REDACTED] said no. I asked [REDACTED] if there were any other arguments or words exchanged between [REDACTED] and Mr. Rob and [REDACTED] told us that she could not remember exactly.

[REDACTED] told us that [REDACTED] and Mr. Rob were standing by the classroom door and at one point, Mr. Rob touched [REDACTED] arm to try to bring her out of the classroom. [REDACTED] told us that Mr. Rob was standing next to [REDACTED] and put his hand on her arm.

[REDACTED] told us that Mr. Rob then pushed [REDACTED] up against the wall by the door inside the classroom. [REDACTED] had a difficult time explaining how this happened or what caused it to happen, but eventually told us that [REDACTED] back was pushed against the wall and [REDACTED] thought that Mr. Rob used one hand to push her. [REDACTED] then told us that she never actually saw Mr. Rob push [REDACTED] up against the wall in the classroom. [REDACTED] told us that she saw [REDACTED] back get pushed up against the wall in the room and she saw Mr. Rob had at least one arm outstretched at around the same time. [REDACTED] told us that she saw motion between Mr. Rob and [REDACTED] but never actually saw Mr. Rob's hand make contact with [REDACTED] in a shoving motion.

[REDACTED] told us that Mr. Rob then told Miss Pietz to take the other students down to the LRC (the school library). [REDACTED] advised us that [REDACTED] didn't want all the other students to leave the room, so she started to walk toward the classroom door and Mr. Rob followed her. [REDACTED] told us that [REDACTED] then turned around in the classroom doorway and was standing facing Mr. Rob while screaming things to the effect of "Don't put your hands on me". [REDACTED] stated that Mr. Rob then put both of his hands on the area of [REDACTED] shoulders and upper arms and Mr. Rob's arms were outstretched. [REDACTED] told us that [REDACTED] was throwing closed fist punches with both



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
GARY PIHLAJAREPORT DATE
02/19/2019

SUPPLEMENTAL NARRATIVE (continuation)

hands and arms at Mr. Rob at that time. [REDACTED] told us that [REDACTED] was hitting Mr. Rob in the face and head. [REDACTED] told us that she saw [REDACTED] knock Mr. Rob's glasses off of his face. [REDACTED] told us that Mr. Rob kept both of his arms outstretched and pushed [REDACTED] out into the hallway and pushed her up against the lockers on the other side of the hall. [REDACTED] told us that when [REDACTED] started throwing punches at Mr. Rob, [REDACTED] was standing in the doorway of the classroom and Mr. Rob was standing facing [REDACTED] but just inside the room. [REDACTED] told us that she never saw Mr. Rob hit or throw any punches or kicks at [REDACTED]. [REDACTED] told us that she only saw Mr. Rob push [REDACTED] into the hallway with two outstretched arms during this incident. I asked [REDACTED] if she ever saw Mr. Rob's arms flailing or moving around rapidly and [REDACTED] told us that she did not see that. [REDACTED] told us that she felt that [REDACTED] became upset with Mr. Rob and started hitting him because she did not like Mr. Rob putting his hands on her. I asked [REDACTED] why she thought Mr. Rob put his hands on [REDACTED] shoulders in the classroom doorway and [REDACTED] told us something to the effect of "To get her off him and to get her out of the room".

[REDACTED] told us that Miss Pietz immediately shut the classroom door after Mr. Rob and [REDACTED] were out in the hallway. [REDACTED] told us that she did not see what happened in the hallway after the door was shut. I asked [REDACTED] what Mr. Rob tried to do to get [REDACTED] out of the room before this disturbance occurred and for how long those efforts lasted and [REDACTED] told us that she did not remember. [REDACTED] told us that Miss Pietz was standing in the corner of the classroom during this disturbance and was watching what was happening the entire time.

[REDACTED] told us that shortly after the disturbance, she looked out into the hallway and saw Miss Tammy picking up some locks of hair off the floor. [REDACTED] told us that [REDACTED] later told her that Mr. Rob had pulled three locks of hair out of her head while out in the hall. [REDACTED] told us that she did not directly witness this. [REDACTED] told us that she did not notice any obvious physical injuries on [REDACTED] or Mr. Rob after this incident.

[REDACTED] told us that shortly after the incident, Miss Tammy came into the classroom and asked her [REDACTED] and [REDACTED] to come to a separate room. [REDACTED] told us that Miss Tammy asked the three of them to write down statements about what they saw. [REDACTED] told us that Miss Tammy knew that she [REDACTED] and [REDACTED] were all friends with [REDACTED]. [REDACTED] told us that Miss Tammy did not ask any of the other students in the classroom if they saw what happened or to provide a statement.

[REDACTED] told us that she did not talk to any school staff about this incident after Miss Tammy asked her to provide a written statement. [REDACTED] told us that there was talk amongst the students about this incident and there were some rumors being told about it after the fact, but [REDACTED] could not remember specifically what the other students were saying about it. [REDACTED] told us that she felt that [REDACTED] did not do anything wrong with her actions during this incident and she felt that Mr. Rob was wrong to push [REDACTED] out of the classroom.

[REDACTED] advised us that she did not have any further information to provide about this incident. Det. Swanson and I then ended our contact with [REDACTED].

NFA

Det. Gary Pihlaja, 4227

05.DET SWANSON - DOCUMENTS FROM CAPT SNYDER

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
CASE REPORT SUPPLEMENT		

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/21/2019
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SUPPLEMENTAL NARRATIVE

On 02/21/19 I was provided with the attached documents by Captain Snyder, reference this case. One document is the Madison Metropolitan School District's written policy for the Use of Restraint and/or Seclusion. Also attached is Wisconsin State Statute 118.305, titled Use of Seclusion and Physical Restraint. NFA

Det. Daniel Swanson #4440

06.MMSD Policy and WI State Statute

BoardDocs® Policy: 4221 Use of Restraint and/or Seclusion

Page 1 of 3

MAD 19-56447



Book	Policies & Procedures
Section	04000 Pupils
Title	Use of Restraint and/or Seclusion
Code	4221
Status	Active
Last Revised	August 27, 2012

MMSD Policies and Procedures: 4221

Use of Restraint and/or Seclusion

POLICY

School discipline requires the guidance of students in a way which permits the orderly and efficient operation of the school. The BOARD does not condone the use of, restraint or seclusion by employees when dealing with students, and corporal punishment and unreasonable use of physical force are expressly prohibited. The BOARD recognizes, however, that it may be necessary for school personnel to use reasonable and appropriate restraint and/or seclusion when a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention feasible.

PROCEDURE

1. Reasonable Use of Restraint:

- a. Reasonable restraint may be used by school personnel when necessary to restrain, remove, or disarm students whose behavior presents a clear, present, and imminent risk to the physical safety of the student or others.
- b. Restraint is necessary only when it is the least restrictive intervention feasible.
- c. In determining whether the use of restraint is reasonable and necessary, all circumstances surrounding the incident shall be considered, including without limitation, the seriousness of the problem and the threat posed by the student, and the availability and use of other means of intervention not involving the use of restraint.
- d. The degree of force used and the duration of the restraint shall not exceed the degree and duration that are reasonable and necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.

2. Training related to the use of restraint:

- a. Except in circumstances set forth in 2.b., no District employee shall engage in restraint unless he or she has received training in the use of restraint.

- b. A District employee who has not received training in the use of restraint may engage in restraint only in an emergency and only if a District employee who has been trained in the use of restraint is not immediately available due to the unforeseen nature of the emergency.

3. Reasonable Use of Seclusion:

- a. Seclusion may be used on a student if the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible.
- b. Seclusion may be used only if a District employee maintains constant supervision of the student.
- c. Seclusion may be used only if the area or room used for seclusion is free of objects or fixtures that may injure the student.
- d. If a student is secluded in a room, no door connecting the room may be capable of being locked.
- e. If a student is secluded the student must have adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals and the duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.

4. Reasonable use of physical intervention:

- a. Physical intervention may be used on a student if the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible.
- b. In determining whether the use of physical intervention is reasonable and necessary, all circumstances surrounding the incident shall be considered, including without limitation, the seriousness of the problem and the threat posed by the student, and the availability and use of other means of intervention not involving the use of physical intervention.
- c. Examples of physical intervention that could be reasonable and necessary include, but are not limited to, the following:
 - 1. Using physical intervention to quell a disturbance or prevent an act that threatens physical injury to any person;
 - 2. Using physical intervention to obtain possession of a weapon or other dangerous object within a student's control;
 - 3. Using physical intervention for the purpose of self defense or the defense of others;
 - 4. Using physical intervention to prevent a student from inflicting harm on himself or herself.

5. Corporal Punishment and Unreasonable Use of Physical Intervention Prohibited:

- a. The unreasonable use of physical intervention occurs as a result of using physical intervention (1) when it is not necessary to use such physical intervention, or (2) when it is no longer necessary to use such physical intervention.
- b. Corporal punishment is the unreasonable and unnecessary use of physical intervention. It is defined as the intentional infliction of physical pain which is used as a means of discipline.
- c. Corporal punishment and the unreasonable use of physical intervention are prohibited.
- d. Examples of corporal punishment and the unreasonable use of physical intervention are as follows:
 - 1. Slapping;
 - 2. Paddling;
 - 3. Punching;
 - 4. Kicking;
 - 5. Pinching;
 - 6. Prolonged maintenance of physically painful position.

6. Reporting:

- a. Each incident of restraint or seclusion shall be reported to the Building Principal as soon as practicable after the incident of restraint or seclusion has ended.

- b. Each incident of restraint or seclusion shall be reported to a student's parent no later than one business day after the incident.
- c. Each incident of restraint or seclusion shall be documented by school personnel in a written report within 2 days after the incident.
- d. Annually by September 1, beginning on September 1, 2013, each Principal shall submit to the Board of Education a report containing all the following:
 - 1. The total number of incidents of restraint and seclusion during the previous school year.
 - 2. The total number of students who were involved in incidents of restraint or seclusion.
 - 3. The number of children with disabilities who were involved in incidents of restraint or seclusion.

7. Definitions:

- a. In this Policy the following definitions apply:

- 1. Restraint - a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs or head. The definition of restraint does not include briefly touching a student's hand, arm, shoulder or back to calm, comfort, or redirect the student.
- 2. Seclusion - involuntary confinement of a student, apart from others, in a room or area from which the student is physically prevented from leaving. The definition of seclusion does not include the following:
 - 1. Directing a student who is disruptive to temporarily separate himself or herself from the general activity in the classroom to allow the student to regain behavioral control and the employee to maintain or regain classroom order if the student is not confined to an area from which he or she is physically prevented from leaving.
 - 2. Directing a student to temporarily remain in the classroom to complete tasks while other students participate in activities outside the classroom if the student is not physically prevented from leaving the classroom.

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MAPD 19-56447

118.305 Use of seclusion and physical restraint.

(1) DEFINITIONS. In this section:

- (a) "Child" has the meaning given in s. 115.76 (3).
- (b) "Child with a disability" has the meaning given in s. 115.76 (5).
- (c)

1. "Covered individual" means all of the following, except as provided in subd. 2.:

a. An individual who is employed by a governing body, or under contract with a governing body as an independent contractor, to provide services for the benefit of the school governed by the governing body.

b. An individual who is employed by a person under contract with a governing body to provide services for the benefit of the school governed by the governing body.

c. An individual who is engaged in student teaching under the supervision of an individual described in subd. 1. a.

2. "Covered individual" does not include any of the following:

- a. A member of a governing body.
- b. A law enforcement officer who is authorized or designated by a governing body to perform any duty under s. 118.125 (1) (bL) 1. or 2. in a school governed by the governing body.

(d) "Governing body" means the governing body in charge of a school.

(e) "Individualized education program" has the meaning given in s. 115.76 (9).

(f) "Parent" has the meaning given in s. 115.76 (12).

(g) "Physical restraint" means a restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs, or head.

(h) "School" means a public school, including a charter school, and a private school participating in the program under s. 115.7915.

(i) "Seclusion" means the involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving.

(2) SECLUSION; CONDITIONS FOR USE. A covered individual may use seclusion on a pupil at school only if all of the following apply:

(a) The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention feasible.

(b) A covered individual maintains constant supervision of the pupil, either by remaining in the room or area with the pupil or by observing the pupil through a window that allows the covered individual to see the pupil at all times.

(c) The room or area in which the pupil is secluded is free of objects or fixtures that may injure the pupil.

(d) The pupil has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

(e) The duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil or others.

(f) No door connecting the room or area in which the pupil is secluded to other rooms or areas is capable of being locked.

(3) PHYSICAL RESTRAINT; CONDITIONS FOR USE. A covered individual may use physical restraint on a pupil at school only if all of the following apply:

(a) The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention feasible.

(b) There are no medical contraindications to its use.

(c) The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil or others.

(d) None of the following maneuvers or techniques are used:

1. Those that do not give adequate attention and care to protecting the pupil's head.

2. Those that cause chest compression by placing pressure or weight on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen.

3. Those that place pressure or weight on the pupil's neck or throat, on an artery, or on the back of the pupil's head or neck, or that otherwise obstruct the pupil's circulation or breathing.

(e) It does not constitute corporal punishment, as defined in s. 118.31 (1).

(f) The covered individual does not use a mechanical or chemical restraint on the pupil. The use of supportive equipment to properly align a pupil's body, assist a pupil to maintain balance, or assist a pupil's mobility, under the direction and oversight of appropriate medical or therapeutic staff, does not constitute the use of a mechanical restraint.

(4) NOTIFICATION AND REPORTING FOLLOWING USE OF SECLUSION OR PHYSICAL RESTRAINT.

(a) Whenever seclusion or physical restraint is used on a pupil at school, the school principal or his or her designee shall do all of the following:

1. As soon as practicable, but no later than one business day after the incident, notify the pupil's parent of the incident and of the availability of the written report under subd. 2.

2. Within 2 business days after the incident and after consulting with the covered individuals present during the incident, prepare a written report containing all of the following information:

a. The pupil's name.

b. The date, time, and duration of the use of seclusion or physical restraint.

c. A description of the incident, including a description of the actions of the pupil before, during, and after the incident.

d. The names and titles of the covered individuals present during the incident.

(b) Each report prepared under par. (a) 2. shall be retained by the school and made available for review by the pupil's parent within 3 business days of the incident.

(c) Annually by September 1, the principal of each school or his or her designee shall submit to the governing body a report containing all of the following:

1. The number of incidents of seclusion and of physical restraint in the school during the previous school year.

2. The total number of pupils who were involved in the incidents and the number of children with disabilities who were involved in the incidents.

(5) CHILD WITH A DISABILITY. The first time that seclusion or physical restraint is used on a child with a disability, the child's individualized education program team shall convene in the manner provided in s. 115.787 (4) as soon as possible after the incident. The child's individualized education program team shall review the child's individualized education program to ensure that it contains appropriate positive behavioral interventions and supports and other strategies to address the behavior of concern, as provided in s. 115.787 (2) (i), and revise it if necessary.

(6) PHYSICAL RESTRAINT; TRAINING.

(a) Except as provided in par. (c), no covered individual may use physical restraint on a pupil at school unless he or she has received training in the use of physical restraint that includes all of the following components:

1. Methods of preventing the need for physical restraint.
2. An identification and description of dangerous behavior that may indicate the need for physical restraint and methods of evaluating risk of harm in order to determine whether physical restraint is warranted.
3. Experience in administering and receiving various types of physical restraint.
4. Instruction regarding the effects of physical restraint on the person restrained, in monitoring signs of physical distress, and in obtaining medical assistance.
5. Instruction in documenting and reporting incidents of physical restraint.
6. A requirement that the trainee demonstrate proficiency in administering physical restraint.

(b) The governing body shall ensure that all of the following apply in each school that it operates in which physical restraint is used:

1. At least one covered individual has received training in the use of physical restraint under par. (a).
2. The school maintains a record of the training received by the covered individual under par. (a), including the period during which the training is considered valid by the entity that trained the covered individual.

(c) A covered individual who has not received training in the use of physical restraint under par. (a) may use physical restraint on a pupil at school only in an emergency and only if a covered individual who has received training in the use of physical restraint under par. (a) is not immediately available due to the unforeseen nature of the emergency.

(7) CONSTRUCTION. Nothing in this section prohibits a covered individual from doing any of the following at school if the pupil is not confined to an area from which he or she is physically prevented from leaving:

- (a) Directing a pupil who is disruptive to temporarily separate himself or herself from the general activity in the classroom to allow the pupil to regain behavioral control and the covered individual to maintain or regain classroom order.
- (b) Directing a pupil to temporarily remain in the classroom to complete tasks while other pupils participate in activities outside the classroom.
- (c) Briefly touching or holding a pupil's hand, arm, shoulder, or back to calm, comfort, or redirect the pupil.

History: 2011 a. 125; 2013 a. 168 s. 20; 2015 a. 55.

07.DET SWANSON - MMSD NONVIOLENT CRISIS INTERVENTION TRAINING MATERIALS



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/21/2019
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SUPPLEMENTAL NARRATIVE

MMSD NONVIOLENT CRISIS INTERVENTION TRAINING MATERIALS

On 02/21/19 Captain Snyder sent me the attached documents. One document is titled The Learner's Guide for the Nonviolent Crisis Intervention Foundation Course. This document was obtained from the MMSD and is the training materials used to train school staff in the nonviolent Crisis Intervention Training.

The second document was also obtained from the MMSD. It is a face sheet for Robert Mueller-Owens. It states that Mueller-Owens initial training date that he attended the Nonviolent Crisis Intervention training was 08/21/2018. It also states that he received Advanced Physical Hold-Supine training on 09/24/2018.

Both of these documents have been attached to this supplemental report. NFA

Det. Daniel Swanson #4440

08.NVCI Training Materials



WJD 19-56447

Demographics

First Name: ROBERT
Last Name: MUELLER-OWENS
Prior Last Name:
B#: 704692
Work Location(s) Whitehorse
Role (primary) PBS
Role (secondary)
Role (tertiary)
Edit Staff Profile
[Edit Link](#)

Nonviolent Crisis Intervention

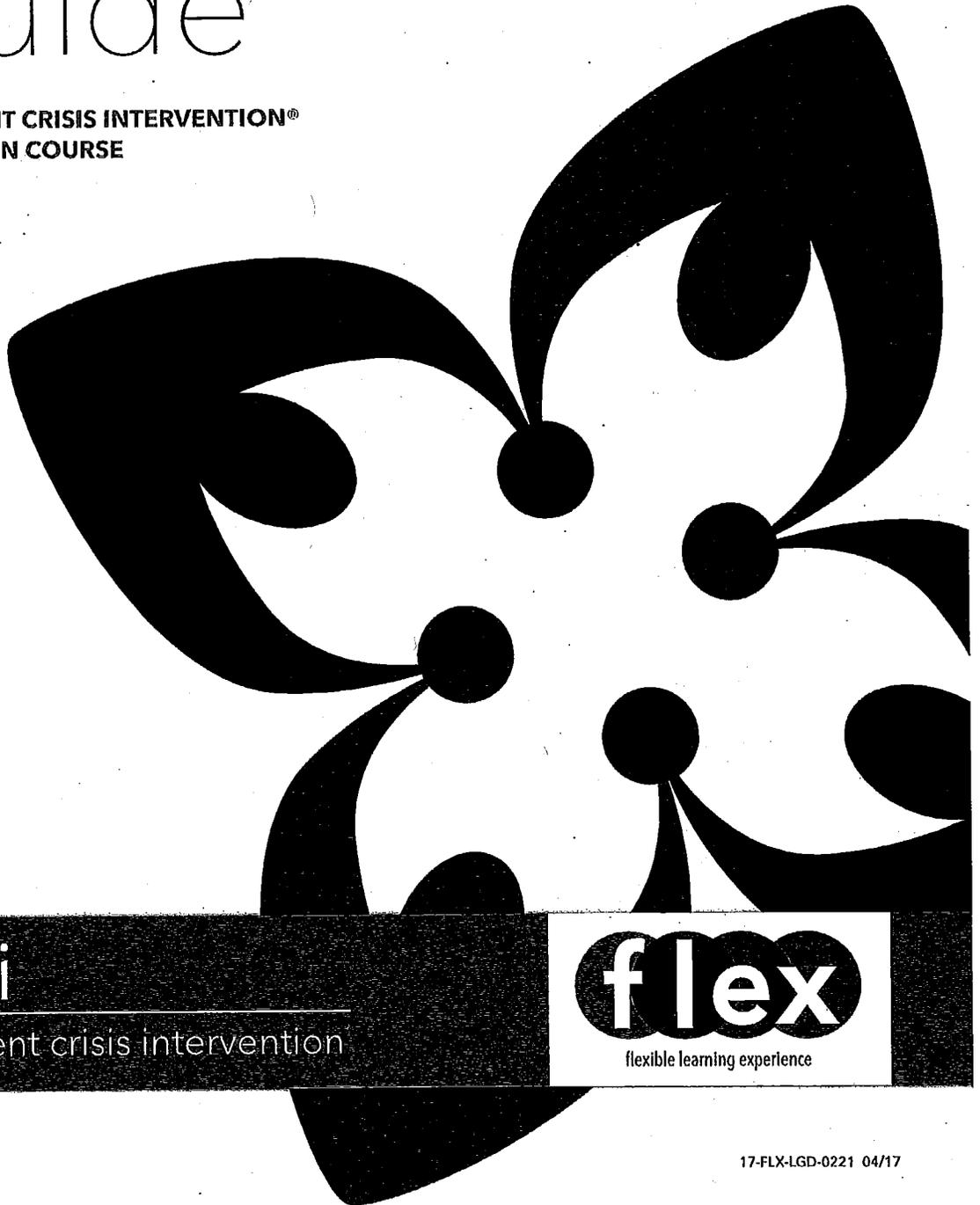
Blue Card Number FL802266
NVCI Certification Active
Type of Initial Training Flex - Initial
Date of Initial Training 8/21/2018
Notes/Comments from Training

Expiration Date 8/21/2020
HR Letter Sent
Add Link to Letter Here
Refresher Training Date
Type of Refresher
Comments/Notes Trained 9/24/18 - Advanced Physical Hold -
Supine
Is this person a Trainer?
Date of Initial Trainer Training
Next Trainer Refresher Due

MPS 19-56447

Learner's Guide

**NONVIOLENT CRISIS INTERVENTION®
FOUNDATION COURSE**



 **cpi**
nonviolent crisis intervention

flex
flexible learning experience

Online Learner's Guide

Welcome to Nonviolent Crisis Intervention® Flex training! The purpose of this guide is to get the most out of your learning experience and prepare you for the classroom portion of training. You will complete personal reflections, examples, and stories that you will be asked to share during the in-class portion of training. Think about your organization and how you will begin to apply the concepts learned in this program.

Print the guide and bring it to the classroom portion of your training. You will use this to share examples and take notes in class. You may also type directly into the document to save notes and then print.

This document is a interactive PDF. When you open it in Adobe Acrobat, click on Tools, and Edit. Write your notes by typing in the text boxes provided.



Module 1: The CPI Crisis Development ModelSM

By learning this model you'll be able to identify behaviors and respond to and/or de-escalate the behavior to re-establish Therapeutic Rapport.

Integrated Experience

Crisis Development/Behavior Levels	Staff Attitudes/Approaches
1.	1.
2.	2.
3.	3.
4.	4.

1. How do you apply *Care, Welfare, Safety, and Security*SM in your organization?

2. Write an example of a behavior from your workplace that will fall into each of the four behavior levels and how you would respond.

3. Consider the *Crisis Development Model*SM and Integrated Experience; what did you learn about recognizing behaviors or a staff response that you can apply to your work right away?

Notes:

Module 2: Nonverbal Communication

By being aware of your nonverbal communication, along with your position, posture, and proximity (*Supportive StanceSM*), you'll be able to change your approaches to have an effect on the behavior level of an individual.

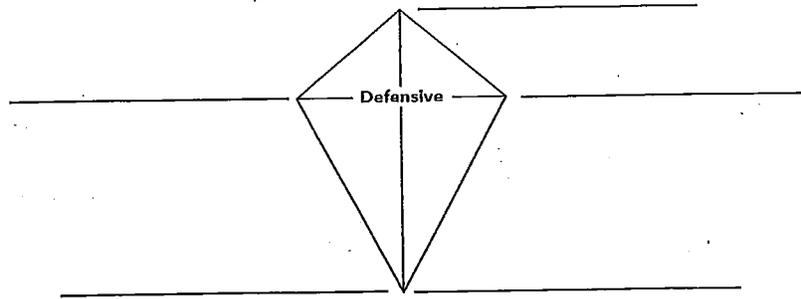
1. What are some ways you can improve your own nonverbal communication (e.g., gestures, stance, use of touch, etc.)?
2. List two examples of how the concepts from this unit (proxemics, kinesics, haptics) apply in the work you do.
3. What are other factors and realities that may impact your nonverbal communication and how you use it in your work?

Notes:



Module 4: Verbal Intervention

By learning the *Verbal Escalation ContinuumSM*, you'll be able to verbally respond to Defensive behavior through Directive approaches. You may encounter defensive behaviors in any combination or order.



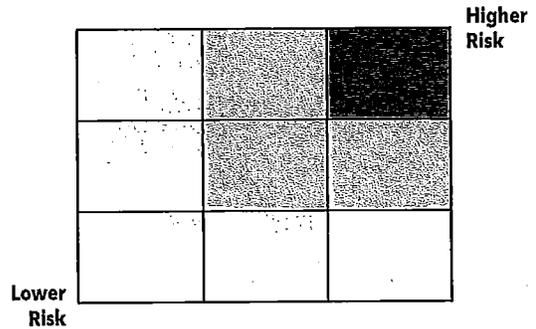
1. How are you effectively using verbal intervention skills today to intervene when a person displays defensive behavior?
2. Give an example of defensive behavior you have experienced with a person in your care and categorize it based on the *Verbal Escalation ContinuumSM* (i.e., questioning, refusal, release, etc.).
3. In a few words, describe how an individual in your care may refuse a directive. Then write out how you might set limits to encourage this individual to make a better choice.

Notes:



Module 7: Decision Making

Knowing how to assess the appropriate level of risk in a crisis situation will help you make better decisions on how to best respond and prevent crises from reoccurring.



1. How comfortable are you in making decisions that impact intervening in a crisis situation? What are some behaviors that you find easy or difficult to assess?

2. Provide an example of when you successfully assessed the likelihood and severity of a behavior.

3. How might you use the Decision-Making Matrix in your organization? Where do you find this tool useful to mitigate risk?

Notes:

Module 8: Physical Interventions - Disengagement Skills

There are no personal reflections or examples for Modules 8 and 9. Your facilitator will guide your discussion on these sections in the classroom.

Learn the various frameworks and tools to be considered when physically intervening in a crisis situation. These concepts will be covered in more depth in the classroom portion of training.

Notes:

Module 9: Physical Interventions - Holding Skills

Learn the potential risks associated with holding skills and how to minimize the risks of restraints when intervening in a crisis situation. Consider the *Opt-Out Sequence*SM as a tool to reduce risks. These concepts will be covered in more depth in the classroom portion of training.

Notes:

Module 10: Postvention

Each letter in the *COPING Model*SM stands for a word that describes how to establish Therapeutic Rapport with an individual in Tension Reduction or with staff as a debriefing process.

COPING

1. What are some ways you recognize Tension Reduction in an individual?

2. Write an example of when you provided Therapeutic Rapport that led to a positive outcome.

3. Consider using the *COPING Model*SM as a tool for learning, growth, and change. What can you do immediately in your workplace to improve your debriefing or communication with individuals in your care?

Notes:

Nonviolent Crisis Intervention® Flex Training Program

Post-Test

Name _____, Date _____

Organization _____

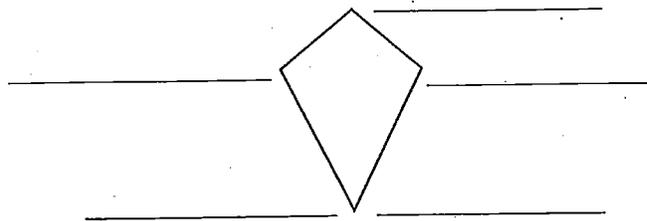
Phone _____ Email _____

1. Complete the *Crisis Development Model*SM.

Crisis Development/Behavior Levels	Staff Attitudes/Approaches
1.	1.
2.	2.
3.	3.
4.	4.

2. What is the value of learning the four levels and corresponding staff attitudes?

3. Complete the *Verbal Escalation Continuum*SM.



Continue on next page. ►

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09.DET SWANSON - WRITTEN STATEMENT E-MAILS

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
	CASE REPORT SUPPLEMENT	

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/20/2019
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SUPPLEMENTAL NARRATIVE

On 02/20/19 Captain Snyder emailed me copies of three written statements, that were written by students [REDACTED] and [REDACTED] these statements were obtained by staff at Whitehorse Middle School and then supplied to MPD. I have attached the three written statements to this report. MPD does not have the original written statements. NFA

Det. Daniel Swanson #4440

10. Student Written Statements

[Redacted]

And this
what I seen

Statement from student [Redacted] (02/13/19)

So Ms. Pietz call the a/c then Mr. Rob
came then [Redacted] said she not coming she good
then that's when Ms. Pietz went outside to talk
with Mr. Rob then that's when [Redacted] went to
close the door then that's when he came in
tried to get her out by graben he then
[Redacted] pushed him then assert that he did it
again so [Redacted] pushed him then they
slammed to the lock the Mr. Rob like slamm
them to the ground then [Redacted] was crying
and scurrying then Ms. Pietz closed
the door. D

[Signature]

[Redacted]

Statement from student [redacted] (02/13/19)

~~M. Pietz called the A/c on [redacted]~~
and so ~~[redacted]~~ Ms. Jamy

~~Ms. Pietz called [redacted]~~

~~Ms. Pietz called the A/c on [redacted]~~

Ms. Pietz called the A/c on [redacted]
Ms. Jamy was already in there then Mr. Rob came
and Mr. Rob tried to get [redacted] to leave the
classroom so he like tried to move her and
[redacted] said if you touch me again I'm going
to swing off you (punch you) so Mr. Rob I think
he called for support because she said she was
going to punch him. ~~then~~ then I wasn't really
really paying ~~attention~~ attention but then
I seen [redacted] start punching Mr. Rob and when
I seen it it looking Mr. Rob was kind of like
fighting back. Or he was either trying to get her
off of him then they closed the door and
I saw Mr. Rob on the ground

Also Mr. Rob pushed [redacted] into the lockers
when they were in the hallway
And I think Mr. Rob touched her again
or tried to move her out the classroom

Statement from student [REDACTED] (02/13/19)

so miss pickz call the ale on [REDACTED] because she
said that she was going to spray her with febreze.
so she call the mr rob come in so he pushed [REDACTED]
to the wall and [REDACTED] said not to touch her then he
said to ms pickz to go to the ale with the class
so [REDACTED] just walks out mr rob punch her in the
back when [REDACTED] said not to touch her so
started to hit him because he touch her so [REDACTED]
started punching because she touch her everything
happened fast and push her to the locker.

11. Det Swanson Rybak interview



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

DANIEL SWANSON

REPORT DATE

02/21/2019

SUPPLEMENTAL NARRATIVE

WITNESS STATEMENT OF CAROL L. RYBAK

On 2/21/19 at approximately 11:30 AM, I responded to Whitehorse Middle School to interview teacher Carol L. Rybak, who was a witness to the original incident that occurred on 02/13/19. Det. Gregg Luedtke also accompanied me to assist with the interview.

Upon arrival to the school, Det. Luedtke and I went to the office and made contact with school officials. A school staff person called Carol Rybak and told her we were there to talk to her. A short time later, Rybak came to the front office and introduced herself to me. I asked Rybak where she would like to speak and she led me to an unoccupied office, in the front office area. As we were sitting down inside of the office, Cathryn M. Eagle came in to join us. Eagle introduced herself to me and stated she was the MTI Rep and further elaborated she was a union representative. Rybak then told me that she requested Eagle to sit in on the interview. I told both Rybak and Eagle that I had no objection and Eagle was welcome to sit in on the interview.

I told Rybak that I was here to talk to her about the incident that took place between Robert Mueller-Owens and student [REDACTED] on 2/13/19. I let Rybak know that upon watching the hallway video of the incident, captured from the school camera, we saw an unidentified teacher exit a classroom from across the hallway to where Barbara Pietz's class is. When we asked the school who this was, they informed us it was Rybak. Rybak confirmed that it was indeed her that came out of her classroom when the disturbance occurred. I told Rybak I would be interested in hearing what she witnessed and I may have some questions in between as we go. I told Rybak I wanted to focus only on what she heard or saw herself, and not what she heard from other people as to what may or may not have occurred. Rybak stated she understood this and was willing to tell me what she saw.

Rybak stated that on the day of the incident, she did not have a class with students in it during the morning. Rybak stated she was in her classroom (room # 189) prepping her class for a lab that was to occur later in the day. Rybak told me that she could hear commotion and a female that was yelling in the hallway, using explicit language. Rybak said the door to her classroom was open and she could see into the hallway from where she was standing. Rybak told me she looked up and saw [REDACTED] yelling at Rob (Mueller-Owens). Rybak stated that she has had previous professional interactions with [REDACTED] and knows [REDACTED] can be very [REDACTED]. Rybak stated [REDACTED] was yelling for Rob to "get the fuck out of the way" and kept repeating statements such as this. Rybak said [REDACTED] continued to yell that she was "going back in the fucking classroom" and again was yelling at Rob to get out of her way. Rybak told me Rob was inside of the classroom but standing at the door. Rybak further described that [REDACTED] was outside of the classroom but standing at the threshold of the door as well, and her and Rob were facing each other. Rybak stated Tammy Gue was also standing in the hallway next to [REDACTED]. Rybak said that as [REDACTED] was yelling and swearing at Rob, Rob and Tammy Gue were talking calmly, trying to calm [REDACTED] down. Rybak said as [REDACTED] was yelling at Rob and telling him to get out of her way, Rob was blocking the door way and telling [REDACTED] she could not go back into the classroom. Rybak stated during this moment, Rob was not touching [REDACTED]. Rybak stated suddenly [REDACTED] began striking Rob on his head and face with both of her fists. Rybak described [REDACTED] hits as very fast. I asked Rybak if [REDACTED] was using closed fists and she believed [REDACTED].



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

DANIEL SWANSON

REPORT DATE

02/21/2019

SUPPLEMENTAL NARRATIVE (continuation)

had her hands more in a "claw" formation as she was striking Rob in his face. Rybak also described [REDACTED]'s hands as going above her own head and swinging them down on Rob's head and face, which Rybak said ultimately knocked Rob's eyeglasses off of his face.

I asked Rybak if Rob was doing anything in response to being struck repeatedly by [REDACTED] and stated Rob was trying to "contain" [REDACTED] arms and hands. Rybak stated it appeared Rob was trying to use his own arms to block [REDACTED] hits and also tried to contain her hands to stop her physical attack on Rob. Rybak stated Rob also began walking forward, slowly, towards [REDACTED] to get her to back up away from the classroom door. I asked Rybak if while Rob was doing this he was pushing or striking [REDACTED] and she stated no. Rybak then told me that she and Rob (as well as Tammy Gue) had all gone through Non Violent Crisis Intervention Training, which was provided to them by the Madison Metro School District. Rybak told me as she was witnessing Rob's response to [REDACTED] hitting him, it appeared Rob was using trained techniques they learned in training to try to protect himself from [REDACTED]'s attack and de-escalate the situation. Rybak described Rob's response as "text book" moves learned from the Non Violent Crisis Intervention training. Rybak stated at this time, Rob and [REDACTED] quickly moved across the hall at hit the lockers. Rybak stated she did not see how Rob and [REDACTED] moved across the hall, or how they hit the lockers because of where she was standing in her doorway. Rybak told me after hearing a loud crash into the lockers, she repositioned herself so she could see [REDACTED] Rob and Tammy Gue. Rybak stated as she could see the three of them again, all three were laying on the ground and were slightly spaced apart from each other. Rybak told me she then saw Rob and Tammy move towards [REDACTED] and try to control her arms by to keep her on the ground. Rybak again stated that Rob and Tammy were using a trained technique taught during their Non Violent Crisis Intervention Training provided to them from MMSD. Rybak told me during this time, she noticed another student, whom she identified as [REDACTED] leave Pietz's classroom and was in the hallway. Rybak stated she was concerned for [REDACTED] safety so she went into the hallway and guided [REDACTED] back into Pietz's classroom. Rybak said she also picked up Rob's eyeglasses that were laying on the ground. Rybak stated at the time, [REDACTED] was able to stand up and she assisted Tammy Gue in escorting [REDACTED] into Rybak's classroom since there were no students in it. Rybak stated once in the classroom, [REDACTED] was crying and still yelling loudly. Rybak stated [REDACTED] wanted a phone so she could call her mom. Rybak told me she provided [REDACTED] with her own personal cell phone and [REDACTED] called her mom. Rybak told me [REDACTED] was yelling into the phone and it was hard to understand what she was saying but eventually [REDACTED] told her mom that Mr. Rob hit her. Rybak told me she also noticed a braided piece of hair on the floor inside of her classroom and she was not sure how it ended up at that spot.

I asked Rybak if she got a good, close look at [REDACTED] as she escorted [REDACTED] into her classroom and she stated yes, she was "only a couple of feet" away from her. I asked Rybak if she noticed any injuries on [REDACTED] face and she told me no, [REDACTED] did not have any injuries on her face. Rybak then stated she fully expected to see blood on Rob's face based on the severity of the attack on him by [REDACTED] and was surprised when she did not see blood on Rob's face. Rybak then told me that as she witnessed this disturbance, Rob did exactly what she would have done if she was in his place. Rybak again stated that it appeared to her that Rob was using the trained techniques as taught to them by the training provided to them by MMSD. Rybak went on to say that it was her opinion that [REDACTED] was acting in a way that was dangerous to other people in the area, to include the students in Pietz's class, Rob, Tammy and [REDACTED] herself. Rybak told me that it was her opinion that it would not have been safe to move the students from Pietz's classroom out to



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/21/2019

SUPPLEMENTAL NARRATIVE (continuation)

another room because [REDACTED] was so out of control. I asked Rybak if she could explain this further. Both Rybak and Eagle then explained to me that when an incident happens in a classroom, the teacher has to determine if it is safe enough to move the students out of the classroom away from the problem, for their safety. Or is it safer to keep them in the classroom and shut the door. Rybak told me in this instance, it was her opinion that it was far too dangerous to move the kids out of Pietz's classroom because of [REDACTED] behavior. Rybak stated that she believed Rob did the right thing by using his body and walking towards [REDACTED] while she was attacking him in order to move her away from the door of the classroom to protect the students and Pietz in Pietz's classroom. Rybak reiterated that [REDACTED] "was not safe." I asked Rybak if she witnessed Rob punch, hit or strike [REDACTED] at all and she told me no, she did not see Rob do anything like that.

Rybak went on to say that she is familiar with Rob through having worked with him on previous projects in the school district. Rybak described Rob as extremely hard working and devoted to his job and to the children in the school district. Rybak said it was her experience that Rob has always wanted the best for the student's he works with and has always been great to work with. I asked Rybak if she ever witnessed Rob get angry or lose his temper and she told me no, she has never witnessed that Rob lose his temper or act out towards a student. NFA

Det. Daniel Swanson #4440

12. Det. Swanson [REDACTED] interview



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

DANIEL SWANSON

REPORT DATE

02/21/2019

SUPPLEMENTAL NARRATIVE

On 02/21/2019 at approximately 7:30 PM, Det Pihlaja and I responded to [REDACTED] to speak with Whitehorse Middle School Student [REDACTED] reference this incident. [REDACTED] was identified as the student mentioned by teacher Carol Rybak as coming out of Mrs. Pietz's classroom during the incident and standing in the hallway. I received her contact information from Captain Snyder and was told that school officials had contacted [REDACTED]'s mother, [REDACTED] and we had permission to go speak with [REDACTED].

Upon arrival to the apartment complex, we were buzzed in my [REDACTED]. We were met in the hallway by [REDACTED] and she invited us into the apartment. Once in the apartment, I introduced myself to [REDACTED] and [REDACTED]. I told [REDACTED] that I was told she may have witnessed an event that had happened last week involving a classmate of hers named [REDACTED]. [REDACTED] told me that she remembered this incident. [REDACTED] stated the incident occurred while she was in math class with Mrs. Pietz. I told [REDACTED] I had some questions about that incident and was wanting to know if she could tell me what she saw. I also told [REDACTED] that if she did not know the answer to anything I was going to ask her, it was perfectly acceptable for her to tell me that she did not know and to not feel like she had to give me an answer. I also told [REDACTED] that I really only wanted to focus on anything that she saw or heard with her own eyes and not what she may have heard via rumors as the school. [REDACTED] stated she understood this.

I asked [REDACTED] if she could tell me what happened the day of the incident. [REDACTED] stated that [REDACTED] was yelling loudly at Mrs. Pietz but she was not sure about what. [REDACTED] told me that this caused Mrs. Pietz to call the ALC for help. I asked [REDACTED] what the ACL was and she told me she didn't know exactly but it's where "the bad kids go." [REDACTED] told me she then went out into the hallway to get her chap stick from her locker. At this point it seemed like [REDACTED] skipped ahead in events, as it did not seem to match up with statements obtained from different people in this incident. I told [REDACTED] that before we talk about her going into the hallway to get her chap stick, I still wanted to discuss what happened in the room before that. [REDACTED] stated that Rob had come to help Mrs. Pietz with [REDACTED]. [REDACTED] told me that Rob had told [REDACTED] six or seven times that she had to leave the room and they would talk outside. [REDACTED] said that [REDACTED] told Rob she wasn't going to leave the room. [REDACTED] then said that Rob tried to push [REDACTED] out of the room but [REDACTED] was able to stop this action with her foot. I asked [REDACTED] how Rob was pushing [REDACTED] and she stated with both hands. [REDACTED] told me that she was then outside in the hallway and saw Rob and [REDACTED] go into the lockers, and further stated that [REDACTED] hit her head on a locker. I again slowed [REDACTED] down and asked her if she remembered anything else happening inside of the classroom or at the door of the classroom between [REDACTED] and Rob. [REDACTED] told me that she didn't really remember and wasn't paying that close of attention at this point. [REDACTED] said while she was in the hallway, she then saw [REDACTED] start punching Rob in the face and head, but stated she thought it was in self defense. I asked [REDACTED] what she meant by that and she said [REDACTED] started punching Rob in the head after he pushed her into the lockers. [REDACTED] also stated that Rob had his hands up and it looked like he was trying to block [REDACTED]'s punches. [REDACTED] told me that as [REDACTED] was punching Rob in the face, she knocked his eyeglasses from his face and that she never saw Rob throw a punch or hit [REDACTED]. [REDACTED] then stated she saw Rob grab [REDACTED] hair and rip out three braids from her head and throw them on the floor and that this occurred in the hallway. I asked [REDACTED] to tell me more about that but she could not give me more detail. I asked [REDACTED] if Rob had used one or both hands to rip out [REDACTED] braids and she stated she did not know. [REDACTED] then stated that she didn't actually see Rob rip the braids from [REDACTED] head but still knew he did it. I asked [REDACTED] how she knows Rob did it and she



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/21/2019

SUPPLEMENTAL NARRATIVE (continuation)

stated she did not know but, again, just knows he did it. [redacted] stated she then saw Rob and [redacted] fall to the ground in front of the lockers and believed that Rob fell onto [redacted] [redacted] stated as this was happening, Rybak came out of her room and escorted her back into Pietz's classroom.

I asked [redacted] if there were any other adults in the hallway besides Rob and Mrs. Rybak and she told me no, there was not, I asked [redacted] if she was positive no one else was in the hallway and she told me she was absolutely sure no one else was in the hallway at the time. It should be noted that multiple statements place Tammy Gue in the hallway as this disturbance is happening. I asked [redacted] if anyone came into Pietz's classroom to talk to any students about what happened and she stated no. I asked [redacted] if anyone came in Pietz's class and pulled any students out for any reason and she said no. I then asked [redacted] if she is friends with [redacted] and she said no but she is friends with three of her friends. I asked [redacted] who those three friends are and she stated [redacted], [redacted] and [redacted]. It should be noted these are the three students who were pulled out of Mrs. Pietz's class by Tammy Gue to write statements.

I asked [redacted] if she had seen any injuries on [redacted] and she told me no, [redacted] had no injuries that she could see, except the missing braids. [redacted] told me she also did not see any injuries on Rob. [redacted] stated that on the following day, 02/14/19, she was summoned to Principle Natalello's office to give a witness statement. I asked [redacted] if any of her other friends or classmates gave statements and she told me no. [redacted] told me she believed that because she went out to the hallway during the incident, the principle wanted to know what she may have seen. I asked [redacted] if there was any other information she thinks we should know and she told me no. I asked [redacted] and [redacted] if they had any questions and they both stated no. This then concluded our interview with [redacted] NFA

Det. Daniel Swanson #4440

13. Det Pihlaja [REDACTED] interview



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER GARY PIHLAJA	REPORT DATE 02/21/2019
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SUPPLEMENTAL NARRATIVE

This interview is in reference to a disturbance at Whitehorse Middle School on 2/13/19. See original and supplement reports under this case number for further information. On 2/21/19 at about 5:15 PM, Det. Andy Naylor and I met with [REDACTED] and her mother, [REDACTED] at their residence at [REDACTED]. [REDACTED] invited us into her home and advised us that we could interview [REDACTED]. [REDACTED] also told us that she was fine with us audio recording the interview with her daughter. I utilized the Dictaphone recording application on Det. Naylor's department-issued smart phone to audio record this interview. The following is a summary of the interview and is not meant to be fully inclusive of every single detail discussed. For the full interview, see the audio recording which was uploaded to the MPD server on 2/21/19.

Interview with [REDACTED]

[REDACTED] told me that she was a student in Miss Pietz's science class on 2/13/19. She advised me that she was sitting at the first table in the class room closest to the door when this disturbance occurred. [REDACTED] told me that [REDACTED] came into class at the beginning of the period with one of the support staff, Miss James. [REDACTED] told me that at one point, [REDACTED] told Miss Pietz that she was going to spray her with Febreze. [REDACTED] could not provide any other details about the confrontation between [REDACTED] and Miss Pietz.

[REDACTED] told me that Miss Pietz requested support from the ALC to come down to her room and Mr. Rob came down. She told me that Mr. Rob told [REDACTED] that she needed to leave the room and [REDACTED] refused to leave, but then she walked over toward the classroom door. She told me that [REDACTED] still refused to leave when she and Mr. Rob were standing by the door still in the room. [REDACTED] told me that Mr. Rob was standing by [REDACTED] in the room and at one point, wrapped his left arm completely around the back of [REDACTED] neck. [REDACTED] told me that she thought that Mr. Rob was trying to get [REDACTED] out of the room when he did this. She told me that this happened near the classroom door. [REDACTED] had a hard time explaining how Mr. Rob and [REDACTED] were positioned at this point, but she said [REDACTED] was facing the door and Mr. Rob was facing a different direction at about a 90 degree angle when he put his arm around the back of [REDACTED] neck. I asked [REDACTED] if Mr. Rob pulled [REDACTED] to the door in this fashion and [REDACTED] told me that they just ended up at the classroom door, but couldn't elaborate more.

[REDACTED] told me that she paid attention during some of the confrontation between [REDACTED] and Mr. Rob and some of the time, she did not and she was listening to Miss Pietz. [REDACTED] told me that she did not know how long Mr. Rob tried to verbalize with [REDACTED] before things became physical between them.

[REDACTED] told me that [REDACTED] became upset when Mr. Rob wrapped his arm around the back of her neck and she started yelling things to the effect of "You can't put your hands on me" and "Don't touch me, if you touch me, I'm gonna punch you". She told me that Mr. Rob then asked Miss Pietz to take the rest of the class down to ALC. [REDACTED] told me that [REDACTED] became upset about this and said that she would go and the class could stay in the room. [REDACTED] told me that Mr. Rob and Miss Pietz then briefly went out into the hallway and left the door open. [REDACTED] advised me that [REDACTED] was standing by the door and tried to close the classroom door with Mr. Rob and Miss Pietz in the hall, but Mr. Rob stopped the door from closing.

[REDACTED] told me [REDACTED] then started throwing punches at Mr. Rob and Mr. Rob started throwing punches back at [REDACTED] while standing in the doorway of the class. [REDACTED] told me that [REDACTED] was throwing closed fist punches with both hands at Mr. Rob's head. [REDACTED] then told me that Mr. Rob was not throwing closed fist punches at [REDACTED] in the classroom, but he put his hands up in an open fashion and was moving



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

GARY PIHLAJA

REPORT DATE

02/21/2019

SUPPLEMENTAL NARRATIVE (continuation)

them in a swatting type motion like he was trying to block [REDACTED] from punching him. I asked [REDACTED] if Mr. Rob ever punched or hit [REDACTED] in the classroom and she told me that Mr. Rob did not and he was just trying to block [REDACTED] punches while in the classroom.

[REDACTED] told me that Mr. Rob and [REDACTED] then went out the door of the classroom into the hallway and [REDACTED] could still see what was going on out in the hall. She told me that Mr. Rob and [REDACTED] were both facing the same direction toward the hallway lockers as they exited the room. [REDACTED] told me that she observed Mr. Rob and [REDACTED] both punching each other with closed fists out in the hallway as they moved together toward the other side of the hall.

[REDACTED] told me that in the hallway, Mr. Rob grabbed [REDACTED] braids and was pulling on them so [REDACTED] head was pointed down. [REDACTED] told me that she saw three braids get ripped out of [REDACTED] head in the hallway by Mr. Rob as he and [REDACTED] were punching each other. She told me that somehow, Mr. Rob's back ended up getting pushed up against the lockers on the opposite side of the hall and now [REDACTED] was facing toward him with her back toward the classroom door. [REDACTED] told me that she saw Mr. Rob's glasses get knocked off his face by [REDACTED] when she was punching him in the hallway. [REDACTED] told me that both [REDACTED] and Mr. Rob were punching each other in the face and head.

[REDACTED] stated to me that when Mr. Rob and [REDACTED] were up against the lockers in the hall, Miss Tammy ran down to them from the ALC and tried to separate them and stop them from punching each other. [REDACTED] told me that Mr. Rob, [REDACTED] and Miss Tammy all fell down together in the hall. She told me that it looked like they all fell down together, but [REDACTED] was not sure how that happened exactly. [REDACTED] told me that Mr. Rob then got on top of [REDACTED] to try to hold her down in the hall and [REDACTED] was yelling things to the effect of "Let me go". [REDACTED] advised me that Miss Pietz then shut the classroom door and she did not see anything after that out in the hall. I asked [REDACTED] if anyone filmed this incident with a cell phone or a similar device and she told me that she did not see anyone doing that.

[REDACTED] told me that Miss Tammy then came into the classroom and asked all the students if they saw what had happened. [REDACTED] told me that she, [REDACTED] and [REDACTED] all raised their hands and went down to another room to write out statements about what happened. [REDACTED] told me that Miss Pietz was standing by the entire time in the classroom watching the incident unfold.

[REDACTED] told me that she saw [REDACTED] later that school day and [REDACTED] told her that her right arm was in pain. She told me that she saw that [REDACTED] lower lip was bleeding a little bit on the outside of her lip.

[REDACTED] told me that students were talking about this incident in the days after it occurred and rumors were spread about what happened. I asked her about these rumors and [REDACTED] told me that some kids said Mr. Rob attacked [REDACTED] and that he's racist while other kids said [REDACTED] attacked Mr. Rob. I asked [REDACTED] what she thought about the incident and she told me that she thought both [REDACTED] and Mr. Rob were out of line for touching each other. [REDACTED] told me that she thought Mr. Rob was a bit more out of line since he's an adult and [REDACTED] is 11. [REDACTED] told me something to the effect of "It wasn't that big a deal, it was just a support call". [REDACTED] told me that she did not have any further information to provide about this incident. After I turned off the audio recorder, [REDACTED] told me that she and [REDACTED] have been best friends since 4th grade. I then ended my contact with [REDACTED]



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER

GARY PIHLAJA

REPORT DATE

02/21/2019

SUPPLEMENTAL NARRATIVE (continuation)

NFA

Det. Gary Pihlaja, 4227

14. Det. Pihlaja Pietz and Peterson interviews**MADISON POLICE DEPARTMENT**CASE# **2019-00056447****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

GARY PIHLAJA

REPORT DATE

02/22/2019**SUPPLEMENTAL NARRATIVE**

These interviews are in reference to a disturbance at Whitehorse Middle School on 2/13/19. See original and supplement reports under this case number for further information.

Interview with Barbara Pietz

On 2/21/19, I made phone contact with Barbara Pietz and identified her verbally. Pietz told me that she teaches 6th grade and during this incident, she was teaching science class. Pietz told me that [REDACTED] was escorted into class by another staff member on 2/13/19 about 10 to 15 minutes after class started. Pietz told me that [REDACTED] was being generally disruptive as soon as she got to class. She told me that [REDACTED] refused to sit at her assigned desk, had her earbuds in and was listening to music on her phone, was dancing around the room, and was talking to her friends. Pietz told me that she asked [REDACTED] about three times to go sit in her seat and [REDACTED] refused. Pietz told me that she finally stood next to [REDACTED] and told her that she was going to stand there until [REDACTED] went to her seat. Pietz told me that [REDACTED] told her something to the effect of "I was going to go to my seat, but now I'm not because you're all in my space". Pietz told me that she told [REDACTED] that she needed to go to her seat and [REDACTED] told her that she was going to spray Pietz in the face with air freshener. Pietz told me that [REDACTED] had sprayed air freshener in her classroom earlier that day. Pietz told me that she did not believe that [REDACTED] had a bottle of air freshener with her at that moment.

Pietz told me that this prompted her to make a support call and Tammy Gue came down to the room. Pietz told me that Gue tried verbalize with [REDACTED] and tell her to leave the room, but [REDACTED] refused so Gue requested Rob Mueller to come to the room.

Pietz told me that Rob came to the room a tried to verbalize with [REDACTED] for about five to ten minutes and tried to convince her to leave the classroom on her own. Pietz told me that [REDACTED] refused to leave the room with Rob and the two moved around the room multiple times. Pietz told me that at one point, Rob and [REDACTED] were standing near the classroom door and Rob gently wrapped one arm around [REDACTED] shoulder in what Pietz called "a guiding fashion" and told her that she needed to leave the room. Pietz told me that this touch was not rough or aggressive at all and looked like it was meant to guide [REDACTED] toward the door. Pietz told me that Rob was standing next to [REDACTED] when he put one arm (Rob's right arm) around her back and touched her shoulder.

Pietz told me that this touch caused [REDACTED] to start screaming at Rob things to the effect of "Don't touch me". Pietz told me that Rob immediately took his hand off [REDACTED] and backed away from her with his hands up and out in front of him. Pietz told me that Rob continued to try to verbalize with [REDACTED] for another two to three minutes while standing face to face by the door. Pietz told me that Rob continued to try to talk [REDACTED] into the leaving the room, but she refused to do so and began escalated her behavior by screaming even louder. Pietz told me that [REDACTED]

Pietz told me that Rob then told her to take the rest of the class down to the library. Pietz told me that she thought she overheard Rob and Gue talking about calling Brandon from school security to come and assist, but she did not know if that call had actually been made at that point. Pietz told me that she was standing in front of the class with her back toward the door where Rob and [REDACTED] were standing and Pietz began to speak to the rest of the students about going to the library. Pietz told me that while her back was turned, Rob and [REDACTED] somehow ended up in the hall and when Pietz turned to look at what was going on, Rob, [REDACTED] and Tammy were all on the hallway floor in a pile. Pietz told me that she closed her classroom door in the interest of protecting the rest of the students in her classroom.



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

GARY PIHLAJA

REPORT DATE

02/22/2019

SUPPLEMENTAL NARRATIVE (continuation)

I explained to Pietz the gravity of the situation and advised her that if she knew what happened during the physical confrontation between Rob and [REDACTED] it was critical that she tell me what she knew. I also advised Pietz that the students I spoke with all indicated that everyone in the room was watching what was happening between Rob and [REDACTED] during this disturbance. Pietz maintained that her back was turned at the time when Rob and [REDACTED] left the classroom and she did not see what happened between them.

Pietz told me that she had a UW-Madison student in her classroom that day doing her first day of her teaching practicum for her degree. Pietz told me that this student may have seen what happened between Rob and [REDACTED]. Pietz told me the student's name was Aubrey Peterson and she provided me with Peterson's UW email address. Pietz told me that she did not have any further information to provide about this incident.

Interview with Aubrey Peterson

I ran Aubrey Peterson's name through LERMS and found a result of Aubrey A. Peterson, F/W, DOB [REDACTED] with a phone number [REDACTED]. I called this number and no one answered. I received an automated message that the voicemail box was full and cannot accept messages. Det. Naylor looked up Peterson in the UW student registry and found that she had an address at [REDACTED]. I requested the OIC, Lt. Kleinfeldt, to have a central patrol officer attempt contact with Peterson and have her call me as soon as possible. A short time later, PO Paige Martin contacted Peterson. I received a call from Aubrey Peterson and identified her verbally.

Peterson told me that she was doing her first day of her teaching degree practicum at Whitehorse Middle School on 2/13/19. Peterson told me that she is earning her education degree through UW-Madison. Peterson told me that she was doing her practicum in the classroom of Barbara Pietz that day. Peterson told me that she recalled the disturbance between an 11 year old student named [REDACTED] and a staff member named Rob and that Peterson was present in the classroom at the time of that disturbance. Peterson told me that prior to class starting, [REDACTED] had sprayed some air freshener in the classroom and Pietz did not like the scent because she was allergic to it.

Peterson told me that once Pietz's science class had started, [REDACTED] was being generally disruptive to the class. She told me that [REDACTED] was walking around the room listening to music on her phone, talking to her friends, and refusing to sit at her assigned desk. Peterson told me that Pietz told [REDACTED] numerous times to sit at her assigned desk and stop disrupting class, but [REDACTED] refused. Peterson told me that she could not remember if [REDACTED] specifically threatened to spray Pietz with air freshener. Peterson told me that Pietz called for support assistance and a couple staff members came down. She told me that Rob came down as well as at least one female staff member, but she did not know her name. Peterson told me that Rob attempted to verbalize with [REDACTED] for about 10 minutes and [REDACTED] moved about the room. Peterson told me that Rob asked [REDACTED] to leave the room multiple times, but [REDACTED] refused.

Peterson told me that at one point, [REDACTED] and Rob were both standing by the classroom door and Rob was standing next to [REDACTED]. Peterson told me that Rob placed one of his hands and arms on [REDACTED] upper back in a guiding fashion and Rob told [REDACTED] something to the effect of "Come on, let's go out of the room". Peterson told me that this touch on [REDACTED] upper back was not rough or aggressive and looked like it was meant to gently guide [REDACTED] toward the door.



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

GARY PIHLAJA

REPORT DATE

02/22/2019

SUPPLEMENTAL NARRATIVE (continuation)

Peterson told me that [REDACTED] immediately became upset and started screaming at Rob not to touch her. Peterson told me that Rob immediately took his hand off [REDACTED] upper back and began to try to verbalize with her again that it was time for her to leave the room. Peterson told me that Rob tried to verbalize with [REDACTED] by the classroom door, but [REDACTED] continued to scream at Rob. Peterson told me that Rob was standing facing [REDACTED] and he was fairly close to her while he was talking to her. I asked Peterson how close she thought Rob was to [REDACTED] when he was talking to her and Peterson told me that she was not exactly sure.

Peterson told me that [REDACTED] then suddenly started throwing closed fist punches at Rob's chest area with both of her hands and arms. Peterson advised me that Rob put up both of his hands and arms in front of him in an attempt to block [REDACTED] punches. Peterson told me that Rob did not punch, slap, or kick [REDACTED] at any point in the classroom. Peterson told me that she did not see Rob pull [REDACTED] hair in the classroom. Peterson told me that Rob and [REDACTED] somehow ended up out in the hallway, but she was not exactly sure how that happened. I asked Peterson if she remembered Rob pushing [REDACTED] out into the hallway and Peterson told me that she was not sure. Peterson told me that as soon as [REDACTED] and Rob were out in the hallway, Pietz closed the classroom door and Peterson did not see any of the disturbance after that.

Peterson told me that she later heard something about [REDACTED] having locks of her hair pulled out, but Peterson did not directly witness any hair pulling. Peterson told me that she did not remember if another staff member came into the classroom to pull students to provide written statements about this incident. Peterson told me that she went back to working with student groups after this incident was over and she was not paying attention to who came into the room after the fact.

Peterson told me that Rob touched [REDACTED] one time on her upper back in the classroom and after that, she did not see Rob touch [REDACTED] again in the classroom. Peterson told me that the next time she saw Rob and [REDACTED] in physical contact was out in the hall outside the classroom just before Pietz shut the door. Peterson told me that she saw the other female staff member from the classroom run out in the hall after Rob and [REDACTED] prior to Pietz shutting the door. Peterson told me that she did not have any further information to provide about this incident.

NFA

Det. Gary Pihlaja, 4227

15.DET SWANSON - SAFE HARBOR INTERVIEW OF [REDACTED]



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/25/2019

SUPPLEMENTAL NARRATIVE

SAFE HARBOR INTERVIEW OF [REDACTED]

On 02/25/19 myself and Det. Sgt. Julie Johnson responded to the Safe Harbor interview of [REDACTED]. I attached the roster of who attended this Safe Harbor Interview to this report. This report is a summary of the Safe Harbor interview, for complete details please see the recorded interview, which was placed into evidence.

Robyn Klaila, with Safe Harbor, conducted the interview with [REDACTED]. The interview began at 11:44 AM. Klaila then went over what the truth is and what a lie is with [REDACTED]. Klaila went over the Oath of Truth with [REDACTED]. Klaila then began by asking [REDACTED]

Klaila then told [REDACTED] that she wanted to go back and talk a little more about what happened. Klaila asked [REDACTED]



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/25/2019

SUPPLEMENTAL NARRATIVE (continuation)

[REDACTED]

[REDACTED]

[REDACTED]



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/25/2019

SUPPLEMENTAL NARRATIVE (continuation)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/25/2019

SUPPLEMENTAL NARRATIVE (continuation)

[REDACTED] The interview with [REDACTED] then ended at 12:37 PM.

Klaila then provided me with three DVD copies of the interview [REDACTED] A copy of one of the DVDs and the USB drive was placed into evidence. One copy is for the DA's Office and the third copy is a working copy. NFA

Det. Daniel Swanson #4440

16.CPS Reports Request



Madison Police Department

Michael C Koval, Chief of Police

City-County Building
211 S. Carroll Street
Madison, Wisconsin 53703-3303
Phone: (608) 266-4022
Fax: (608) 266-4855
police@cityofmadison.com
www.cityofmadison.com/police

2/26/19

Dane County Department of Human Services

Attention: Julie Kozak

RE: CPS reports for [REDACTED] and the family of [REDACTED]

Julie, The DA's office has requested any and all CPS reports involving [REDACTED] and or her family, her mom is [REDACTED]

The report(s) may be emailed to me at jljohnson@cityofmadison.com

Sincerely,

Detective Sergeant Julie Johnson
Special Victims Unit (SVU)
Madison Police Department South District
825 Hughes Place
Madison, WI 53713
Ph. 608-266-5937
Fax 608-266-4453
jljohnson@cityofmadison.com

17.DET SGT JOHNSON - CPS RECORDS REQUEST

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
	CASE REPORT SUPPLEMENT	

REPORTING OFFICER JULIE JOHNSON	REPORT DATE 02/26/2019
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SUPPLEMENTAL NARRATIVE

REPORT CONTENTS

CPS records request

COPIES ATTACHED:

Request for CPS records

NARRATIVE:

On 2/25/19 I was present at the Safe Harbor interview of [REDACTED] after which Dane County District Attorney Ismael Ozanne asked that we get copies of any CPS reports involving [REDACTED] or her family.

On 2/26/19 I emailed the request to CPS-see attached.

Det. Sgt. Julie Johnson/2867

18.DET SWANSON - SAFE HARBOR INTERVIEW ROSTER

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
	CASE REPORT SUPPLEMENT	

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/26/2019
--	----------------------------------

SUPPLEMENTAL NARRATIVE

Attached is the roster of individuals that attended the Safe Harbor Interview for [REDACTED] on 02/25/2019.
NFA

Det. Daniel Swanson #4440

19.DET PIHLAJA - INTERVIEW WITH [REDACTED]



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

GARY PIHLAJA

REPORT DATE

02/26/2019

SUPPLEMENTAL NARRATIVE

On 2/13/19 a disturbance between a student and a staff member was reported at Whitehorse Middle School. See original and supplement reports under this case number for further information.

On 2/26/19, Det. Dan Swanson requested me to interview another student from Whitehorse who was a possible witness to this disturbance. Det. Swanson told me that the student was [REDACTED]. He told me that [REDACTED] name was mentioned as a possible witness by [REDACTED] during her interview at Safe Harbor on 2/25/19. On 2/26/19 at about 5:40 PM, Det. Andy Naylor and I went to [REDACTED] home at [REDACTED]. I made contact with [REDACTED] mother, [REDACTED]. [REDACTED] told me that she was fine with officers interviewing her daughter, [REDACTED] and she was fine if we audio recorded the interview. The interview was audio recorded on Det. Naylor's department issued smartphone using the Winscribe Application. Det. Naylor uploaded the recording to the secure MPD evidence server on 2/26/19. The following is a summary of my interview with [REDACTED]. For the full details of the interview, see the audio recording.

Interview with [REDACTED]

[REDACTED] told me that she is a 6th grade student at Whitehorse Middle School. She told me that she has been friends with [REDACTED] for about the past year. [REDACTED] told me that on the date and time of the disturbance between [REDACTED] and Mr. Rob, [REDACTED] was in social studies class with Miss Bates.

[REDACTED] told me that she went out into the hallway during class to use the restroom. She told me that when she came out into the hall, she saw [REDACTED] sitting on the floor by the lockers crying. [REDACTED] told me that another school staff member, Miss Tammy, was trying to help [REDACTED] get up and was telling her to calm down. [REDACTED] told me that a male staff member named Mr. Rob was walking down the hall away from [REDACTED] and Miss Tammy and Mr. Rob walked past [REDACTED]. [REDACTED] told me that she asked [REDACTED] something to the effect of "What happened? Was he on top of you?" [REDACTED] told me that [REDACTED] did not answer her and just kept crying. [REDACTED] told me that Mr. Rob told her something to the effect of "Get back in class". [REDACTED] told me that she did not see what happened that caused [REDACTED] to end up on the floor. [REDACTED] told me that Mr. Rob was already up and walking away from [REDACTED] when [REDACTED] came out into the hallway.

[REDACTED] told me that she noticed Miss Tammy picking up some braids of hair off the floor in the hallway near [REDACTED]. [REDACTED] told me that [REDACTED] was holding her cell phone at the time and was telling staff members that she wanted to call her mom, but staff members would not let her. [REDACTED] told me that [REDACTED] then did end up calling her mom. [REDACTED] told me that other school staff members were coming into the area at that time and she then went back to her class. [REDACTED] told me that school staff members have not talked to her about this incident since it happened.

[REDACTED] told me that there have been various rumors about this incident being told amongst the students since it occurred. [REDACTED] told me that students are saying that Mr. Rob beat [REDACTED] and punched her in the face, slapped [REDACTED] and pulled her hair out. [REDACTED] told me something to the effect of "I've been telling people don't be saying stuff like that if you didn't see it. You don't know what really happened". [REDACTED] told me that she did not have any further information to provide about this incident. I then ended my contact with [REDACTED].

NFA

Det. Gary Pihlaja, 4227

20.DET SWANSON - ██████████ SNAPCHAT SCREENSHOTS

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
	CASE REPORT SUPPLEMENT	

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/26/2019
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SUPPLEMENTAL NARRATIVE

██████████ SNAP CHAT SCREEN SHOTS

On 02/26/19 I attended the Safe Harbor Interview of ██████████. During the interview, ██████████ had told the interviewer that she had communicated with two other students about the incident via her Snap Chat. The interviewer asked ██████████ if she would consent police to look at those Snap Chat conversations and she stated yes. ██████████ mother, ██████████ also stated police could look at ██████████ cell phone for the Snap Chat messages.

On the same date, I called ██████████ at about 5:15 PM/ I asked ██████████ if I could come to her residence to look at ██████████ phone and photograph any screen shots of any conversations she may have had, via text or Snap Chat, about the incident that took place on 02/13/19. ██████████ said yes, that would be fine.

Myself and Detective Naylor then responded to ██████████ residence, ██████████. Once we arrived, I knocked on the door. ██████████ answered the door and told us to come in the house. ██████████ was also in the residence when we walked in. I again verified with both ██████████ and ██████████ that we had consent to look in ██████████ cell phone at the messages and the both said yes. Detective Naylor filled out the MPD Consent to Search Cell Phone form and explained it to ██████████. ██████████ signed the consent form stating we had consent to look in ██████████ cell phone.

██████████ then opened her Snap Chat and showed me to two messages. One message was from ██████████ and another from ██████████ is possible ██████████. Both messages only asked if she was the one that had an incident with Mr. Rob. There was no discussion about the incident itself and contained no details of the incident. The messages would indicate that neither person was present during the incident and did not witness it. I then photographed both screen shots with my work cell phone. I also photographed the phone screen which contains the serial number and cell phone number of ██████████. These screen shots have been attached to this report. I also burned a copy of the photos to CD and placed them in evidence at the East Police District. NFA

Det. Daniel Swanson #4440

21.DET SWANSON - [REDACTED] CLASS INFORMATION

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
CASE REPORT SUPPLEMENT		

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/26/2019
--	----------------------------------

SUPPLEMENTAL NARRATIVE

On 02/25/19 I emailed Joe Balles, the Safety and Security Coordinator for the MMSD, and requested the class schedule for [REDACTED] as to show her class schedule on the day of the incident, 02/13/19. I also requested a class roster for second period of Mrs. Pietz's class from 02/13/19. Balles emailed me back on 02/26/19 with the requested information which I have attached to this supplement report. NFA

Det. Daniel Swanson #4440

22.DET SWANSON - SAFE HARBOR DOCUMENTS

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
CASE REPORT SUPPLEMENT		

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/26/2019
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SUPPLEMENTAL NARRATIVE

Attached to this supplemental report are scanned copies of the documents provided to me by Robyn Klaila of Safe Harbor. They include the roster of people in attendance of the interview, a copy of Klaila's notes that she took during the interview and the [REDACTED]. The original copy of these items has been tagged as evidence. NFA

Det. Daniel Swanson #4440

23.DET SWANSON - MFD RECORDS REQUESTED



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

DANIEL SWANSON

REPORT DATE

02/26/2019

SUPPLEMENTAL NARRATIVE

On 02/25/2019 I requested records from the City of Madison Fire Department regarding the fire rescue response to Whitehorse Middle School on 02/13/19 in which [REDACTED] was evaluated. Those records are attached to this report. NFA

Det. Daniel Swanson #4440

24.DET SWANSON - RYBAK CONTACT 2-27-19

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
	CASE REPORT SUPPLEMENT	

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/27/2019
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SUPPLEMENTAL NARRATIVE

On 02/27/19 at approximately 5:00 PM, I made phone contact with teacher Carol Rybak again. I asked Rybak, since she witnessed the incident in the hallway, if she saw student [REDACTED] in the hallway at the time of the incident. Rybak stated that she knows who [REDACTED] is as she has had her in previous classes. Rybak told me she did not see [REDACTED] in the hallway during the incident but said that did not mean [REDACTED] wasn't in the hallway, further behind from where the incident took place. Rybak stated that she had scanned the area in the hallway during the incident and felt confident saying [REDACTED] was not in the immediate area of the incident as it was happening. NFA

Det. Daniel Swanson #4440

25.DET SWANSON - [REDACTED] MEDICAL RECORDS



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSON

REPORT DATE
02/27/2019

SUPPLEMENTAL NARRATIVE

On 02/27/2019 I went to the UW Health Information Management building, located at 8501 Excelsior Dr, to obtain the certified medical records for [REDACTED]. During the Safe Harbor interview of [REDACTED] that took place on 02/25/19, [REDACTED] mother, [REDACTED] signed a medical release to allow me to get [REDACTED] medical records from the incident. [REDACTED] stated she took [REDACTED] to UW Health, after the incident, on 02/15/19.

I took the signed release to this location and spoke with UW Health Records staff person Mya Piepenhagen. I presented the signed release to Piepenhagen who then was able to supply me with [REDACTED] certified medical record from her visit to UW Health on 02/15/19. It should be noted that there were no other doctor visits made by [REDACTED] since 02/15/19, so there was only one medical record obtained. I was also supplied with a CD that contained two photographic images of [REDACTED] head, which was taken by medical staff on 02/15/19. Those two images were printed and scanned, along with the medical record, into this report. The original CD, containing the original images, was also tagged as evidence and secured at the East Police District.

It should noted that I reviewed the medical report. This is not a detailed review of the medical record and is only a summary of what I saw. Of note, [REDACTED] reported to her doctor that she "had an incident involving physical contact with a teacher this week." She also reported, "two of [REDACTED] braids (extensions) were ripped off during the incident." Please see the medical record for complete details, which is attached. NFA

Det. Daniel Swanson #4440

26. CAPT SNYDER, T. - AUDIO RECORDINGS COLLECTED



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

THOMAS SNYDER

REPORT DATE

02/28/2019

SUPPLEMENTAL NARRATIVE

On 2/22/19, I was contacted by PO Tobias who advised me that he had audiotaped interviews conducted during an initial investigation at Whitehorse Middle School on 02/13/19. He stated that the audio recordings were made on his phone, and that all parties he spoke to were aware he was recording the interviews. Specifically, PO Tobias informed me that he recorded interviews of [REDACTED] Robert Mueller-Owens, Barbara Pietz, and Tammy Gue.

I advised PO Tobias to download the recorded interviews onto CDs. PO Tobias provided me the two CD's on 2/25/19. These CD's were taken into possession by Det. Swanson on 2/28/19. Det. Swanson was asked to property tag the two CD's. NFA

CAPT THOMAS SNYDER 2263

jlt

27.DET SWANSON - CORRESPONDANCE WITH MMSD SAFETY COORDINATOR

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
	CASE REPORT SUPPLEMENT	

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/28/2019
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SUPPLEMENTAL NARRATIVE

On 02/25/2019 I emailed MMSD Safety and Security Coordinator Joe Balles a list of requests that I received from the District Attorney's Office. On 02/28/2019 Balles responded to me via email with the questions listed, as well as the answers to those requests. I have attached the email I received with the answers to the requests to this report. I included a map of the hallway at Whitehorse Middle School, where the incident took place. NFA

Det. Daniel Swanson #4440

28.DET SWANSON - RECORDS REQUEST TO CPS



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER

DANIEL SWANSON

REPORT DATE

02/28/2019

SUPPLEMENTAL NARRATIVE

On 02/26/2019 Det. Sgt Julie Johnson sent a records request to CPS at the request of Dane County DA Ozanne, regarding [REDACTED]. As of 02/28/2019, CPS has not fulfilled the request and has not produced any of the requested documents. NFA

Det. Daniel Swanson #4440

29.DET SWANSON - STATEMENT OF ROBERT MUELLER OWENS

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
CASE REPORT SUPPLEMENT		

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 02/28/2019
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SUPPLEMENTAL NARRATIVE**STATEMENT OF ROBERT MUELLER OWENS**

On 02/28/2019 I made phone contact with Attorney Jordan Loeb, of Pines Back LLP, who is representing Robert Mueller Owens in this case. I had requested an interview with Owens reference this case. Attorney Loeb told me he had spoken to Owens and they agreed to an interview at his law office. Det. Pihlaja and myself then went to the Pines Back Law Firm, where we met with Owen and Attorney Loeb in a conference room.

After introductions, I made sure that everyone was clear with the fact that Owens and his attorney were meeting with us voluntarily, he was not under arrest or detained and he was free to stop answering questions and end the interview at any point he and/or his attorney would decide to do so. Owens stated yes, he understood this to be the case.

I asked Owens if he could tell me about his teaching background. Owens stated that he has been an educator for over thirty years, in various parts of the country. Owens told me that he has worked as a teacher in such places as Detroit, Boston, parts of the south and in Madison. Owens stated he has worked for the Madison Metro School District since the year 2000. Owens stated while at MMSD, he has held roles that include Teacher, Assistant Principle, Positive Behavior Coach and the Coordinator of Academic and Career Planning for students. Owens explained that throughout his thirty year career, he has always believed and worked on racial issues and restorative justice within the schools. Owens explained that he was instrumental in bringing the restorative justice concept to the MMSD several years ago. I asked Owens what his role as a Positive Behavior Coach includes and he stated as a Positive Behavior Coach he helps build a sense of community in the schools, provides incentives for good behavior, continues to grow the restorative justice concept in the school and when discipline issues do occur in the school he works with the students and teachers to find what each needs and helps this occur.

I asked Owens about any training he has received through the MMSD that pertains to his position as a positive behavior coach. Owens told me that he, as well as other teachers, had received Non Violent Crisis Intervention training in 2018. Owens stated he also received an updated training that was used for more severe situations in which staff members work together to restrain a student on the ground in instances where the student is acting in a way that is dangerous to other people as well as the student.

I asked Owens if he had worked with student [REDACTED] prior to the incident on 02/13/2019. Owens told me yes but he only started working with her when he met her at the beginning of the 2018/2019 school year. Owens stated that throughout the school year [REDACTED]

[REDACTED] Owens stated that [REDACTED] behavior was consistent with someone who has experienced [REDACTED] Owens told me he was familiar [REDACTED]

[REDACTED] Owens said there [REDACTED]. Owens told me that at one point this school year (he could not remember the date) he became so worried with [REDACTED] that he relayed to school officials that he felt that the school could not give [REDACTED] what she needed to succeed or be safe. Owens stated that generally after he would work with [REDACTED] her mother [REDACTED] would be called. Owens said calling the parent of a [REDACTED]



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER

DANIEL SWANSON

REPORT DATE

02/28/2019

SUPPLEMENTAL NARRATIVE (continuation)

student after there was an incident was common practice. Owens told me that his conversations with [REDACTED] had always been civil.

I then told Owens I would like to talk about what had occurred the day of the incident, on 02/13/19. Owens stated that he knew [REDACTED] was having a tough day right away in the morning. Owens said that he was called immediately to [REDACTED] first hour class by the teacher, Mrs. Hilmer, because Mrs. Hilmer was nervous to have [REDACTED] in her class because of [REDACTED] behavior that morning. Owens said Tammy Gue had responded to the classroom first. Owens said it was relayed to him that [REDACTED] was yelling at Mrs. Hilmer and when Gue had attempted to de-escalate [REDACTED] it was not working and they requested his help. Owens stated he arrived at Mrs. Hilmer's class and was able to calm [REDACTED] down and have her come to his office in the ALC. Owens said he and [REDACTED] spoke at length about what had happened and they agreed that [REDACTED] has a difficult time dealing with her emotions and communicating her needs when she is overcome by those emotions. Owens said that he presented an idea to [REDACTED] in that when she is feeling overcome with emotion, she could hold up a color coded flash card that would alert the teacher that [REDACTED] may need something in order to avoid an issue. Owens stated [REDACTED] was very excited about this concept and their meeting ended with what Owens thought was a very positive note. Owens said that this conversation with [REDACTED] went well into second period, where [REDACTED] was supposed to be in Mrs. Pietz's class. Owens told me at this point, he had Tammy Gue escort [REDACTED] to her second hour class with Mrs. Pietz.

Owens told me that he was organizing his thoughts from the meeting he had with [REDACTED] and he was going to call [REDACTED] mother, [REDACTED] when within a few minutes (Owens said less than five minutes) he was suddenly being called by Tammy Gue to come to Mrs. Pietz class and assist in removing [REDACTED] for some issue. Owens stated he went to Mrs. Pietz's class, which was close by the ALC, and stood in the doorway. Owens said he observed [REDACTED] pacing in the class and yelling at Mrs. Pietz. Owens stated that since he just had a positive meeting with [REDACTED] he felt that he would be able to just motion for her to come out to the hallway to speak to him. Owens stated that [REDACTED] yelled something back at him but he could not remember what. Owens told me [REDACTED] was not coming towards him and continued to yell and pace in the classroom. Owens stated he went into the classroom, up to [REDACTED] and calmly asked her to come out to the hallway to speak to him about what was going on and she again refused, saying things such as "leave me alone, I'm not talking to you, stop talking to me." Owens stated he started to become worried about [REDACTED] escalating at this point. Owens said he continued to calmly talk to [REDACTED] as she walked over to an electronic pencil sharpener and sharpen her pencil. Owens described that as this was happening, he was standing in between two tables that had other students sitting at them. Owens believed there would have been about eight students right there, four at each table. Owens told me that at this moment, he was thinking about [REDACTED] behaviors at the school and thought about the fact [REDACTED]. Owens stated that he was worried that [REDACTED] on another student. Owens stated he moved closer to the door of the classroom and [REDACTED] came closer to him. Owens stated [REDACTED] then said to him "I'm going to swing on you." Owens told me he continued to grow more concerned with [REDACTED] behavior and was concerned for the other student's safety in the classroom. Owens said that after [REDACTED] threatened him, he turned his head to Mrs. Pietz, who was standing behind him, and told her to evacuate the class. I asked Owens why he made the request for Mrs. Pietz to evacuate the class and he stated it is standard protocol to evacuate the class, if feasible, if there is a situation occurring in the classroom that poses a possible safety risk to other



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSONREPORT DATE
02/28/2019

SUPPLEMENTAL NARRATIVE (continuation)

students. Owens told me that [REDACTED] said something back after he made the evacuation request but could not recall what [REDACTED] had said. Owens told me that [REDACTED] then began to move to the door of the classroom and he was relieved because he thought that [REDACTED] was leaving the classroom, which would relieve his concern for the safety of the students in the classroom. Owens stated that [REDACTED] went out of the classroom but was still right at the threshold of the door at which point she attempted to slam the door shut (Owens stated the door opens to the outside of the hall). Owens told me that his foot was in a spot where the door hit him on the outside of the right side of his foot, and he also was able to stop the door from slamming. Owens told me he remembered that he really wanted to stop the door from slamming because he did not want the other kids to get scared.

Owens told me that once the door hit his foot, [REDACTED] who was still standing outside of the classroom but right at the door, grabbed the door and swing it open. Owens told me that he turned and faced [REDACTED] and then she suddenly, without warning, began to punch him with closed fists in the face. Owens stated [REDACTED] was moving her body forward as she was punching him in the face with both fists. Owens told me that he put up both of his hands, palms facing out, to block [REDACTED] punches from hitting him in the face. Owens told me he was very concerned for the safety of the children in the classroom that he used his body to continue to block the door way from [REDACTED] and also began to walk forward, with his hands still up to block, so [REDACTED] could not get into the classroom. Owens said that [REDACTED] was punching him with such force that she was using her entire upper body to swing her fists and as she was punching, [REDACTED] head would swing left or right with her body. Owens stated [REDACTED] braided hair was flying left to right with her head and upper body as she was punching him and he could recall feeling her braids between his fingers as he kept his hands up to block her punches. Owens told me he never grabbed or pulled [REDACTED] braids. I asked Owens if he physically pushed [REDACTED] back at all at this point and he told me no, he never pushed, punched or hit [REDACTED] as he would never put his hands on a child. Owens told me as he was using his body to walk forward, he and [REDACTED] were moving across the hallway. Owens stated he then reached out to [REDACTED] and attempted to put her in a bear hug for the purposes of stopping her from punching him. Owens told me "I would rather get punched from three inches away than twelve inches away." Owens stated as he was trying to bear hug [REDACTED] and bring her in closer so that she could not punch him as effectively, he lost his balance and they fell to the ground. Owens told me the fall "was not planned" and he just lost his footing from all of this happening. Owens told me that Tammy Gue, who he believed was in the hallway for most of this, got her arm caught up in his arm and [REDACTED] body as he was trying to stop her from punching and Gue ended up falling with Owens and [REDACTED]

Owens stated once on the ground, [REDACTED] was laying on her back. Owens stated he was on the ground to the left of [REDACTED] and Gue was to the right of [REDACTED] but Gue's body was laying across [REDACTED] body. Owens told me that he remembered his legs had somehow become entangled with Tammy Gue's legs from the fall and it took a few seconds to become untangled. Owens stated he immediately remembered his advanced training he received from the MMSD about restraining violent subjects while on the ground. Owens stated when this was taught, it was meant to be done with four or five staff members but in this circumstance, it was only he and Gue. Owens told me he was still very worried for the safety of the children in the classroom and thought to himself that they had to "safely restrain her [REDACTED] so she doesn't hurt anyone." Owens said he saw that Gue was laying on [REDACTED] right side, as well across her body, so Owens laid on [REDACTED] left arm. Owens told me that he then looked up and saw that Brandon, a security officer with MMSD, and other staff were running up to help get control of the situation. Owens told me he got up from the



MADISON POLICE DEPARTMENT

CASE# 2019-00056447

CASE REPORT SUPPLEMENT

REPORTING OFFICER
DANIEL SWANSONREPORT DATE
02/28/2019

SUPPLEMENTAL NARRATIVE (continuation)

ground and realized that [REDACTED] had knocked his glasses off of his face when she was punching him. Owens stated the lens had popped out of the frame but he was able to put it back in and it was not permanently broken. I asked Owens if he had sustained injuries from [REDACTED] and he told me that he had a fat lip, a cut on the bridge of his nose (which was still visible to me during this interview) and he had a cut under his right eye. Owens told me that he did go to his doctor for these injuries at a later date.

Owens told me after getting up, he went to the front office. Owens stated that he immediately went into "administrator mode" and sent a text to Principle Natalello, who was off site at a meeting, and told her what had occurred. Owens stated that Principle Natalello called him on the phone and then told him to call MMSD Safety and Security Coordinator Joe Balles, which he did. Owens stated he knew that other staff was back in the hallway helping [REDACTED] and other people impacted by the incident. Owens stated he then went to call [REDACTED] mother, but found out that [REDACTED] had already called her on her own from another classroom. Owens said he then sat in Principle Natalello's office because he was "so rattled."

Owens told me a short time later, [REDACTED] had arrived and was on her cell phone with 911 as she walked into the front office area. Owens told me that he heard [REDACTED] on the phone say that a staff member had assaulted her daughter and she needed police and fire to the school. Owens told me that [REDACTED] said to him "what are we trained to do?" Owens said [REDACTED] asked him if he "knew CMI" referring to a past practice of calming students in crisis. Owens stated CMI is not practiced anymore. I asked Owens if he had heard any conversation between [REDACTED] and the arriving Madison police officer and he said no. Owens stated he wanted to clarify him using his body to block the door to the classroom and walk forward to create distance between [REDACTED] and the classroom. Owens told me this is not normal practice, however, he was so concerned for the safety of the other children in the class because of [REDACTED] behavior and her attack on him that he felt it needed to be done so [REDACTED] could not get to the other students.

I asked Owens if there was anything else he wanted to add before we concluded the interview. Owens told me that has devoted his thirty plus career to working with kids in schools who experience poverty and hardships. Owens told me that he has always focused on social justice in education and restorative justice, as it is his passion. Owens stated that he has always loved working with challenged kids and further stated that he puts himself in these situations because it's the right thing to do. Owens felt that his career was now over because he "took a risk." Owens stated that he still felt that his pain was insignificant compared to [REDACTED] and her mom and truly wants the best for them.

I then explained to Owens and Attorney Loeb that I would be forwarding this report and the case file to the District Attorney's Office for review. I asked if they had anything further to add or any more questions and they both stated no. I told Owens and Attorney Loeb to contact me if they had any further questions. NFA

Det. Daniel Swanson #4440

30.DET SWANSON - PHOTOGRAPHS OF CLASSROOM AND HALLWAY



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER

DANIEL SWANSON

REPORT DATE

03/04/2019

SUPPLEMENTAL NARRATIVE

PHOTOGRAPHS OF CLASSROOM AND HALLWAY

On 03/04/19 at 6:00 AM I met Investigator Spade at Whitehorse Middle School for photographs and a measurement. It was requested that photographs be taken of Mrs. Pietz classroom (room #188) and Mrs. Rybak's classroom (room #189) as well as the hallway that the classroom's are in. Investigator took the photographs requested. The width of the hallway, from Mrs. Pietz door was also measured. This width measured as 10.58 feet (127 inches). NFA

Det. Daniel Swanson #4440

31.DET SWANSON - ROBERT MUELLER OWENS MEDICAL RECORDS

	MADISON POLICE DEPARTMENT	CASE# 2019-00056447
	CASE REPORT SUPPLEMENT	

REPORTING OFFICER DANIEL SWANSON	REPORT DATE 03/04/2019
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SUPPLEMENTAL NARRATIVE

ROBERT MUELLER OWENS MEDICAL RECORDS

On 03/01/19 I received a signed medical records release form via email for Robert Mueller Owens through his attorney. On 03/04/19 I responded to the Wildwood Family Clinic to obtain the records as this was noted on the release as the medical facility in which Mueller Owens went for treatment after the incident on 02/13/19.

This is a summary of the medical records, which are attached. For complete details, see the medical records. According to the medical record, Mueller Owens went to the doctor on 02/13/19. The reason stated on the medical report is stated as "[REDACTED]". The medical record also states, "[REDACTED]". "[REDACTED]" Medical records are attached to this report. NFA

Det. Daniel Swanson #4440

DET SGT JOHNSON - REPLY FROM CORP COUNSEL



MADISON POLICE DEPARTMENT

CASE# **2019-00056447**

CASE REPORT SUPPLEMENT

REPORTING OFFICER

JULIE JOHNSON

REPORT DATE

03/04/2019

SUPPLEMENTAL NARRATIVE

REPORT CONTENTS:

Reply from Corporation Counsel re: Requested CPS records

COPIES ATTACHED:

Letter from Corporation Counsel

NARRATIVE:

On 3/4/19 Dane County DA Ismael Ozanne sent an email to CPS supervisor Lisa Martin asking for the requested CPS records.

At approximately 1:21 pm on 3/4/19 I received an email that was addressed to myself and DA Ozane from Eve Dorman see attached letter.

I forwarded this email to case detective Swanson and Lieutenant Schiferl, and told them I would do a report on this as I had originally requested the CPS records as directed by DA Ozanne.

Det. Sgt. Julie Johnson/2867

Letter from Corp Counsel

OFFICE OF THE CORPORATION COUNSEL



March 4, 2019

Ismael Ozanne, District Attorney
215 S. Hamilton St., Ste 300Q
Madison, WI 53703

VIA EMAIL ONLY

RE: Records Request

District Attorney Ozanne:

The Dane County Department of Human Services is in receipt of your request for Child Protective Services records regarding the minor, [redacted] and her family, [redacted] is the alleged victim of a violent incident that occurred at Whitehorse Middle School. As support for your request, you cite a Memorandum of Understanding between your office and DCDHS regarding the sharing of records and information.

DCDHS will not be responding to your request for records regarding this family. Sec. 48.981(7) provides that the Department "may" share records upon request and without consent of the subject of the records under certain exceptions to confidentiality. While a District Attorney's Office or law enforcement agency is one of the entities with which the Department is permitted to share information, this statute does not compel the release of any information.

As you know, DCDHS and the DA's office often have a need to share information. These two agencies have entered into a Memorandum of Understanding regarding that information-sharing. You will note that at #2., the MOU provides that "Upon request of either the DA or law-enforcement, records related to any previous child abuse and neglect reports/investigations regarding the subject of the current report and investigation shall also be released. The DA will use these earlier reports/investigations records for the purpose of assessing care-giver patterns of behavior and response to prior service interventions, and to make appropriate charging decision and plea/sentencing recommendations." (emphasis added)

Therefore, pursuant to the agreement, any records sought by your office should be related to assessing care-giver patterns of behavior. Our understanding is that the care-giver at issue and

- Corporation Counsel
Marcia MacKenzie
Deputy Corporation Counsel
Carlos A. Pabellon
Assistant Corporation Counsel
David R. Gault
Dyann L. Halter
Mary M. Knaprek
Kelly S. Nevaclil
Susan H. Runtz
Permanency Planning
Legal Director
Bve M. Dorman
Assistant Corporation Counsel
Shawna L. Guinn
Andra L. Nollendorfs
Annada J. Raitiakar
John C. Taffis
Child Support Agency
Legal Director
Vuo Yang
Assistant Corporation Counsel
Clare Altschuler
Andrea Brendenoughl
Scott D. Drummond
Oray Gomez
Janie A. Jacobs
Michelle R. Wagner

the subject(s) of the current investigation is a staff member at Whitehorse Middle School. You have not provided any reason why you would be seeking reports related to the alleged victim and her family, nor in what way those records would be relevant to the current investigation [REDACTED] parents are not the alleged maltreaters in this instance, and there is no viable reason for your office to be seeking records related to them.

Further, DCDHS rightfully expresses deep concern that releasing records related to the victim would have the unintended consequence of deterring others from reporting their own abuse or neglect out of fear that information about any prior contact with DCDHS might be released to law enforcement, the DA's office and, potentially, the public.

Accordingly, DCDHS will not respond further to your request. If you provide a signed consent for release of information from [REDACTED] parents for any information DCDHS may hold, of course, the Department will share information in accordance with the consent. If you wish to request any records related to the alleged maltreater(s) in this unfortunate situation, DCDHS will be happy to assist.

Respectfully,



Eve M. Dorman
Deputy Corporation Counsel for DCDHS