

Congress of the United States  
Washington, DC 20510

July 21, 2021

Ms. Kristen Clarke  
Assistant Attorney General for Civil Rights  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20540

Assistant Attorney General Clarke:

We write to bring to your attention the attached July 5, 2021 request from our constituents for the United States Department of Justice to conduct a federal civil rights investigation of the Wauwatosa Police Department's practices. This request comes from three families who have each had a loved one shot and killed by a police officer at the department. These Wisconsin families have put forward serious allegations of misconduct, including policing practices that allegedly targeted individuals because of their race and/or their engagement in activities protected by the First Amendment.

We respectfully request that the Department of Justice thoroughly and deliberately consider this request.

Sincerely,



Tammy Baldwin  
United States Senator



Gwen Moore  
Member of Congress



**MOTLEY**  
**LEGAL**

Afghanistan and United States  
Afghan Tel: +93 (0) 795 069 652  
+93 (0) 788 887 887  
Int'l Tel : +1 (704) 765-4887  
U.S. Tel : +1 (704) 763-5413  
Website : [motleylegal.com](http://motleylegal.com)

July 5, 2021

Attorney General Merrick Garland  
Office of the Attorney General Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001  
[attorney.general@usdoj.gov](mailto:attorney.general@usdoj.gov)

RE : Request of Support to the DOJ of a Federal Civil Rights Probe of the  
Wauwatosa Police Department

Dear Attorney General Garland,

On behalf of the Alvin Cole, Jay Anderson Jr., and Antonio Gonzales families we are sending this correspondence to request your support and join us in a request to the United States Department of Justice to conduct a federal civil rights probe of the Wauwatosa Police Department (hereinafter referred to as "WPD"). The WPD has engaged in questionable and potentially unlawful police practices for decades, which has included questionable surveillance of citizens particularly those who call for police reform, and has used its unchecked power to routinely ignore the constitutional rights of its citizens.

We became aware of the problems with the WPD after Joseph Mensah (hereinafter referred to "Mensah"), an officer with the WPD for five years, shot his weapon a total of nineteen times, killing three males of color: Alvin Cole on 2/2/20, Jay Anderson on 6/23/16, and Antonio Gonzales on 7/15/15. When investigating this conduct, it became starkly evident that WPD lacked proper oversight of its policing. In addition to this, after digging into Mensah's history with the WPD, we found that he was never reprimanded or disciplined for his actions. <sup>1</sup>

In our short investigation, we have uncovered documents & other evidence that supports that WPD has engaged in a rampant abuse of power, corruption, and many other questionable legal issues in policing. We strongly believe that the WPD has facilitated unchecked institutional racism with its police practices and routinely violates constitutional laws. Newly retired WPD police chief Barry Weber, who served for 30 years as the chief, was never subjected to proper oversight by the City of Wauwatosa, thus there were never any checks and balances by the city's governing body. A lot of this information came to light due to the targeting,

---

<sup>1</sup> At present, there has been a hearing in State court where a judge will determine if there is probable cause to charge Mensah for the shooting of Jay Anderson which occurred on June 23, 2016. The judge will render a decision on the matter on July 28, 2021.



arresting, and surveying of peaceful protestors who were calling for police reform especially in light of Officer Joseph Mensah who shot and killed three males of color - [Alvin Cole, Jay Anderson, and Antonio Gonzales within the last five years](#). Below are some of the issues that we have uncovered.

1) **Arrest and Traffic Stop Data Demonstrates Racial Profiling Practices by the WPD – Pursuant to the WPD Traffic & Arrests 2015 - 2018)**

WPD is a town with 49,000 people, 92 officers, and less than 6% of a black population. Nevertheless, in 2018 over 82% of its arrests were of African Americans & between 2015 - 2017 over 60% of its traffic stop were of African Americans, in addition to this, data shows that African Americans were stopped over 2 minutes longer than white drivers. Wauwatosa has had substantial national & international media attention and there are MANY residents in the community who also support the DOJ conducting a federal civil rights probe.

2) **Fabricated Arrests & Targeting of - (Attached Fake vs. Real) of high-profile activists, elected officials, and citizens**

Numerous peaceful protests took place in Wauwatosa from July 10, 2020 – the present. The WPD has issued hundreds of tickets to these peaceful protestors. As a result, there were numerous open records requests submitted for the arrest records of citizens. These records turned up disturbing information.

On 1/7/21, the day after the Capitol riots, WPD released records to journalists and civilians of fabricated arrests of persons - including Wisconsin State Representative David Bowen. To be clear these are arrest records NEVER happened of citizens who were given an arrest and booking number. We have found over forty (40) fabricated/ghost arrests in the system created by several WPD Officers of persons peacefully protesting for police reform.

These arrest records disproportionately represent African Americans. This is not just alarming but it is also dangerous. Persons could be stopped in Wauwatosa not realizing that they have a fabricated arrest record which could inform how police deal with them. The WPD has refused to delete these fabricated records but acknowledges that they do exist.

As a result of learning that the WPD had fabricated arrest data, I sent a certified letter to them requesting that such records should be erased; I believe they have not done so. Additionally WPD refused to be [interviewed with the media](#) concerning these arrests

3) **Targeting of Protestors - (Attached Protestor List)**

We have received emails from the WPD indicating that they have been surveying and keeping lists of persons who are peacefully protesting for police reform without

any legitimate legal basis to do so. It is important to note that they were updating this list since list. In addition to this, we believe that the WPD has particularly tried to target people within a local activist group called the People's Revolution.

4) **Freedom of Information Act - Request for Documents - \$1321 (Attached High Prices for FOIA & \$1,321 receipt for WPD Mensah Emails)**

One of the emails we received from the WPD showed that a WPD officer (who is the current president of the Wauwatosa Police Union) was advised by their union Attorney to unlawfully charge high prices for FOIA's to chill persons from making valid open records requests. We have attached a receipt of \$1,321 paid for emails from WPD. The [ACLU had also called the charging of high fees unlawful.](#)

5) **Illegal Searching Phones (Attached Getting Into Phones)**

During protests which occurred in Wauwatosa between Oct 7 - 12, 2020, ,activists reported being arrested for noncriminal ordinances, having wrist restraints/handcuffs put on them very tightly, and being forced to meet FBI agents - despite the fact that there was no probable cause that they had committed any state or federal crimes. Persons' cell phones were seized and held for days & often weeks - without probable cause or consent to retain their phones for a search. There is evidence in the emails that we have received that suggest that the WPD officers unlawfully removed people's SIM cards from their phones, which appears to violate the Fourth Amendment. Attached is an email written by a WPD officer stating that they are sending phones to the "Nerd Lab", and that if they are not able to get a warrant to get into people's phones then they can take out their SIMS.

In a particularly egregious case, Alvin Cole's sister's phone was seized and held for weeks and she successfully sued the WPD in court to get her phone back in Milwaukee County case 20CV6184. While Ms. Cole's phone was in WPD's possession, her social media accounts mysteriously disappeared, giving rise to our suspicion that the WPD unlawfully tampered with her phone.

6) **History of Systematic Racism in the WPD**

While all of the above examples are of incidents which occurred in the past several years, these events are part of an ongoing historical pattern of discrimination promulgated in the WPD. In the late 1980's members of the WPD held racist Martin Luther King Parties which were hosted, thrown, and attended by WPD Officers. In these parties, it is reported that participants were in blackface, and had KKK insignia prominently displayed.

Chief Weber was ostensibly hired in 1990 in part to clean up the WPD. While

some of the officers were being investigated for this misconduct, the WPD officer who hosted at least two of these parties was promoted by Chief Weber while the investigation was ongoing. In addition to this, several of the officers were eventually promoted through the ranks of WPD, becoming the senior officers who molded & trained the WPD Officers of today.

Although these matters were brought before the Wauwatosa Police and Fire Commission(PFC), which is supposed to oversee the WPD, the PFC never imposed any discipline on the participating officers and approved all of their promotions. The PFC is now headed by Dominic Leone, a former WPD Officer from 1975 – 2010, who served and was part of the WPD's command staff under Weber for decades.

WPD has been allowed to operate unchecked by the City of Wauwatosa for decades. Other civil rights probes have occurred in other jurisdictions for far fewer infractions. Based on their track record of flouting basic rule of law principles a deep dive into their financial records also should happen.

The aforementioned are just a few examples of some of the issues of corruption uncovered within the WPD which would justify a federal civil rights probe.

If you would like more information I am happy to provide it. Thank you for your time and consideration of this matter.

Warm Regards,

ss://Kimberley Cy. Motley, Esq.  
Founding Partner / CEO  
Attorney for the Alvin Cole, Jay Anderson Jr., and Antonio Gonzales Families  
Motley Legal Services  
US MOBILE : +1(704) 763-5413  
International Number : +1 (704) 765-4887  
Email : [kmotley@motleylegal.com](mailto:kmotley@motleylegal.com)

cc: Congresswoman Gwen Moore  
Senator Tammy Baldwin  
Senator Ron Johnson  
Representative Fitzgerald