

CHIPPEWA COUNTY DISTRICT ATTORNEY'S OFFICE

711 North Bridge Street
Chippewa Falls, WI 54729
Phone: [715] 726-7740 ♦ Fax: [715] 726-7748

E-mail: DistrictAttorneyOffice@co.chippewa.wi.us
Website: www.co.chippewa.wi.us/Departments/DistrictAttorney

WADE C . NEWELL, District Attorney

Assistant District Attorneys

Roy La Barton Gay
Sara Matthews

Scott Zehr
Sheila Yohnk

Office Manager
Victim Services Office

[715] 726-7747
[715] 726-7733

October 27, 2023

Randy Scholz,
County Administrator
Chippewa County Courthouse
Chippewa Falls, WI 54729

RE: Sheriff Travis Hakes – Investigation of Communication and Activities of Sheriff

On September 20, 2023, you sent me a letter regarding an “investigative report” that you forwarded to me at the request of the Chippewa County Board of Supervisors. In that letter you stated that there was concern, as the investigation showed “issues involving matters that may call into question Sheriff’s Hakes’ compliance with laws”. Your letter goes on to state that you believe I am in “the best position to address those issues and determine if further investigation by law enforcement is warranted”.

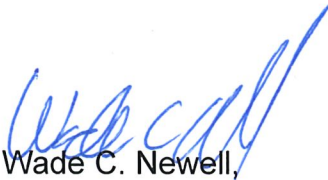
I reviewed that “investigative report” and had one of my assistant district attorneys also read the report. To avoid allegations that it may be a conflict for me to make criminal determinations regarding my own Sheriff, I also had another district attorney, from a non-adjointing county review the report. We all came to the same conclusion that there was insufficient evidence, at this point, to make a determination that criminal charges are warranted. This should not be taken as a determination that there is no merit to having law enforcement investigate the issues raised in the “investigative report”. However, the Chippewa County District Attorney’s Office is not set up to do criminal investigations. In the DA’s Office, we rely on our law enforcement partners to conduct the investigations. Only after a complete investigation, can the DA’s Office determine whether or not criminal charges are warranted.

Therefore, my recommendation is that any individual that believes that the conduct of the Sheriff rises to the level of criminal misconduct in office or any other violation of the law, they should make a report/complaint directly to law enforcement. This way a full and fair investigation can be conducted regarding the matter. Once again, this should not be seen as a determination of the merits of any issues raised in the “investigative report”. I am just saying that I have insufficient evidence to make a direct report to law enforcement.

Misconduct in office is a very serious allegation, that requires serious attention. Any time an issue of misconduct in office is raised, it creates the potential for citizens to lose trust in their elected officials. The community expects that its elected officials conduct themselves in a professional manner, therefore all elected officials should avoid the appearance of impropriety.

Misconduct in office is a complex issue that requires a very fact specific analysis. Sometimes criminal charges are warranted, and sometimes it is just a matter of educating the official, so that they can engage in otherwise lawful behavior in a way that does not create the appearance of impropriety. Most of the time, when I get a misconduct in office complaint, it deals with either an open meeting violation, or a citizen concern that an official is using their position for their own or someone else's monetary gain. The "investigative report" references Sheriff's Hakes outside employment as a "conflict of interest". The law clearly allows the Sheriff to have outside employment, that is not the issue. The issue that I am going to address is the parameters, that if followed, will hopefully avoid the appearance of impropriety. To avoid the appearance of impropriety the Sheriff should not conduct any outside employment/business while in uniform; while at the county's criminal justice complex (which includes the Sheriff's Department, Jail and Courthouse); or involves Sheriff's Department employees. I am not saying that the Sheriff previously, or is currently, violating these parameters. Since the issue was raised, I felt it was best to address because I believe trust in its elected officials is necessary to effective government, and the appearance of impropriety, by elected officials should be avoided at all costs.

Lastly, you asked me to review the "investigative report" regarding issues of "dishonesty", as you are aware that I have an obligation to maintain a file regarding issues of credibility regarding law enforcement officers. The credibility of law enforcement officers is critical to the integrity of the criminal justice system. As such the defense is entitled to all information that calls into question the credibility of an officer. Based upon the U.S. Supreme Court decision in *Giglio v. Maryland*, 405 U.S. 150 (1972), the prosecution is required to disclose any information in the State's possession that the defense could use to impeach an officer's credibility. Issues raised regarding Sheriff Hakes' "credibility" are still under review, as I am still in the process of gathering additional information. I cannot make any determination until I have all the facts. I am currently in possession of the "investigative report", Sheriff's Hakes' *Giglio* response to me, Sheriff Hakes' "counter investigation, and am currently looking into concerns raised, regarding Sheriff Hakes, during prior law enforcement employment, which may raise issues of credibility.



Wade C. Newell,
District Attorney
Chippewa County

cc: Sheriff Travis Hakes