

Madison Police Department PSIA Report

Incident Details

Date Received 11/21/2023
 Entered By SGT Kevin Statz
 - [REDACTED]
 Date/Time of Occurrence 11/21/2023 16:30
 Date/Time Entered 11/22/2023 14:42
 Record ID Number 10630
 Case # 2023-503734
 Tracking # 2023PSIA-0158
 Madison PD Captain Michael
 BlueTeam 6 Assigned Hanson - [REDACTED]
 Investigator
 IPro Assigned Sgt Ryan Gibson
 Investigator

Incident Location

Location of Occurrence West District
 [REDACTED]
 Madison, WI, 53711

Incident Summary

See attached documents and Memorandum.

From Sergeant Ryan Gibson.

Reference 2023PSIA-0158:

SOP: Use of Force: (Upholstering and arming ECd/taser when not needed)
Sustained

SOP: Police Weaponry (Handgun)
Sustained

Code of Conduct: Courtesy, Respect, and Professional Conduct (Concerning comments) Not Sustained

Code of Conduct: Courtesy, Respect, and Professional Conduct (Instagram

video) Sustained

See 2023PSIA-0176 for that portion.

From Sergeant Ryan Gibson: 2-14-24: Probationary Officer Sitko failed to meet performance requirements; not well suited to be a police officer. He resigned on 2-14-24. He resigned in lieu of termination.

Reporting Employees

[Redacted]	
Assignment at time of incident	[Redacted]
Role	—

Involved Employees

Officer Andrew Sitko - [Redacted]

Assignment at time of incident: Officer Central District/Patrol 5 Shifts Central/3D23/Patrol 3P-11P

Role: —

Linked Allegations: Code of Conduct - Courtesy, Respect and Professional Conduct (Sustained - 02/12/2024)

- Resignation - 02/14/2024

Code of Conduct - Courtesy, Respect and Professional Conduct (Not Sustained - 02/12/2024)

- Resignation - 02/14/2024

SOP - Police Weaponry (Sustained - 02/12/2024)

- Resignation - 02/14/2024

SOP - Use of Force (Sustained - 02/12/2024)

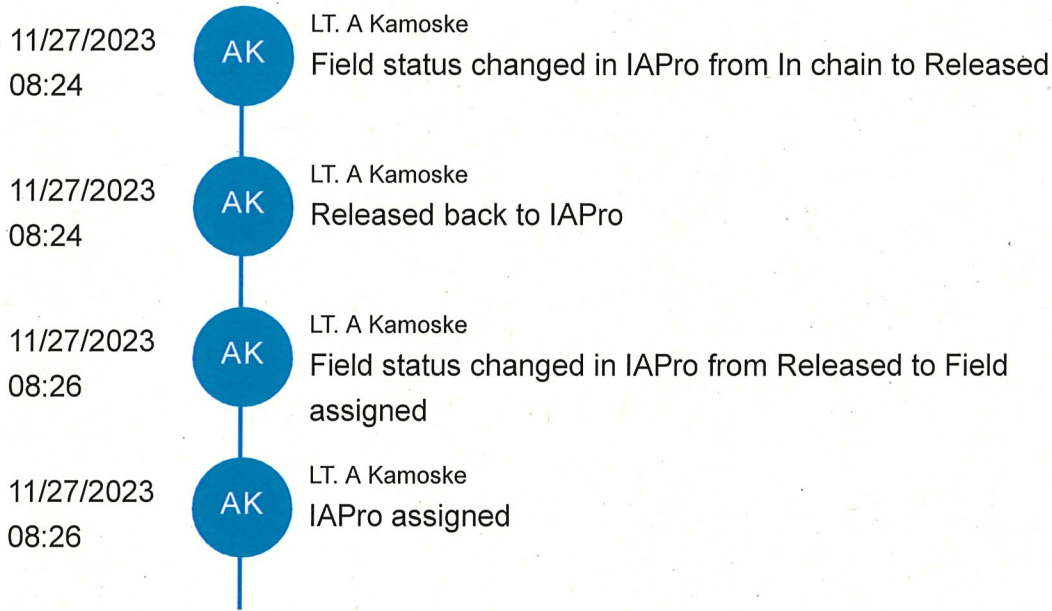
- Resignation - 02/14/2024

Attachments

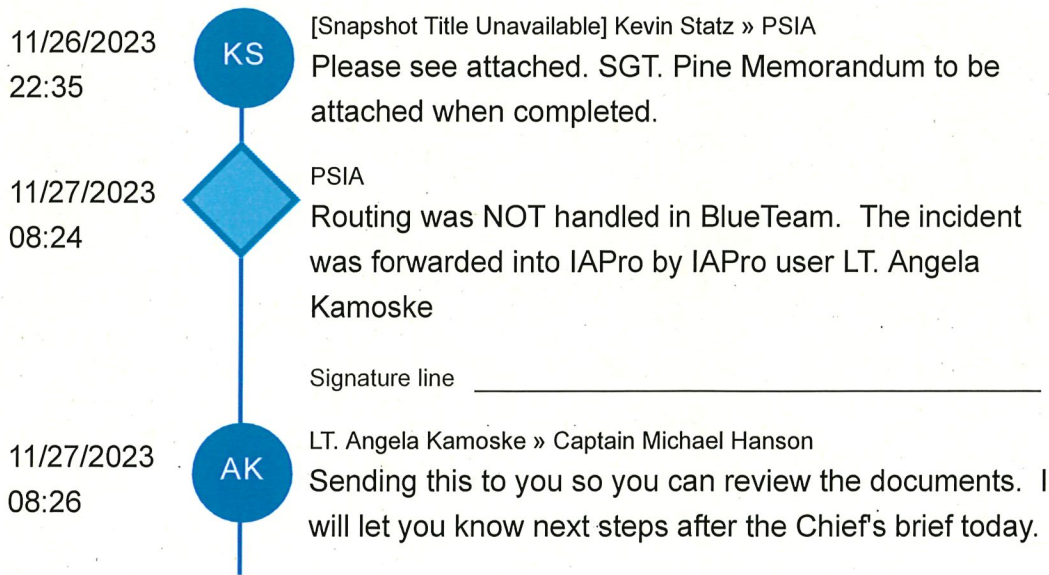
Date Attached	Attachment Description	Attachment Type
11/22/2023	Taser 436 data download for events on 11212023	pdf

Date Attached	Attachment Description	Attachment Type
	Downloaded on 11222023	
11/22/2023	Dane County PCSS 911 CAD unit activity (3C1) and AVL data 11212023 page 17	PNG
11/22/2023	Dane County PCSS 911 CAD unit activity (3C1) and AVL data 11212023 page 18	PNG


Assignment History



Chain of Command History



Assigned Investigator Signature Line

Captain Michael Hanson - 

Madison Police Department PSIA Report

Incident Details

Incident Location

Date Received 12/15/2023

Entered By [IAPro entry - Sgt Ryan Gibson]

Date/Time of Occurrence —

Date/Time Entered 12/15/2023 13:58

Record ID Number 10677

Case # 23-457452

Tracking # 2023PSIA-0176

Madison PD [Pending
BlueTeam 6 Assigned assignment]

Investigator

IAPro Assigned Investigator Sgt Ryan Gibson

Location of Occurrence —

[None Entered]

Incident Summary

From Sergeant Ryan Gibson:

The following is reference 2023PSIA-0176.

SOP: Use of Force (Reporting Required)	Not Sustained
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Please see 2023PSIA-0158 for that portion.

From Sergeant Ryan Gibson: 2-14-24. Probationary Officer Sitko failed to meet performance requirements; not well suited to be a police officer. He resigned on 2-14-24. He resigned in lieu of termination.

Involved Employees

Officer Andrew Sitko - [REDACTED]

Assignment at time of Officer Central District/Unvabl Ctrl/Unvabl Ctrl/0800-1600/

incident

Role —

Linked SOP - Use of Force (Not Sustained - 02/12/2024)

Allegations ■ Resignation - 02/14/2024

Employee Witnesses

[Redacted]

Assignment at time of incident

[Redacted]

Role —

[Redacted]

Assignment at time of incident

[Redacted]

Role —

[Redacted]

Assignment at time of incident

[Redacted]

Role

[Redacted]

Assignment at time of incident

[Redacted]



Role

—

Attachments

No Attachments

Assignment History

No assignment history

Chain of Command History

Assigned Investigator Signature Line

[Pending assignment]



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: January 24, 2024

TO: Shon F. Barnes, Chief of Police
FROM: Sergeant Ryan Gibson
SUBJECT: **2023PSIA-158 and 2023PSIA-0176**

Brief Summary Of Complaints 2023PSIA-0158&176

On 11-28-23, I was asked to investigate 2023PSIA-0158, an internal complaint against PO Andrew Sitko. The officer making Sergeant Statz aware of her concerns was [REDACTED]. The initial documents were memos from Sergeant Nick Pine and Sergeant Kevin Statz. Both the memos from Sergeant Pine and Sergeant Statz dealt with PO Sitko on two different calls drawing his taser out of his holster, arming it, and placing the red dot on a wall or floor. On both of these occasions, there was no indication that a taser might be needed.

Also, in Sergeant Statz's memo, [REDACTED] also had concerns about some statements PO Sitko had made about using force. He was placed on Administrative Leave on 11-22-23.

I was also aware that Sergeant Statz had been interviewing different officers reference him possibly using force and not completing a report of that force being used. I would receive that memo from Sergeant Statz on 12-15-23 which is what 2023PSIA-0176 pertains to.

I interviewed [REDACTED] on 12-8-23. On 12-15-23, Sergeant Chris Keys sent an email about a video that was brought to his attention by [REDACTED]. The video was described as a woman surrendering to police, and then the police officer shooting the woman in the head. I would view that video later that morning which accurately described what Sergeant Keys stated. The video is what I would describe as animation that you see similar in video games.

Also, on 12-15-23, I received the second memo from Sergeant Statz about him possibly using force and not reporting it. I decided to create a separate PSIA file for that investigation, which is 2023PSIA-0176.

I interviewed PO Sitko on 1-4-24, [REDACTED] on 1-10-24, and [REDACTED] on 2-1-24, My interviews with [REDACTED] PO Sitko, [REDACTED] and [REDACTED] were recorded and transcribed. Also present for all of these interviews were Detective Sergeant Dave Gouran. MPPOA Representative [REDACTED] was present for all of them except for [REDACTED] interview. MPPOA Representative [REDACTED] was present for [REDACTED] interview.

Summary of Sergeant Pine's Memo

In reviewing Sergeant Pine's memo, it was in reference to MPD case number 23-476323 that occurred on 11-3-23. This call involved a possible child neglect/abuse investigation, and PO Sitko went to UW Hospital as a back-up officer. The officer who requested a back-up officer while en route to the hospital was [REDACTED]. While at UW Hospital, Sergeant Pine observed PO Sitko having his taser out of his holster and arming it when it was not needed. Below are excerpts from Sergeant Pine's memo reference his observations of PO Sitko and his taser.

"During that time, I was standing by with [REDACTED] near the nurse's station and pharmacy area which was approximately 20ft away from the child's room. [REDACTED] and I were discussing the investigation

and next steps when PO Sitko exited the child's room and walked over to our location. PO Sitko appeared to want to join in on our conversation, as he jumped into the conversation we were having.

As the now three of us continued with our conversation I noticed PO Sitko was manipulating his ECD that was contained within its holster. As I continued to observe PO Sitko's actions I observed him rapidly drawing his ECD from his holster. He was completing this action with his left hand and was removing the ECD from its holster to the point where the ECD was one inch or two away from the holster. The movement appeared to me as if he was practicing a ECD draw stroke. I observed PO Sitko complete this draw movement multiple times while standing by with me and [REDACTED]

During one of those times I observed a red laser displayed on a nearby wall and observed PO Sitko had his ECD in his right hand. It appeared the ECD was on and activated which was emitting the laser onto the wall. I observed the laser was moving around in circles and zigzags while it was displayed on the wall. I estimated the total time the laser was displayed on the wall was approximately three to five seconds.

After I made these observations I instructed PO Sitko to re-holster his ECD. I reminded PO Sitko of his surroundings, stating we were in the middle of the pediatric emergency department inside the UW Hospital, near the nurse's station and commonly used pharmacy medication dispenser. I informed him that his actions were inappropriate and unprofessional. I instructed him to cease drawing/ playing with his ECD from the remainder of the time on that call. PO Sitko responded appropriately to my instructions and returned his ECD to its holster. I did not observe any other behavior of this manner for the rest of the time I was on scene at the hospital."

Sergeant Pine later contacted PO Sitko's direct supervisor, Sergeant Statz, about his observations at UW Hospital. Sergeant Statz informed Sergeant Pine to complete a memo due to the fact that similar behavior and actions were reported to him by another MPD officer, [REDACTED]

Summary of Sergeant Statz's Memo Reference PO Sitko's Taser

On 11-21-23 [REDACTED] was assisting [REDACTED] at [REDACTED]. It would turn out the person that [REDACTED] was looking for was not at that address. While on the staircase of the apartment building, [REDACTED] noticed PO Sitko removing his taser from his holster, and noticed the red dot of the taser on the wall, (indicating the taser was armed). Just like the previous incident, there was nothing to indicate that a taser may need to be deployed. The following are excerpts from Sergeant Statz's memo regarding PO Sitko's taser:

[REDACTED] stated that she noticed PO Sitko had removed his Taser from the holster and was manipulating it with his hands, "playing with it." [REDACTED] told me that she noticed this because she saw what she recognized to be the Taser's red dot displayed on the interior wall, immediately to her left. [REDACTED]

[REDACTED] described what she saw as the red dot was "wiggling on the wall." When she noticed this, [REDACTED] advised she turned to PO Sitko and "quietly" told him something to the effect of "put that away." [REDACTED] explained that she tried to do so in a low volume because she did not want anyone to notice or be alerted to the fact PO Sitko's Taser was out and armed. [REDACTED] explained that if she had spoken to PO Sitko in a normal voice, it was likely the subjects would hear what she was saying due to the close proximity they were from each other. [REDACTED] did not believe any other person noticed PO Sitko's Taser, but stated that they easily could have, again due to their proximity. She again explained that this occurred in a common area within the building which multiple residents, from multiple apartments had access to.

[REDACTED] was unsure of how long PO Sitko had his Taser un-holstered or armed. Furthermore she was unsure of if PO Sitko listened to her instruction due to the fact she returned her focus to her contact. [REDACTED] also described this behavior of PO Sitko's as frequent in that she has witnessed him "play" with

various police weaponry items, including his Taser on his person while on duty, both during calls for service and not, during situations where deployment/use is not anticipated or warranted. “

Also, Sergeant Statz downloaded the taser PO Sitko was using on 11-21-23 (taser 436). The CAD notes show the follow up on [REDACTED] was created at approximately 4:13 pm, and then cleared at approximately 4:45 pm. The time frame from the taser download is during the time PO Sitko was on the [REDACTED] d call. The following is from Sergeant Statz's memo regarding the taser data download:

“Prior to the end of PO Sitko's tour of duty, I requested that he inform me of the Taser that he had checked out at the beginning of his shift. He advised that he was in possession of Taser #436, which matched the Taser check-out log. This was determined by verifying PO Sitko's IBM (6058) was entered in as the check-out unit for 11/21/2023 at 2:57pm. It was understood that PO Sitko had Taser 436 for the entirety of his tour of duty. I subsequently retrieved Taser 436 from the CPD armory and conducted a data download in an attempt to verify [REDACTED] statements.

I found that on 11/21/2023 the following events occurred:

2:56:53pm: Trigger – duration 5 seconds (spark test at beginning of tour)

4:26:29pm: Armed – duration 4 seconds

4:26:38pm: Armed – duration 3 seconds

4:27:35pm: Armed – duration 0 seconds

4:27:48pm: Armed – duration 5 seconds

4:31:53pm: Armed – duration 6 seconds

These findings indicated to me that PO Sitko's Taser was repeatedly powered on and off for a variety of durations following the start of shift spark test between approximately 4:26pm and 4:31pm on 11/21/2023. This was during the approximate time which the [REDACTED] incident was active as it was dispatched at approximately 4:13pm and the last officer cleared from the call at approximately 4:45pm.”

Sergeant Statz also spoke with any officer who was also on [REDACTED] and no other officer observed PO Sitko manipulating his taser. Sergeant Statz also spoke with the adult female that was not involved reference the follow up, and she also did not notice anything inappropriate or concerning.

Summary of Sergeant Statz's Memo Reference Concerning Statements

When [REDACTED] contacted Sergeant Statz on 11-21-23, she also reported some concerning/inappropriate statements he had made to her while at the West Police District parking lot after the [REDACTED] call. The following are excerpts from his memo:

[REDACTED] explained she returned to the WPD. While at the WPD she was approached by PO Sitko who undenounced to her, and for unknown reasons, also responded to that district station. While there [REDACTED] told me PO Sitko made a variety of concerning statements regarding using force against subjects to her while at her squad. She advised that without remembering how the topic was broached, PO Sitko told her “I don't want to shoot somebody....but I could use the time off” and laughed. She also reported that PO Sitko began speaking about the OIS involving [REDACTED] and made a comment to the effect of “The thing that people don't realize is that we've killed a lot of people since [REDACTED].”

████████ informed me that PO Sitko made these comments in such a way she became uncomfortable, found them “disturbing” in nature. She also reported noticing an increase in frequency where in PO Sitko made similar statements in the recent weeks/months. ██████████ advised that following the incident involving ██████████ on 08/29/2023 (case #23-376497), which ██████████ and PO Sitko were both involved in, PO Sitko had made comments about how that incident was his “Opportunity to execute him ██████████ especially since he was reaching and we found a gun in the bag” on several occasions, including while on duty. Said comments varied in specific verbiage; however, ██████████ reported specifically remembering PO Sitko use the word “execute” when detailing using deadly force against ██████████

████████ also disclosed a variety of other instances where PO Sitko has made concerning statements regarding using both non-deadly and deadly force against subjects. The dates of said incidents were not specifically recalled, however she informed me hearing PO Sitko state that he was “hoping for a ██████████ blue team” in anticipation of working DSI on ██████████, or a day near it, this past October. She also stated that he has commonly told her and other officers something to the effect of “I can fix this right now” (when dealing with a non-compliant subject) and simultaneously beginning to un-holster his Taser and/or firearm during situations that would not call for those respective levels of force.”

Reviewing The Memos

After I reviewed the memos from Sergeant Pine and Sergeant Staz, I decided to first interview ██████████. I wanted to speak to her not only concerning PO Sitko’s actions with his taser and the comments he made, but I also noticed other aspects.

In reviewing both the memos, PO Sitko was not dispatched to either UW Hospital or ██████████. ██████████ was operating on both of these calls as a West District Officer. Reference the call where she ended up going to UW Hospital, the call started in the West District where she was assigned, and then she had to go to UW Hospital so the child could be examined. On the date of that call 11-3-23, PO Sitko was assigned in the Central District as 3D3. On the date of the ██████████ call, (11-21-23), which is also in the West District, ██████████ was assigned as 3A4 which is a West District beat. PO Sitko was assigned to the South District as 3C1, and also went to that call. Just from reading the memos, it appeared that PO Sitko regardless of what district he was in, was going to calls where ██████████ was. I was unsure if that was merely coincidental or not.

Also, in Sergeant Staz’s memo when ██████████ discusses her observations of PO Sitko arming his taser on ██████████ she informed Sergeant Staz of the following:

████████ was unsure of how long PO Sitko had his Taser un-holstered or armed. Furthermore she was unsure of if PO Sitko listened to her instruction due to the fact she returned her focus to her contact. ██████████ also described this behavior of PO Sitko’s as frequent in that she has witnessed him “play” with **various police weaponry items**, including his Taser on his person while on duty, both during calls for service and not, during situations where deployment/use is not anticipated or warranted.”

I wanted to speak with ██████████ to determine what she meant by, “various police weaponry items.” It appeared to me that ██████████ had witnessed PO Sitko doing things with other weaponry besides his taser.

General Information Reference ██████████ Interview

After I completed my interview with [REDACTED] she asked me [REDACTED]

[REDACTED]

[REDACTED]

Interview With [REDACTED] Reference PO Sitko On Her Calls

I wanted to determine if her being on the two calls referenced in Sergeant Pine's and Sergeant Statz's memos, is the reason why PO Sitko was showing up on these calls. This was not a complaint by [REDACTED] it was just something I observed and just wanted some context. The following are excerpts from my interview.

During my interview with [REDACTED] MPPOA Representative [REDACTED] and Detective Sergeant Dave Gouran were also present.

Q: Do you think he is going to these two calls because you're on them?

A: Yes, a hundred percent yes.

Q: Okay. And one hundred percent yes. Thank you. Why is that?

A: He does that. Like, like we kind of talked about, we're [REDACTED]. We're, we work together all the time so it's pretty frequent that if I go to a call, even if I have a second officer, that he'll show up. This happened in like other, like other times outside of this too. And he just kind of shows up. It seems like wherever I am, he shows up. He's helpful while he's there. Like if I, if I need something, he'll help. But I, yeah, he just shows.

Q: Okay. So when he goes, do you mind him going there?

A: I don't know.

Q: Okay

A: Not really. It doesn't upset me. At this, it used to be kind of like "oh that's weird that Sitko's here," but now it's like "oh, Sitko's here again."

Q: Okay. I only have these two calls. Other calls that you're referring to, are they calls that possibly could need a third based on what the call is?

A: No

Q: Sometimes it's clearly either a one or two person call. Is that what you're saying?

A: Correct

A: Yeah.

██████████ stated that she does not really mind when he shows up on her calls when he is not dispatched. She stated if she needs him to do something on a call, he will be helpful and assist her if she needs it.

Interview With ██████████ Reference PO Sitko Going To Calls

During my interview with ██████████ MPPOA Representative ██████████ and Detective Sergeant Dave Gouran were also present.

I also asked ██████████ if PO Sitko has ever gone to any of his calls when he (PO Sitko), is not dispatched to the call. The following are excerpts from my interview.

Q: Okay. And it looks like through the year 2023, you guys were also on the same shift working ██████████ and he was also on your same color rotation. Does that sound right to you?

A: Yes.

Q: Okay. Very good. Okay. And let me just ask you this have you, have you ever been to a call and he's not necessarily dispatched to the call but he shows up to help out? Has that ever happened before to your knowledge?

A: Yes.

Q: Okay. And when he gets there is he helpful with you on those calls if you need help on those?

A: To the best of my knowledge, yes, he looks for work.

Q: Okay. Thank you. All right what I'm gonna do now is, well let me ask you this, are their other officers also that maybe not be dispatched but might swing by a call to see if you need any assistance or anything like that?

A: Yes.

Q: *Okay. So that's nothing unusual?*

A: *Nothing unusual. No.*

Interview With PO Sitko Reference Going To [REDACTED] Calls

The following are excerpts from my interview regarding PO Sitko going to [REDACTED] calls. MPPPOA Representative [REDACTED] was also present for the interview as was Detective Sergeant Dave Gouran.

Q: *Is there any reason in particular that you, talking about these two calls, that you went to these two calls, both of them? Any particular reason?*

A: *Well so like I said with the [REDACTED] one, it was a south officer going. I was not very far away. Five, seven minutes ish. I don't know the south district very well. I, you work out of central so I was just driving laps around it and I was like oh, step out there and free up a west officer. And for the hospital call, I mean, that was a busy night. I was one of the few just available officers. I thought I was. I didn't think I was out of central that night.*

Q: *Okay. All right. But you're, you're going there to help out and go to calls. There's no other reasons you're going to these two calls? Not to see a particular officer or anything like that? It's just for the reasons you said.*

A: *Yeah, no, I want to back up and make sure that we're, you know, staying safe, helping out each other, all that kind of stuff. Like*

Q: *Okay*

A: *They said, hey we need more officers. And I heard that and I was able to respond so.*

Section Summary

[REDACTED] does not have any doubts that he is going to some of her calls simply because she is on the calls. She states when he arrives, he does not pro-actively ask her if he can do anything, but if she does want him to do something, he will do it. PO Sitko states he is only going to those calls to help, and no other reason. [REDACTED] stated that PO Sitko has also gone to some of his calls as well, even though he may not have been dispatched. [REDACTED] stated that to his recollection, PO Sitko is helpful.

Interview With [REDACTED] Reference PO Sitko And His Taser

The following are excerpts from my interview with [REDACTED] reference her observations with PO Sitko and his taser.

Q: Okay. All right. Okay. Very good. Now we ----. So on November 3, 2023, looks like you were riding West and you got dispatched to a call at the Baymont Inn. This was case number 23-476323. And it looks like at least came out as some sort of child neglect, maybe child abuse call. Does that ring a bell with you?

A: Yes.

Q: Okay. All right. And at some point in time, are you going to the hospital, UW Hospital, reference this call?

A: Yes.

Q: Okay. And then at the hospital, looks like from Sergeant Pine's memo, there's a point where you step out to speak to him and you and Sergeant Pine are outside the room, maybe by a nurse's station

A: Yeah

Q: Maybe having a conversation. And at some point in time during that, it looks like PO Sitko. And I'm sorry stenos, Sitko is S-I-T-K-O. My apologies. That PO Sitko comes out to join the two of you.

A: Yeah.

Q: Okay. During that time, did you observe Officer Sitko doing anything with his taser?

A: Yeah.

Q: Okay. All right. I, I have what Sergeant Pine observed. What did you observe?

A: We were in, yeah, essentially a nurse's station. I could still see the room that the baby was in because it was a, came out as [REDACTED] so. So baby was in the room and we were tucked away in a nurse's station by some electricity boxes or something like that

A: And I saw Sitko take his, take his taser all the way of the holster and he had his red dot activated so

Q: Okay

A: I saw the red dot from his taser on the wall.

Q: Was the red dot what first got your attention?

A: Yeah.

Q: Okay

A: Well actually no. The clicking of like the plastic clicking that I know is a taser coming out of a holster is what made me look. But then once I looked in his direction and stopped talking with [REDACTED] and looked in his direction, I saw his red dot.

Q: Okay. Did you see him do anything? Once he did that, what did you see or observe?

A: I just, I remember him like having the red dot like kind of like zig zagging on the ground. I just remember seeing it on the ground. And I'm pretty sure Sergeant Pine addressed it. I don't, I know I didn't address it. I don't think I did address it as I was just overwhelmed with what was going on.

Q: All right. Very good. Thank you. All right. The next one we'll go to is November 21, 2023. And this was case number 23-502405. And it looks like you were riding West again on November 21st. And looks like you got sent to [REDACTED]. Stenos, [REDACTED] is [REDACTED] To assist [REDACTED] on some follow up. Does that sound accurate?

A: Yeah.

Q: We're now inside the building on [REDACTED]. There's a point where, where, [REDACTED] Sorry stenos. [REDACTED] is [REDACTED]. Is speaking to someone. Turns out that person probably had nothing to do with the call you're doing follow up on but that, she doesn't know that at the time.

A: Yep

Q: And Officer Sitko is there. And in the building at some point in time according to this memo I'm seeing from Sergeant Statz. Sorry stenos. Statz S-T-A-T-Z. He's maybe behind you at some point, Officer Sitko.

A: Yes

Q: Okay.

A: It's essentially like a single-file line because it's a really narrow hallway.

Q: Okay. And at that point and at some point I should say, do you, you do see him do something with his taser, correct?

A: Mhmm, yes.

Q: What, what did, what first did you notice about the taser?

A: With this, I, I believe again it was the plastic, like the noise of the taser coming out of the plastic holster that first drew my attention to it. And at the time we were talking to basically three people at the door and then there was a dog barking in the apartment next door. So it was just kind of loud and stuff. So I remember turning around and, you know, over the noise seeing if I had heard properly that it was his taser. And I remember seeing him with it, it would have been in his right hand and it was like behind his. He had his right hand behind his back and his taser holster was empty.

Q: Okay. And it looks like at some point in time you also. I'm sorry, did you want to say something else?

A: I'm just. I can't. I'm picturing it. I think it would have been his right hand I think because then he would have, yeah, yeah. His right hand.

Q: Okay. That's fine. And looks like at some point, you also notice a red dot as well.

A: Yep.

Q: And what was that red dot? Go ahead.

A: Yeah. I noticed a red dot on the, if we're facing forward all speaking with the apartment door or the people that are at the apartment door, out of the corner of my eye on the wall on the left, I noticed the red dot like a zig-zagging kind of thing. And that I assumed that it was a taser right away. And then I turned around and looked and saw that it was his taser behind his back again. Yeah.

Q: And it's in Sergeant Statz's memo but just for this transcript, was this a call where a, something was showing in this call that a taser might be needed at some point?

A: I would say absolutely not. We were talking to a mom and two kids who were probably under the age of 10.

Q: Okay. All right. And it looks like also according to this memo, you whisper something to the effect of, you know, "put that thing away." Is that accurate?

A: Yeah, yeah, yeah. I, I remember whispering something and it might have even been like a "what the fuck." I might have said that. I know I like, I know I made a comment about it.

Sergeant Statz spoke with [REDACTED] and she did not recall or observe any concerning behaviors or comments on [REDACTED]. He also spoke to the woman [REDACTED] was speaking with, and she did not notice anything concerning by any officer.

I asked Detective Sergeant Gouran if he had any questions for [REDACTED] reference her observations of PO Sitko with his taser.

Gouran: When you had weapons training together [REDACTED], did you notice any kind of immaturity during those training or any concerns then?

A: No.

Gouran: When we're talking about, when we're breaking this down into the category of sort of like how he was using the ECD or handling the firearm inappropriately, do you think this was a, like you know how like a little kid might be fidgeting and need something to kind of occupy their hands with or sort of was this absent-minded or did it seem like he was practicing with his weapons or

A: Practicing

Interview With [REDACTED] Weaponry

When I interviewed [REDACTED] he stated he has never observed PO Sitko do anything inappropriate with his weaponry.

Interview With [REDACTED] Reference His Taser

When I interviewed [REDACTED] MPPOA Representative [REDACTED] and Detective Sergeant Dave Gouran were also present.

When I interviewed [REDACTED] she explained she was doing follow up reference a weapons offense (person chasing a person with a machete), and was looking for the male, who was a victim. The original call took place on 11-6-23 (23-480603). This call took place at [REDACTED] in the South District. [REDACTED] [REDACTED] of the South District, and she is assigned to this address as it is a newer, larger apartment complex.

On 11-21-23, [REDACTED] went to [REDACTED] to do follow up for this call. The follow up incident number that was generated was 23-502405. [REDACTED] stated she went there to try and locate the male victim of the call, and that she asked for just one officer. She stated that [REDACTED] arrived on scene and briefed her reference her follow up.

She stated she informed [REDACTED] that she was trying to make contact with the male victim. She stated that [REDACTED] one of the addresses he used was [REDACTED].

She did state that another officer (PO Andrew Sitko), had also come to her location. While [REDACTED] could not say exactly when PO Sitko arrived, she stated that she first saw him when she was knocking on the apartment door while in the hallway. She stated the only officer she spoke to as to what her follow up entailed was [REDACTED].

I asked [REDACTED] if she felt that based on the follow up she was conducting, if it would be reasonable for an officer to have a taser out. She stated the only person she informed as to why she was there was [REDACTED].

██████. She stated she told ██████ that this is not a big deal, and she was trying to locate a victim. Based on why she was there, she did not know of anything that might require a taser.

When Sergeant Statz spoke to ██████ on 11-22-23, he noted the following in his memo:

██████ also advised that her threat assessments during the incident, the dispositions of the persons contacted, and the environment officers were in did not require any need to threaten or utilize physical force or police weaponry at any point.”

When I asked ██████ if she had given any information over the air to dispatch as to what she was doing follow up on, she stated no. ██████ did not know anything about a taser until Sergeant Statz asked her about it.

Interview With PO Sitko Reference His Taser

The following are excerpts from my interview with PO Sitko regarding him unholstering his taser and arming it.

Q: All right. So, Andrew, the first thing I want to talk about is a call on November 3, 2023. That's case number 23-476323. This was a possible child neglect case that started on the west side. An officer was in route to the hospital and she requested another officer meet her at the hospital. You were working as a downtown unit and you went. You stood by as a backup and Sergeant Nick Pine was there. Does that call ring a bell to you?

A: Yes, it does.

Q: Okay. Very good. And during that time while at the hospital, do you recall removing your ECD from your holster?

A: I did, yes.

Q: Okay. And did you also at any time display the red dot on the wall or somewhere in the building itself?

A: I do not recall.

Q: All right. If you take your taser out in this situation, do you think you would have put the red dot on?

A: There's possibly I could have caught the safety on the way down but generally I would try to avoid that if I'm removing the taser as that makes it live and then much more dangerous.

Q: Okay. All right. One second here. There won't be too much dead air here. Sorry stenos. Okay. Let me go to this. Did, do you remember Sergeant Pine talking to you about that at the hospital at any time?

A: Yeah, yeah I remember him bringing it up.

Q: Okay. All right. He says in his memo that he observed a red laser displayed on a nearby wall and observed that you had your ECD in your right hand. It appeared that the ECD was on and activated which was emitting the laser onto the wall. He saw circles and zig-zags as it was displayed on the wall. This is from Sergeant Nick Pine. I know you said you didn't recall. Do you think that is accurate then that you might have had the red dot on?

A: Yeah, yeah.

Q: Okay. All right. Okay. Thank you. All right. Okay. Was there anything going on at the hospital that time where you felt that there was maybe a potential for its authorized use?

A: At the time, we had been told that there were a number of family members entering for this child neglect case. There had been talk of a [REDACTED] at this party and someone had brought up potentially that [REDACTED] on the scene. I had observed too he had been at least had, one officer had to like, you know, hand-up stop him. But I guess no real reason to use the taser, no.

Q: Okay. Okay. And do you understand that Sergeant Pine would not have addressed this to you unless he also thought there was, there was a reason to possibly maybe use the taser, the ECD as well.

A: Yep, and that's, I, I thought he said something along the lines of "we won't need that." And then I put it away.

Q: Okay. You said you saw the officer put their hand up. Was that on scene or at the hospital reference the father?

A: At some point at the hospital. I think it was when he got out of the ambulance. I, I don't really recall exactly when. I remember I was never on the primary scene. I showed up because they had requested officers to meet at the hospital. That they needed back up. That they were worried that family was going to be there because things were getting elevated I think was what had came on the radio if I remember correctly.

Q: Okay. When you got there, did you see any family member or anything like become animated?

A: So when I got there, like I said, the dad had or who I learned to be was the father, at the time I wasn't actually sure who he was, very like. I don't want to say like agitated just because I don't know. But up and down, pacing back and forth, like, he took like these two quick steps to the ambulance and like stepped back and just like kept saying like "I got to see her," "I got to get to her," "I got." And at the time, I did note that I could like smell like intoxicants.

Q: Okay

A: So he was. And that was just that was in that like, not the lobby but like the

██████████ Sally port area

A: *Yeah, like the, yeah, the entrance to the, yeah, ER of the hospital.*

Q: *Okay. In Sergeant Pine's memo, the night he, the night he spoke to you about this, he's saying at this time it was learned that the father could go back into the room and he was talking to another officer kind of like by a nurse's station type thing. You came over there and kind of, you know, joined in. And at that time is when he noticed the, the, you manipulating your taser, the red dot somewhere and things like that. And it sounds like there was, there was nothing going on at this time that he's putting in his report or anything I can see that someone was, the taser might be used at the time Nick, Sergeant Pine told you to put it away. **Andrew, what I'm asking is was there something going on right then where you thought "I might need to use this."?***

A: *Not right at that exact moment, no.*

Q: *Okay. All right. If that is the case, then not right at that moment, what were you doing with your taser out?*

A: *I'm sorry. I don't really recall.*

Q: *Okay. Okay. After Sergeant Pine told you to put it up, did you do so?*

A: *Yes.*

Q: *Okay. Okay. Thank you. Also, in Sergeant Pine's memo, he did state that you responded appropriately to that. When he told you to put it away, let me, where you confused as to why?*

A: *No. Like he said, he said, I, I had a superior officer say that that wasn't necessary and that's, I followed his, yeah.*

Q: *Okay. If a citizen, medical staff, employee would have seen like a red dot on a wall or seen you having an item out. They may not know a taser from something else like a handgun. Do you think it's reasonable they might be concerned about that if they saw that and didn't know why?*

A: *Yes.*

This next part of my interview with PO Sitko involves the call on ██████████

Q: Okay. At any point in time during that time, did you ever also take out your ECD?

A: I did.

Q: Okay. All right. At that time, why did you remove your ECD?

A: When, so when I got on scene, like I said, I was the third one there. I had overheard the other two officers, [REDACTED] and [REDACTED]

Q: Mhmm

A: Gone up the stairs. They were talking about that they were going in to talk to this guy. That he was a, he's wanted in regards to a weapons offense. They even brought up that he had already lied a couple of times or was less than truthful with investigating officers and that he was also [REDACTED]. There was worry that they were going to, I remember someone saying "we're going to go in and hook him on that." And so given the nature that somebody faced with weapons offenses, like obstructing, that, there's a high chance that they're going to become resistive and potentially even violent so while we were going up the stairs, I was third in that stack. I removed my taser because it's not a quick draw weapon so I wanted to make sure I just had it ready in case there became that immediate need to deploy it as the potential threat for violent or assaultive behavior was there.

Q: Okay. When [REDACTED] you said [REDACTED]?

A: Yeah

Q: That'd be [REDACTED]. And then [REDACTED]?

A: Yes

Q: Okay. And when you had your taser out, what were you doing with it? And before you answer, let me show you this. This is the taser you had that day. This is November 21st. Okay? All right. So what this, this is check in stuff. Do you see this is 2:56 pm?

A: Mhmm

Q: This is like, you know, your spark test that we do and all that. So that call was dispatched at 4:11 pm, somewhere in there. Here's, you know, 16:00 which is of course 4 o'clock. This is this. So this is, it was armed for 4 seconds. And then you see here, again at the same 4:26, you know, pm, same thing. Was armed for 3 seconds. Now

you're turning it back off here. Here it was on very quickly and off. That's why it says 0 seconds. Here it was armed again for 5 seconds. And then here it was armed again for 6 seconds. So that's like an on-off-on-off type thing. All right. So with that, do you have any doubts that you were displaying the red dot on something?

A: No. Not at all.

Q: Okay. All right. What made you put it away?

A: So we continued talking on the staircase and then it became clear, oh, this guy was actually the victim. So more. So attempted to turn it off at which point the safety stuck. So it was like, pretty sure it was taser 436, right?

Q: 436, correct. Yes.

A: Yeah. Safety catch stuck on it. At which point then wasn't sure if it went off or not so I again took out the cartridge and started to manipulate that safety to see what the issue was. Because it, I'd push on my thumb and it wouldn't go. Then it would go. Then it wouldn't go. I manipulated. Check the light. Checked the laser. Everything sort of a secondary test firing

Q: Okay

A: Because that would be really inappropriate to do that in just the middle of an apartment complex.

Q: Okay. And when you did your, and when you did your initial, what we call a spark test if you will, when, as you, so you did that here. Was there any issues? Did you notice any issues at that time with it?

A: Not at that time, no.

Q: Okay. When you were done with this ECD, number 436, did you determine that it was in good working order or not good working order?

A: By the end of it, whatever I'd been catching on the safety was, it stopped. It was able to just flick on and off and

Q: Okay

A: No issue.

A: *Okay. All right. Did you ever see [REDACTED] or [REDACTED] have their ECD out by their sides or anything like that?*

A: *I did not.*

Q: *All right. And this call, lack of a better term, were you just playing with your ECD?*

A: *No.*

Q: *Okay*

A: *I do understand how it could look though*

Q: *And there was nothing like you had to hand this taser in, you know. I don't know who your taser person is Central but "hey, you know, something's wrong with this taser." You felt that it was working fine towards the end?*

A: *By the end of it, yeah. I was able to*

Q: *Okay. All right.*

A: *As far as I could tell, it was working fine by the end of it.*

Q: *Okay. Are you saying that at some point when you realized, you're saying you put your ECD away but then you noticed that it was getting stuck again and that's what you were trying to see what the problem was?*

A: *Yes.*

Q: *What was getting stuck? It wouldn't go to armed properly or it wouldn't go to safe properly?*

A: *Both. The like safety lever on it, the catch was like, all of a sudden it was really hard to push down or it was really hard to push, but like it just felt like it kept getting stuck in one position or the other.*

Q: *But you did notice that, maybe going to a station to do that would have been better than right there in the building?*

A: *The station would have been ideal but I wanted to make sure as best I could that it was functioning because there was not a guarantee that I'd be able to make it back to a station without another situation potentially coming up.*

Q: *Okay. When the call cleared and you all went back outside to your squads, the citizen said, it looked like they were outside for, you know, she's just estimating about five minutes, give or take. Another officer kind of swung by, didn't stay very long. Did you, were you again taking out your ECD outside?*

A: *So I think that's within that like five minutes*

Q: *Okay*

A: *That I was like working on it, yeah.*

Q: *So this was inside and outside?*

A: *Yeah*

Q: *Okay. All right. Do you understand that we have the situation on November 3rd with your taser being out and a sergeant's like this, we don't need this out. There's nothing that I can see that says a taser might have been used and he tells you to do this. You're on this call. Neither the two officers have theirs out. An officer says something to you about it, you know, indicating that tasers not needed, things like that. Do you understand how this looks as like a pattern so to speak?*

A: *Yes. .*

I asked Detective Sergeant Dave Gouran if he had any questions for PO Sitko as it relates to his taser.

Gouran: *I guess just more in the context of like the hospital example that was given. Do you, I know you're a relatively new officer, do you practice like your draw stroke or your taser ----? I don't mean necessarily pulling out an actual weapon. But do you go through those motions just for training on at home or*

A: *Yes*

Gouran: *Your idle time*

A: *Yes.*

Gouran: Okay. And was it at the hospital, do you think, was it had anything running through your mind that you were just using some downtime to practice strokes or anything like that? Or a lot of people, myself probably included, are can absent mindedly be fidgety. You know, you've got people click pens or something like that. Is that anything that you think would describe yourself as idle hands and fidgeting with stuff maybe?

A: I definitely have, yeah. It's a practice. Those motions it could have influenced maybe that how I acted there, yes.

Gouran: Okay. But on that hospital example, do you know, do you recall the reason why you might have had it out or what was going through your mind at that time?

A: No. I don't recall

Gouran: Okay

A: I'm sorry.

Gouran: That's fine.

Interview With ██████████ Reference Other Weaponry

In Sergeant Statz's memo, ██████████ makes reference to observing him do things with other weaponry. The following are excerpts from my interview with her regarding this.

Q: Okay. And there's another part in here where it's, it's also that you've seen him do things. It's worded as "and other weaponry." Have you seen him do anything else inappropriate with something besides his taser?

A: I have.

Q: What else have you seen?

*A: I have seen him unholster his gun in the briefing room. I don't know when or I don't know when that was. **And I also saw him unholster his gun when we were sitting at The Beacon one time. And this is going to be brand new information because it just popped into my head. We were sitting at, we were carried up at The Beacon one time. His vehicle, in the MG&E lot, his vehicle was facing The Beacon and I was, you know, facing the building so that our driver windows were next to each other. And he had his firearm all the way out of the holster and was actually pointing it at The Beacon building essentially in that direction.***

Q: Okay. Do you remember if he said anything while he was doing something like that?

A: *I don't remember, no.*

Q: *And again, the reason for being at The Beacon building?*

A: *I don't know what it was. We might have just been like meeting up to talk, something like that.*

Q: *And that's what I mean. Was it a call or just meeting up?*

A: *Yeah, no. It was. No. There was no call. We were just meeting up. And it was later in the evening. Like the bus shuttle had been gone. It was essentially empty there. The parking lot it was pretty much empty there.*

Q: *If I could just go back to The Beacon thing. That was not, you don't think that was a call. And, I'm sorry, he, and if you've said this, I'm just looking at my notes, he was out of his car, in his car when he pointed the gun at The Beacon building?*

A: *We were seated, we were both seated in our cars. And I guess he was kind of diagonal. So not like directly at The Beacon but, yeah, almost towards like that intersection that's, I don't know, the area of The Beacon building. And he was seated in his front seat and drew it and then had it like, like the mirror that's the rearview or what. I don't know. What is a mirror?*



Side mirror

A: *Yeah, the mirror on the side, yeah. There's like a little divot kind of thing and he had the barrel rested right there, like on the divot of the mirror. So there's, yeah*

Q: *Pointed towards The Beacon*

Q: *Was it, do you remember approximately how long he did that before he put his gun back in his holster?*

A: *Like 10 seconds maybe. Very brief.*

Q: *Were there people outside? A lot of, I don't know. What time of day or night was this, if you had to*

A: *It was like kind of dusk. I don't know what time it was but it was like the sun. We couldn't see the sun anymore. We didn't have sunlight but it wasn't dark-dark. The lights on the street weren't on. And I was facing the MG&E building so I didn't see anyone. I, if people were behind me, I wouldn't have seen it anyways. Or if people were like on the sidewalk or whatever, I wouldn't have seen them. But I know when we drove in a parked there, like The Beacon lot which is usually full of people was empty.*

Q: Okay. That was my next question. Make sure I'm clear. At the time he was doing it because of where the direction you were facing, you don't know if there was a person or people in front of that Beacon at that time?

A: Correct. Correct.

Interview With PO Sitko Reference His Handgun

The following are excerpts from my interview reference PO Sitko and his handgun.

Q: Okay. Now, at any point in time, we'll say August or post-August we'll call, were you ever in a parking lot in the central district, we'll say outskirts of central. And if this is, I'm the driver's seat. This is the steering wheel. I'm not driving. I'm parked. Here's my, we'll call it my driver's side mirror.

A: Mhmm

Q: Did you ever have your handgun out and just kind of rest it on the divot a little bit for a few seconds and then place it, place it back in your holster?

A: No. I mean, I've, I can think of a time where I had, in the armory I had met, unloaded my handgun and practiced a draw out of my squad car but I can't, no. No. Like the resting it on like the divot of the, no.

Q: Okay. Say that again about your draw stroke again. I'm sorry. Repeat that again Andrew.

A: There, there was a day where I had gotten in early and we had earlier in the week it was on the news an officer had been ambushed and shot several times in this car. I think it was in New York or. Either way. So I went in the armory, unloaded my handgun, no firing tube

Q: Yes

A: I had been in my squad car and I just wanted to practice see if I was able to with how my equipment was set up draw my handgun while in the squad car

Q: Unloaded

A: Unloaded, yeah.

Q: That was where? Was it in the CCB basement is what I'm asking.

A: *Probably, yes.*

Q: *Okay. You think you would have done that in a parking lot not on a call doing it like that?*

A: *No.*

Q: *Okay. Were you ever car to car with someone when you did this?*

A: *I guess I don't recall. I mean there's, maybe I was practicing my draw stroke on another time with somebody else but*

Q: *Okay. Thank you, Andrew. And you're saying maybe, are you saying. I'm not putting words in your mouth. Are you saying that is something that you could have done then since you're saying maybe?*

A: *Yes.*

Q: *Okay. Is that something you do often?*

A: *No.*

Q: *Okay. And was that only once you heard about an officer being ambushed in his car, what made you start kind of doing that?*

A: *Yes.*

Q: *Okay. If an officer told me, if he or she told me they, they saw you do this because they were with you, is that, is he or she giving me bad information?*

A: *I'm, I'm having trouble recalling a time if exactly who, no, I don't believe they are.*

Q: *Okay. You don't believe they are giving me bad information?*

A: *No.*

Q: *You think they're accurate.*

A: *Yeah.*

Q: Okay. All right. Back to the gun on the possibly the driver's side mirror thing. When you're doing that, would that be the only reason you're doing that? That you would be practicing a draw stroke from your car? Would there be any other reason you'd be doing that?

A: No.

Q: Okay.

A: Unless I was actively, for some reason, delivering deadly force from the car

Q: Which hasn't happened, right?

A: No.

Q: Okay. Correct. Okay. So if you did that, that would be the only reason you would do that, that would be practicing the draw stroke?

A: Yeah

Q: Okay. And if you did that in a car, would you have had your gun loaded?

A: No

Q: You think you would have unloaded it in the car?

A: Yes.

Q: Okay. Thank you, Andrew. Okay. Have you ever at any time been in the briefing room and unholstered your gun for any reason?

A: There was the day where I was changing. I had gotten a new holster for my red dot so I took the whole holster off the table and put it on, just swapped the handgun holsters, yes.

Q: Okay. So in the briefing room, make sure I understand you, you took off your, your, your gun belt

A: Yeah, yeah. I had had all my equipment on because I didn't want to be late for briefing but I didn't get a chance to change it over the day before so I was reapp- reattaching everything to my belt and switching things over. Yeah.

Q: Okay. All right. Okay. Is that the only time you think you would have ever done that?

A: Yeah.

I then asked Detective Sergeant Dave Gouran if he had any questions reference PO Sitko and his handgun.

Gouran: Officer Sitko, are you left-handed, right-handed or ambidextrous?

A: Right handed

Gouran: So I assume that you're firearm holster would be on your right side then?

A: That's correct.

Gouran: So if you draw your firearm, it's with your right hand?

A: Yes.

Gouran: So if you were to practice a draw stroke of a firearm from a seated position in a driver's car, you would, you wouldn't transfer it to your left hand? You would be leaning outward I would assume.

A: Yes.

Gouran: So it would be probably not a natural motion or position to be able to rest your firearm in a divot of a driver's side exterior rear view mirror.

A: Yeah, no, it would be unnat--, yeah.

Gouran: Do you have any recollection of ever have just not necessarily doing a draw stroke but just holding a gun in your left hand and resting it on the mirror or near it?

A: No.

Note Reference Handgun

From my interview, PO Sitko is stating that he may have been car to car with someone and practiced his draw stroke while seated in his squad. I asked him if I was getting bad information if an officer told me they were with you when you did this, he stated no. I then asked if they were accurate with that

information, and he sated yes. He is denying that he rested his handgun on any part of his driver's side mirror. He is stating that the only thing he would have been doing with his handgun out of his holster while in his squad (unloaded), would be practicing a draw stroke.

Summary And Preliminary Recommendation Reference His Taser

On two different occasions (11-03-23 and 11-21-23), PO Sitko was observed removing his taser from his holster, arming it, and making it ready to deploy the taser cartridge. In both situations, there was no reason to have his taser out of the holster and arming it.

When I asked him, "*Sergeant Pine told you to put it away. Andrew, what I'm asking you is, was there something going on right then where you thought, I might need to use this?*" His response was, "*Not right at that exact moment, no.*" When I then asked him why he had his taser out, he stated, "*I'm sorry. I don't really recall.*"

In reference to the call on [REDACTED], he once again had his taser out when there was no need to have it out. This time, [REDACTED] told PO Sitko to put it away. When I asked him about this incident, he admitted that pretty soon into the call he realized a taser would not be needed, but he felt the taser was not operating properly. He stated the safety lever was "*all of a sudden really hard to push down or it was really hard to push, but it just felt like it was getting stuck in one position or another.*" He stated he felt the taser was working properly later while on the call, so he did not take the taser out of service.

Neither [REDACTED] nor [REDACTED] assessed that a taser might be needed based on [REDACTED] follow up on [REDACTED]. While PO Sitko was accurate that [REDACTED] was attempting to make contact with [REDACTED] he was the victim. Merely making contact with someone who is [REDACTED] does not warrant removing a taser from the holster.

Arming a taser while on a call, is not the time to try and diagnose if there is an issue with it. He stated that while going to a district station would be more ideal, there was no guarantee a call would come out before he got to a station, where he might need his taser. [REDACTED] to the West Police District is approximately 1.2 miles according to Google Maps. If there was an issue with his taser, he should have driven to a station which is a more suitable environment.

The fact that on two different occasions he had his taser out of his holster and armed when it was not needed, does not adhere to the MPD SOP, **Use of Force**. At UW Hospital, at the time he had it out and armed, it was not needed. Reference the call on [REDACTED] he admitted that while originally, he thought it could be needed, he soon determined that it was not needed. There is no indication that a taser was needed on [REDACTED]. He stated the reason he had his taser out of the holster and armed, was because he felt the lever that moves it from safe to armed was not working properly. In both of these incidents, it violates the MPD SOP, **Use of Force**, under the sub section of "**Electronic Control Device**", which states the following.

- 3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists. Furthermore, an officer may only display, present, or threaten to use an ECD absent deadly force coverage if they reasonably believe the involved person is not armed with a dangerous weapon.*

Preliminary Recommendation:

SOP: Use of Force (Electronic Control Device) Sustained

Summary And Preliminary Recommendation Reference Police Weaponry (Handgun)

As it relates to [REDACTED] statement reference him having his unholstering his gun in the briefing room, she did not have much information. She stated to me, "I have seen him unholster his gun in the briefing room. I don't know when or I don't know when that was." She could not remember any other details reference this.

When I asked PO Sitko about the briefing room, he stated he received a new gun holster for his red dot, and he did not want to be late for briefing. He stated he was changing everything over in the briefing room, and that would have been the only time that happened.

While in a parking lot near the Beacon in the Central District, [REDACTED] was "car to car" with PO Sitko, and observed him remove his handgun, and then briefly rest it on the divot area of the driver's side mirror. She did not recall if he said anything or not while doing this.

When I asked PO Sitko about this, he informed me that due to hearing about an officer getting ambushed and shot while in his squad, he wanted to practice his draw stroke from his squad. I first asked him if he did this in the CCB basement which he stated, "Probably, yes." When I then asked him if he would have done that in a parking lot, he stated, "No." But I then asked him if he ever did that while he was "car to car" with someone his answer changed. He then stated, "I guess I don't recall. I mean there's, maybe I was practicing my draw stroke on another with somebody else but.." PO Sitko denied that he rested his handgun on the driver's side mirror of his squad, but also admitted that by being in his squad and practicing a draw stroke, does not adhere to our SOP's.

The fact that he had his handgun out for the reason he gave, does not adhere to our Police Weaponry SOP.

Drawing The Handgun And Confronting A Threat

A handgun may be removed from its holster in the performance of duty under the following circumstances and only with the finger outside the trigger guard:

- a. *When an officer reasonably believes that the potential for the authorized use of deadly force may exist.*
- b. *When it is necessary to secure in a safe place or check on the serviceability of the weapon.*
- c. *At an approved range.*

None of the factors listed above apply at the time PO Sitko had his handgun out of his holster while in his squad.

Preliminary Recommendation:

SOP: Police Weaponry Sustained

Interview with [REDACTED] Reference Concerning Statements

The following are excerpts from my interview with [REDACTED] reference concerning statements PO Sitko made to her. Some of these statements were made the same day reference the [REDACTED] call where he had had his taser out when it was not needed. Also, she will make reference to a call involving an arrested person, [REDACTED] This was a fairly significant incident from 8-29-23, when [REDACTED] at one point

was reaching for a bag in his car that had a handgun inside of it. The first part of this interview with her is referring to after they cleared from the [REDACTED] call.

Q: At some point in time after that call, you return to West PD it sounds like.

A: Mhmm

Q: Is that directly after the call?

A: I think so.

Q: Okay. And at some point in time, PO Sitko, Officer Sitko also goes to West PD?

A: Yes.

Q: Okay. All right. And while you were at West PD, it looks like that Officer Sitko begins making statements about using force against subjects. And you don't, looks like you don't remember why that topic was broached or how that came up. Is that accurate?

A: Yes.

Q: Okay. All right. And it looks like one of the comments was something to the effect of "I don't want to shoot somebody but I could use the time off" and laughed. Does that sound about right?

A: Yes

Q: He said? Okay. And then also he states that he then began speaking about the officer involved shooting referencing [REDACTED] and made a comment to the effect of "the thing that people don't realize is that we've killed a lot of people since [REDACTED]." Does that sound right?

A: Yes.

Q: Okay. Now, was this like the same conversation at West PD?

A: Yeah. It was all one conversation. I was, I had backed in and I was sitting in my squad car and he was standing outside of like my driver door and I had my window down.

Q: Okay

A: And yeah, we just, it was like, I don't know, maybe a 10 to 15 minute conversation.

Q: Okay. When he made the comment reference, you know, that we killed a lot of people since [REDACTED], do you remember what his demeanor was on that one?

A: No.

Q: That's fine. Okay. And when he made these, when you were talking to Sergeant Statz, you report, you stated that you noticed an increase in frequency where he made similar statements in recent weeks or months. And in that paragraph, there was a case in August of 2023 and that's case number 23-376497 where it involved a call with a, a, [REDACTED] [REDACTED]. And stenos, [REDACTED] is [REDACTED]. And there was a comment made that he said to you that it was his, meaning Officer Sitko's, "opportunity, opportunity to execute him, especially since he was reaching, when he was reaching, we found a gun in his bag."

A: Correct. That's all correct.

Q: Okay. Do you remember what just, just the nature what call type that was? Weapons offense, suspicious person, reference [REDACTED]

A: It was a traffic stop. Yeah

Q: Okay.

A: That went just side ways

Q: Okay. The one thing I want to ask you on this is, I'll just read it. "She also reported noticing an increase in frequency where PO, where in PO Sitko made similar statements in the recent weeks, months." And then it talks about that case with [REDACTED] Can you just explain to me about increase in frequency?

A: I guess, and I can't think of times or dates specific or anything like that but I've, on multiple, multiple occasions heard him say things like verbatim like "hopefully I don't have to dump anyone in a parking lot today," or and say things similar to that about being in an officer involved shooting in order to get days off.

Q: Okay.

A: And it all, it really started after that [REDACTED] call.

Q: *And make sure I'm clear when you say it really started, are you saying. While you can't remember dates and times, I don't expect you. That's fine. You don't think it happened before that?*

A: *It might have here and there but I just noticed after the [REDACTED] call kind of things he was saying became more and more concerning to me.*

Q: *Okay. Thank you. Okay. There's also, there's this part in here where you talk about other statements he has made. At one point, he stated to you he, that he, meaning Officer Sitko, was hoping for a [REDACTED] blue team in anticipation of working DSI on [REDACTED] or a day near it this past October. How did you take that to mean?*

A: *I guess that he was essentially looking to get involved in something that would produce a blue team. I guess, yeah. I don't know. That he was kind of looking to get into something on DSI.*

Q: *Okay. Thank you. And it looks like there's another statement you spoke to Sergeant Statz about where he said something like "I can fix this right now" when dealing with a non-compliant subject and then simultaneously beginning to unholster his taser and/or his firearm during situations that would not call for those respective levels of force. How did you take that statement?*

A: *That he was looking to use force when I didn't think that it was necessary.*

Q: *When he makes the statements that we just talked about, what is, what is your reaction?*

A: *Sometimes its silence. Sometimes it's like an uncomfortable laugh because I don't know how to address things like that. Sometimes I'll like will just get on my phone or be like I need to take a phone call. I just try to like completely deflect it. Some, I have in the past like addressed it. With the day at the West parking lot, I did ask him like "are you okay?" Because the calls that he's kind of making jokes about, I know. We were there together and I perceive them to be very traumatic so I'm kind of like wondering if he's not, you know. I'm just offering to him like if, if these, if this is the way you're speaking about it, do you want to talk about it kind of thing. That's been my reaction once or twice. But other than that, I just kind of try to like uncomfortably ignore it sometimes if it's not being addressed by someone else. If is like the on [REDACTED] when like it's very obvious that a weapon is out when it doesn't need to be, that I address. But with the comments, I, I don't always know what to say.*

Q: *Anything particular that this time is like "I'm going to talk to a sergeant now."*

A: *The part when, the comment he made about, you know, "it's not that I want to get into a shooting," and he kind of trailed off and laughed. And then said "but I could use the days off." That was what kind of like finally sent me over the edge.*

I then asked Detective Sergeant Dave Gouran if he had any questions for [REDACTED] reference the comments made by PO Sitko.

Gouran: Okay. To the extent that you know him, would you say, when we're talking about the category of the comments that he's making that are concerning, do you think he's kind of a jokester and may just be saying such things to be funny or to get a reaction or more importantly, do you have any feelings or concerns of like a mental health, onset of a mental health issue?

A: Ah, okay. So the first part of that, yes. I do see him as kind of a jokester. I think that he does kind of, I think that he's kind of found his like family here in this and especially with [REDACTED] so I think that he says things that he thinks is like funny and going to, you know, make him fit in kind of thing without really necessarily considering the severity of it. So yeah, I think that he, I see it as a joke kind of thing. A very inappropriate joke

Gouran: Okay

A: I guess.

[REDACTED]

Gouran: So at this point you're at with the totality and progression of these observations, do you feel safe with him on a call? Do you have concerns about safety of citizens where you might not otherwise with other people?

A: Yes, yes. Not for myself necessarily. Like, kind of for himself. And I just think that like, yeah, I just, yeah, yes.

Gouran: Okay. My last question would just be that do you observe him being aggressive with citizens on calls?

A: No.

Gouran: Okay.

Interview With [REDACTED] Reference Concerning Statements

The following are excerpts from my interview with [REDACTED] reference PO Sitko making any concerning statements.

Q: Have you ever heard Andrew say anything concerning verbally about wanting to hopefully use force on someone?

A: Like in general or like a very specific time or incident?

Q: Let's go in general like hoping to use force on someone that doesn't necessarily deserve to have force used on them?

A: I'm sure, I'm sure there might, there may have been. In terms of a specific incident, I couldn't pick one out, give you in quotes exactly what was said. A lot of time, usually on, we would work DSI downtown a lot of times. That was kind of when Sitko, me and Sitko's paths would cross. I could probably, I could tell you with a great deal of certainty that there most likely were jokes made about oh, you know, a, a use of force on someone. Now anything that rose to the level that I thought about reporting him, no, not to my, not to my knowledge. But I'm, I'm assuming at some point patrol banter back and forth there have been jokes like that.

Q: Are you saying that because he's an officer in general or because of Andrew's personality that might be like him to make jokes like that?

A: I think more our relationship. More of, you know, just, he, I think he would feel comfortable making a joke like that. That is kind of his personality too of I guess call it, call it darker humor. So I think with, you know, if he and I were doing finishing up on a call or something like that, I think he would feel more comfortable making a joke like that in front of me rather than somebody he's never worked before or not from [REDACTED]. So, you know, if, is there a possibly if somebody said oh, he made a joke to you about this and this, would I straight up deny, oh that was never happen. No. Because you know, we have that relationship where I think he would feel comfortable saying jokes like that.

Q: Okay. I'm going to get a little more specific. You ever heard him say something to the effect of "I don't want to shoot somebody but I could use the days off."

A: To the best of my knowledge, nothing that sticks out.

Q: Okay

A: To me

Q: Ever heard him say something close to the effect of "what a lot of people don't understand is we've killed a lot of people since [REDACTED]."

A: I have no memory of that.

Q: Okay. Did you ever speak of a call and say that that was my opportunity to execute, kill, or shoot someone?

A: Again, nothing

Q: Okay

A: *Nothing in my memory about that.*

Q: *Okay. Did you ever hear him talking about hoping to use force during DSI or on a call?*

A: *Yeah, I mean there's definitely some time there's been conversations, you know, oh I hope we get into it tonight or something like that. I cannot think of any specific of like "I hope I get to do this to someone" but I know Sitko is a hard charger and, you know, likes to go out and do the job even if the job sometimes is very unpleasant so. I can definitely say yeah, we've, you know, I've experienced that.*

Q: *Okay. And when he says that, you, do you have concerns when he says that?*

A: *No, nothing. Nothing that I think he's going to go do something, you know, that would be him in land him in jail or, you know, taking the life of somebody who doesn't deserve to be, you know, their life taken from them.*

Interview With PO Sitko Regarding Concerning Statements

The following are excerpts from my interview with PO Sitko regarding the comments that [REDACTED] reported.

Q: *Did you make a comment in the past to an officer something to the effect of "I don't want to shoot somebody but I could use the time off" and then laugh?*

A: *I mean, the first part definitely, I don't want to shoot somebody. The time off part, sorry I'm just trying to run through for the dead air part but*

Q: *That's okay. There's allowed to be some dead air in here*

A: *Yeah*

Q: *I just, it's okay. It's all right.*

A: *But no, a statement like, no but. I mean I guess it's, I don't want to shoot anybody and I've said I could use time off. I, but*

A: *If I did, it was unintentionally. But I don't, I don't recall saying that.*

Q: *Okay. It wasn't intentional and you don't recall saying that. Do you think you would recall saying something like that specifically?*

A: *I think I would, yeah.*

Q: Okay. But you just don't recall if you said that or not?

A: No.

Q: Okay. Do you hope you get time off by shooting someone?

A: No.

Q: Okay. All right

A: No, god.

Q: Okay. Did you also make a statement to the effect of, in talking about the [REDACTED] officer-involved shooting and state something to the effect of, "The thing that people don't realize is we've killed a lot of people since [REDACTED]."

A: I'm sorry. No.

Q: Okay. And again, not verbatim, but you're saying you didn't say anything along those lines at all?

A: No.

Q: Okay

A: I don't

Q: All right. Is there anything like a, like a time frame, narrowing down a time frame, would that help? Or do you think you just, you just didn't say that ever?

A: I guess if, what would a, sure. Yeah, a time frame might help to understand where that came from, yeah.

Q: Okay. So in a time frame, you might have said it?

A: I guess I'm sorry. I'm

Q: Okay.

██████ Want to take a minute?

A: No, I just, I.

Q: In the last few months, November or October or September.

A: I don't believe I've ever said anything like that.

Q: **Okay. Okay. If you said something along those lines, do you think you would remember that for sure you did or for sure you did not?**

A: **I'm sorry, I, I, I don't know.**

Q: Okay. All right. All right. Back on August 29th, this is MPD case number 23-376497, you and multiple officers were involved with a very tough call. You may not remember the suspect's name, his name is ██████. And stenos, ██████ is ██████. This was, started as a traffic stop. Some officer had charges for him but he had a, he had a horrible history. A woman was driving. This happened within the downtown area but not, sort of outskirts downtown, not central. You had to pull him out. He ran over his either his wife or girlfriend, had a domestic relationship with this female, ran over her leg. He crashed into some parked cars. You and others have to pull him out. He was reaching for a bag. A K9 officer had to come in. The K9 had to bite this person. Do you remember that call?

A: I remember that call very well.

Q: Okay. Yes. And it later was learned that bag he was reaching for was later learned that it had a loaded handgun in that. Is that correct?

A: That's correct.

Q: **Okay. That's a very serious call. Okay. At any point in time after that call, and I don't mean necessarily an hour later, just any time after that call had happened, did you ever make a comment similar to how that incident was your opportunity to execute someone?**

A: No.

Q: Okay.

A: No.

Q: Anything close to that?

A: I, at one point I did talk to another officer about how we had a classmate in a similar situation, guy had a knife out, was, had stabbed somebody. They pulled out their gun. And I remember bringing up where I was like I was in that situation and I made the, the same call to not shoot somebody. It was, it was like that same, there was this guy, armed, threatening, hurting people and I just made that same decision to not use deadly force.

Q: Okay. Absolutely. And to make sure I'm clear, you didn't make any similar, any statement a week later, a month later, two months later, that was your opportunity to execute someone or somewhere like that? Okay. All right.

A: No

Q: Okay. All right. Because we're recording this, I'm not going to put your, [REDACTED] on here but I do believe [REDACTED] is in [REDACTED] Is that accurate?

A: Yeah, [REDACTED]

Q: Okay. All right. Okay. And, that's okay. Did you ever make a comment near this past [REDACTED] to the effect of you're hoping for a [REDACTED] blue team in anticipation of working DSI on or near [REDACTED]? I did look at telestaff. I'll be happy to show it to you. On October 13th, you did work DSI. Did you make any type of comment like that?

A: That's very close to what I said in that I said I don't want a [REDACTED] blue team

Q: Don't want a [REDACTED] blue team?

A: Yes.

Q: Okay.

A: I think I had said to the officer, I'm like "the worst present I could get would be a [REDACTED] blue team."

Q: Okay. Do you remember which officer that was, Andrew?

A: No

Q: Okay. All right.

A: *But I do remember just because it's, now it feels in very poor taste but at the time it was a, it's [REDACTED]. I don't want a, you know*

Q: *Okay. Okay. And tell me. You don't want a [REDACTED] blue team. What what were you meaning by that? The blue team part, what do you mean by that statement?*

A: *It's [REDACTED]. I did not want to be in a use of force situation.*

Q: *Okay. All right. Okay. Nothing you do with the DSI per say, did you ever make a comment to the effect of "I can fix this right now," in dealing with a non-compliant subject and simultaneously beginning to unholster either your taser or your firearm?*

A: *While dealing with a subject?*

Q: *While dealing, yeah. Making a comment "I can fix this right now," dealing with a non-compliant subject and then simultaneously beginning to unholster your taser or firearm, saying that to an officer?*

A: *No. no.*

Q: *Okay. Okay. All right. Okay. And these comments that that I have and you said specifically on the blue team one, that you said, I said I did NOT want, you know, a blue team on my birthday. Okay. The other ones, you don't recall, don't think you would have said that. Am I getting misinformation from officers?*

A: *Yes. Yes, I*

Q: *Okay. And I'll ask you, when you start your shift, do you have any desire hopefully that you'll use some type of force, force, I hope I get to tase someone today, pepper spray someone, anything like that at all?*

A: *No.*

Towards the end of the interview, I asked him if he knew how I was getting information reference the comments I asked him about.

Q: *Okay. All right. I'm not going to go over the statements again. I'll just say this in general. You do not hope to one day get in any type of use of force that gives you days off or any type of officer-involved shooting that also gives you days off. And you also have no desire to want to use any force on anyone. Is that accurate?*

A: *Yes. If I can make it the next 27 years without ever having to use force again, that'd be a great achievement that I can hang my hat on.*

Q: *Okay. And you think these officers that are saying this, that they're, I'm getting bad information or some sort of misinterpretation.*

A: *It sounds like a lot of misinterpretation or just fragments pieced together that sound bad when put together but I, yeah.*

I also asked PO Sitko if he had anything he would like to say reference the comments I was asking him about.

Q: Andrew, do you have anything that you'd like to say?

A: *I guess yeah.*

Q: *Go right ahead.*

A: *When, just the last part is that when I come in on a shift, I genuinely hope I never I have to use force.*

Q: *Okay.*

A: *Truly, like, I*

Q: *Okay. And one more thing. Are these things being said but you're just joking and you can't believe they'd take you seriously? Anything like that going on?*

A: *I mean, I've definitely made bad jokes. I don't think in to the effect of these. I don't know if these are just statements that are being misheard or, you know, I don't know. I don't know where exactly these are coming from but.*

Summary And Preliminary Recommendation Reference Concerning Comments

On 11-21-23, [REDACTED] contacted her direct supervisor, Sergeant Kevin Statz, to inform him of some concerning statements he had made to her in the West Police District parking lot. This is soon after she observed him displaying his taser on [REDACTED] when there was no indication that a taser would be needed. The statement about not wanting to shoot someone but could use the time off, and the statement reference that we have killed a lot of people since [REDACTED], were made to her on 11-21-23, when she contacted Sergeant Kevin Statz. The other statements she did not recall any specific dates.

[REDACTED] stated he has never heard PO Sitko say any of the specific comments I asked him about. Reference working DSI, [REDACTED] stated PO Sitko has said something to the effect of, "hope we get into it tonight." [REDACTED] stated he does not have any concerns when he states something like that.

PO Sitko denied making the exact statements that [REDACTED] stated. Some statements, [REDACTED] (statement) he stated he did not think he would have said something like that, but also did not know if he would recall making that specific statement or not. Other statements ([REDACTED] blue team statement) he stated that he hoped he did **NOT** have a blue team entry while working DISI on [REDACTED]. He stated he does think I am getting misinformation, or people are remembering fragments of statements that when combined sound bad.

Preliminary Recommendation:

Code of Conduct: Courtesy, Respect, and Professional Conduct: Not Sustained

Initial Information Reference Instagram Video

On 12-15-23, I received information via email, that [REDACTED] made Sergeant Chris Keys aware of a video that PO Sitko sent [REDACTED] via phone (Instagram). The following is the information from Sergeant Keys' email:

From: "Keys, Christopher" <CKeys@cityofmadison.com>
Date: December 15, 2023 at 5:02:44 AM CST
To: "Kamoske, Angela" <AKamoske@cityofmadison.com>
Cc: "Meinert, David" <dmeinert@cityofmadison.com>, "Hanson, Michael" <MHanson@cityofmadison.com>
Subject: Video

"Lt. Kamoske,

[REDACTED] brought a video to my attention in the OIC office tonight. [REDACTED] received a video on Instagram from Officer Sitko's account on or about 12/13/2023. The video shows a cop executing a woman who is surrendering with the woman saying something to the effect of "typical cops in this city." He apparently told [REDACTED] he did not intend to send it to her. [REDACTED] told me about some behavior he is displaying toward [REDACTED] and that [REDACTED] had already spoken with PSIA about it, but the video is new information. I told [REDACTED] to have [REDACTED] check in with PSIA about it tomorrow at the start of her shift or just before.

This behavior is obviously concerning and I asked [REDACTED] if they feel safe. He stated they currently do feel safe but that is subject to change.

Let me know if there is anything else needed from me.

-Chris"

Contacting [REDACTED] Reference Video

I was asked by Lt Kamoske to contact [REDACTED] and ask her about the video, [REDACTED] [REDACTED] I would learn that the video was sent on 12-10-23, [REDACTED]. She also on 12-10-23, received a video from PO Sitko that was a humorous Christmas song.

I decided to call [REDACTED] early morning on 12-15-23. I asked her to send me the video to my work cell phone, which she sent me that morning. After I viewed the video, I asked her about PO Sitko sending it to her, but not intending to as the email stated. She informed me she did not think it could have been sent accidentally based on how Instagram works. She informed me that the video has shifted how she

feels about PO Sitko. She reminded me in my interview with her that [REDACTED]
[REDACTED]

Description Of Video

The video is just a few seconds. The video appears to be animation that is similar to the type you see in video games. The video shows a police officer with his handgun out and states to a female, "Hands up, do it now!" The female is complying with her hands in the air, with her back to the officer. She goes to her knees and states, "Typical for police in this city." Once the female is on her knees, the officer shoots the female in the head. The video then ends.

My interview With PO Sitko Reference The Video

The following are excerpts from my interview with PO Sitko reference the video he sent via Instagram. I played him the video before I asked him questions about it.

Q: We just saw that video. Let me just describe it here. What it looks like to me, it looks like some sort of animation. I'll ask you, but when we get there, it looks like maybe maybe from a video game but certainly an animation. It looks like a police officer that states, "Hands up, do it now," to a female. The female is complying. She goes to her knees. Her back is to the officer and the female says, "Typical for police in this city." And then it shows the officer shooting her in the head with her head exploding and then the video ends. Okay. Any disagreement of what that video showed?

A: That's what the video shows. Yes.

Q: Okay. All right. Did you send that video to [REDACTED] I'm going to call her [REDACTED] from here on out, stenos.

A: Yes.

Q: Okay

A: However, not intentionally. So on that same day, I had sent an entirely separate thing just before that to [REDACTED] so she was on my recent sends. When that video came up, I had thought that I had blocked it from my feed. In Instagram, there is a feature you press some, you press a button and then it blocks that so you don't see that content. I thought that was what I did until the next morning. I had woken up to a call from [REDACTED] about this video at which point, my, like, I, my heart dropped. I was, yeah. So I had, I didn't realize that I had sent that video. I thought I blocked it but

Q: Thank you. You, make sure I understand you correctly. You did mean to send her something but not that. Is that accurate?

A: Yeah. Well and I did. In our message, there's a video right before like a joke thing right before not involved with that at all.

Q: Okay. And and what was that joke type video thing? Do you remember?

A: *I don't, I don't remember what the joke was.*

Q: *Okay. And do you know even what that's from?*

A: *No, I have no idea. And that's what I mean. I have no idea. I don't know if that's a game or a show or like some kind of cartoon. I don't.*

Q: *Okay. All right. And when you said after, when you said [REDACTED] do you mean [REDACTED]*

A: *Sorry. Yes*

Q: *Sitting right beside us here.*

A: *Yes, [REDACTED] [REDACTED]*

Q: *Okay. All right. And when she called you about that, what was your initial reaction?*

A: *Shock. I, I. At first, I didn't know what they were talking about. I didn't, you know, I, like I was like wow, what video, what? And then I looked and I'd seen that it had sent and I, cause I thought I had blocked that content.*

Q: *Okay*

A: *Like I thought I had hit the block button and I must have just not been paying attention to what I was doing.*

Q: *And accidentally accepted it, if that's the right word to use?*

A: *Yeah.*

Q: *Okay. All right. I know just because I can look up in telestaff you and [REDACTED] [REDACTED] correct?*

A: *Yep*

Q: *And are you guys friends?*

A: *Yeah*

Q: Okay. When you sent that to her, you guys are friends, do you know why, why do you think that kind of bothered her?

A: It would bother me if someone sent it to me. That's, I mean, that's a disturbing video.

Q: Okay. You said you sent it to a few people mistakenly. Did you send it to any other MPD officers?

A: Yes. It also had gotten sent to [REDACTED] and [REDACTED].

A: Did [REDACTED] have any comments about that or anything when you sent that to him?

A: No. Well the thing is that after that morning, I started going through and I was like, oh, and I'm like "hey man, I'm really sorry that that sent. Like I tried to block that." And he's like, "yeah, no I get it."

I asked Detective Sergeant Dave Gouran if he had any questions reference the Instagram Video.

Gouran: Yeah, I'm sorry. I didn't catch it if you said it. How, how, what was the source of that video, how it came to you?

A: So it's called "Explore," so it just, Instagram randomly sends videos that it's like yes, this, to see if you engage with the content. And when they come up you can hit like "not interested" or you can block it entirely, block the account. And since I thought I was blocking the account and like checking the "not interested," I don't want to see this stuff.

Gouran: But would you know what it contains without even opening? Did you like

A: No

Gouran: Click ---- and go oh I don't like this.

A: So, its. No. it's like turning the page in a book. You don't know what's next. You scroll and then it just shows up. It's right there.

Gouran: So you were trying to block it before you saw what the actual video contained?

A: No, it automatically plays.

Gouran: It plays ----

A: So once I saw the video, I was like

Gouran: I understand.

A: Yeah it was that like "what the hell is this" moment. Just slapping buttons trying to block it.

Interview With [REDACTED] Reference The Video

The following are excerpts from my interview with [REDACTED] reference the video. From the interview, the first time [REDACTED] saw the video is when I showed it to him.

Q: On my phone, on my work cell phone here. [video playing] Okay video, that video has ended and I want to describe this just because you know, it's, it's you know, a transcription here. What that video looked like to me was some sort of animation, possibly a video game. I don't know that but some sort of animation. There is a person that's a police officer that says hands up, do it now. The female complies, she goes to her knees. She has his back to the officer, has her hands up like on her head and says typical of police in this city and then it shows the officer shooting this female in the head and her head kind of exploding. Do you agree that that's kind of what we just watched?

A: Yes.

Q: Okay. Up until me just showing you that, have you seen that video before?

A: To my knowledge, no.

Q: Okay. Let me ask you this specifically has PO Andrew Sitko ever sent you that via Instagram or anything other type of social media platform?

A: To my memory, no.

Q: Okay. All right. Does he communicate with you a lot via Instagram?

A: Free, sometimes, yeah, frequently.

Q: Okay. Has he, have you ever seen a video similar in nature to that that he has sent you before?

A: *Ah, to the best of my knowledge, no.*

Q: *Okay.*

A: *My memory, no.*

Q: *Thank you. And I appreciate that very much, [REDACTED] Appreciate that. Seeing that video for the first time is what you're saying now. When you saw that, what did you think of it?*

A: *Pretty disturbing for the, you know, circumstances especially being a video game.*

Q: *Okay. All right. If you got something like that from anyone here at MPD, do you think you would just remember that video?*

A: *Oh yeah*

Q: *Okay. If it's not a video game, do you find it disturbing still?*

A: *Yes, yes*

Q: *Okay. And to the best of your knowledge, not just telling you why he was on administrative leave, did he ever around that December 10th time call you and say, "hey, I just sent you a video," the video I just showed you*

A: *Mhmm*

Q: *And say "I'm sorry. I didn't mean to send that." And then you looked at your phone and said "I didn't even get the video." Did you ever have a conversation of you saying as Andrew, hey I sent you a video I didn't mean to. Do you recall that all?*

A: *I believe, now that you're saying it, it rings, rings a little bit of a bell. Any hard memory, I don't have though*

Q: *Okay*

A: *It may, may have been a phone call, may have been a text. Probably because I didn't find anything, I, it just probably did not register very deeply into my brain.*

A: *Okay. All right. Very good. Thank you. All right. Okay. Now make sure to recap. You did not see that video until I just showed it to you. You would remember because of how, to use your words, disturbing that was. You would remember getting a video like that.*

You're saying maybe possibly it sounds somewhat familiar to you that he could have called and maybe mentioned the video he sent you but it didn't register with you because you didn't get it. Am I accurate with that?

A: Yes

██████████ checked his cell phone and did not locate any text messages reference PO Sitko sending him an Instagram Video he did not mean to send. ██████████ did state that when I asked him if PO Sitko had ever contacted him in any way and apologized for sending him a video, he stated it triggered a small memory, and thought that sounded familiar to him.

Summary And Preliminary Recommendation Reference Video

The video of a person complying with a police officer, and then being shot in the head is disturbing. He stated that he did not mean to send ██████████ that particular video. When you select a video to send to someone via Instagram, the video you are sending is approximately half of your phone screen, not a small thumbnail. ██████████ who is a friend of PO Sitko, stated it was plausible that a person may send a video to the wrong person, but to select and send the wrong video, seems less likely.

PO Sitko informed me he sent the video also to ██████████ stated the first time he saw that video was when I showed it to him. He stated he would remember if he saw a video like that, based on how disturbing it was. When I asked him if PO Sitko contacted him in any way basically apologizing for sending him that video, he stated that triggered a memory. He could not remember more than that, other than stating it sounded familiar to him.

PO Sitko stated that he did not intentionally send the video to ██████████ The video itself is disturbing in nature. The video upset ██████████ ██████████ as well. Sending that type of video to her does not adhere to our Code of Conduct "**Courtesy, Respect, and Professional Conduct,**" which applies both on and off duty. This SOP states in part:

"Members of the Department shall be courteous and respectful to the public and coworkers. Members of MPD should avoid abusive or profane language, gestures, and actions that bring disrespect upon the Department or members of the community."

Preliminary Recommendation

Code of Conduct: Courtesy, Respect, and Professional Conduct: Sustained

Possible Use of Force Not Reported (2023PSIA-0176)

On 12-15-23, Sergeant Statz completed an investigative memo regarding PO Sitko possibly using force on someone, and not doing a report documenting the force used. Sergeant Statz obtained this information when ██████████ contacted him on 11-21-23. The following is from Sergeant Statz's memo from the header, ***Initial Reported Information.***

"While interviewing ██████████ regarding PO Sitko's actions on 11/21/2023, which was detailed in a previous memorandum to PS&IA, ██████████ informed me that she was told by ██████████ of an incident where PO Sitko reportedly punched a subject in the face while breaking up a fight during a DSI overtime assignment sometime in October 2023. I confirmed with ██████████ that she did not personally witness this event take

place. Additionally, [REDACTED] had not heard anything about the incident from PO Sitko directly. [REDACTED] advised that all information she had was via [REDACTED] and she was unsure if [REDACTED] was witness to the event himself. [REDACTED] informed me that she believed this incident would have occurred sometime in the middle of, or towards the end of October, but she could not be sure. Part of [REDACTED] concern was that it was her understanding that no use of force report was completed, nor was any supervisor notified as a result of the incident. However, [REDACTED] did not have sufficient information to either confirm or refute that information. [REDACTED] did not have any further relevant information to provide.”

Sergeant Statz's Interview With [REDACTED]

Sergeant Statz interviewed [REDACTED] and explained what he was investigating. [REDACTED] stated he did not witness PO Sitko use force against anyone during a certain night while PO Sitko was working DSI, but recalled, “hearing rumors.” He could not recall who he had heard the rumors from but thought maybe [REDACTED]

Locating The Incident

The incident [REDACTED] was referring to was 23-457452. This was a fight that PO Sitko had called out over the radio at 319 N. Henry Street. The incident was from 10-22-23, that occurred at approximately 2:17 am. There were no reports from anyone reference this incident. Other officers assigned to the call were [REDACTED].

At approximately 2:21 am, the officers who responded to the call that PO Sitko had called out, then responded to a fight call at West Gorham Avenue and N. Henry Street. That incident was MPD case number 23-457455.

Sergeant Statz's Interview With [REDACTED]

Sergeant Statz also interviewed [REDACTED] and explained why he was calling. [REDACTED] informed Statz he was familiar with the incident, as he ([REDACTED] was also working DSI and was riding with [REDACTED] [REDACTED]. He stated that PO Sitko had called out a fight on N. Henry Street, so he and [REDACTED] responded via squad. [REDACTED] stated when they arrived on scene, PO Sitko was, “in the middle”, of multiple subjects who looked to have been involved in a fight. The fight was dispersing, and as he ([REDACTED] had exited the squad, a subject who looked like he been in a fight said something to the effect of, “you need to get control of your officer.” [REDACTED] could not recall if he heard PO Sitko say anything about using force or overhearing another officer saying something about it. There was another fight that immediately broke out nearby, so officers went to that fight.

Sergeant Statz's Interview With [REDACTED]

Sergeant Statz interviewed [REDACTED] and explained what he was investigating. [REDACTED] recalled the incident, and he did not witness any force being used. He stated when he responded to the area with [REDACTED] there was a group of people that were engaged in some degree of an altercation but could not see exactly what was happening. [REDACTED] stated that when he exited his squad, there was no active fight, and multiple subjects were walking away in different directions. He then stated he recalled someone (he does not remember who, and that officer was not located), making a comment that an officer named Andrew, stated he had used force and the subjects then moved on. Again, the person that [REDACTED] heard talk about it, was not PO Sitko himself, but heard someone talking about PO Sitko.


Due to the second fight that was called out, he did not think much of it, and went to where he was needed next. He did advise Sergeant Statz that any Arbitrator recording he had that night would have been saved as evidence.

Sergeant Statz's Interview With Other Officers

Sergeant Statz also interviewed [REDACTED]. From these interviews, none of these officers witnessed any type of force being used and did not have any other information relevant to the investigation.

Sergeant Statz Locating The Only Video

Sergeant Statz determined that the only In-Squad Arbitrator recording was from [redacted] squad [redacted]). City cameras that are downtown are overwritten in approximately ten days. Sergeant Statz did not get this information until November, and I received his memo on 12-15-23. There are no exterior cameras located at 319 N Henry Street.

	In Car	[redacted]	Evidence	23-457452	10/22/2023 2:18:27 AM	00:04:25			Madison PD										
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I looked at this Arbitrator multiple times, and it is hard to ascertain what exactly happened. There certainly is fast movement, and PO Sitko is moving at a fast rate towards some subjects. When [redacted] stops his squad, the incident is no longer in view. Also, by the time [redacted] puts his spotlight on the subjects, they are only in view for a few seconds. From what is captured by [redacted] Arbitrator, I can only determine that one subject is a police officer due to a reflective vest. When I interviewed PO Sitko about this and showed him the video, he stated the officer in the reflective vest was him.

While the entire recording is approximately four minutes and twenty five seconds,, the incident that is captured is just a few seconds. During the audio portion, I do not hear anyone talking about force being used. During this call is when a fight nearby is dispatched, and the officers then respond to that call.

It was PO Sitko that requested more officers to respond to his location at approximately 2:17:35 am, and then at approximately 2:18:55 am, PO Sitko advised his status as 10-2(status is good).

My Interview With PO Sitko Regarding DSI Incident

After I played the video for PO Sitko, he did not deny the officer with the reflective vest captured by [redacted] squad was him. He stated that he may have had to push someone back and may have forgotten to do a report. He also stated that he is aware he would need to do a report on just pushing someone back. He was not stating that he did push someone back, but stated it was possible he may have done that and forgot to do the report. He sated that would have been the most force, if any, that he used during that incident. The following are excerpts from my interview.

Q: It looked like, it looked to me like fast movement of some kind. Do you agree with that?

A: Yeah.

Q: Okay. Let me ask you this. Did you have to in any way shape or form physically make contact with anyone over there?

A: Yeah, a few people. I, I just, I walked in the middle of it. I just walked. I walked towards the group and I was like “hey, break it up, break it up.” People were, you know, waving their hands, pointing at me, tell me to, you know, less choice words of where I can go and what I can do and, you know, go fuck yourself, you should die, like.

Q: Okay

A: Kill yourself, like you’re useless. All that kind of, you know, the usual. Just they’re drunk people who are upset that the police are there so. I mean, yeah, I was walking through and yeah.

- Q: Okay. When you say walking through, I believe you said originally what was sort of two people arguing and then it got bigger*
- A: Yeah*
- Q: Is that accurate*
- A: Yeah, yeah. It just a bunch of people showed up*
- Q: Okay. When you say you walked in the middle of it, you mean like you literally got in the middle to try and separate them?*
- A: Yeah, cause at first it was just like the two guys yelling at each other so I, you know, ran up. "Hey guys, knock it off. Knock it off. You go that way, you go this way."*
- Q: Okay. That's verbally. Did you ever have to make physical contact with anyone at all during this? Any active counter measure, punch, knee strike, a hand on the shoulder, back? Did you have to grab someone? Did you have to physically touch someone in any way shape or form?*
- A: I might have caught someone when I was like pointing and like saying to go and like moving in that. I genuinely, I don't, there were, all of a sudden there were a lot of people and that's why I called for that back up. Because all like, it went from me talking to two people to I was like surrounded so I, I, I, I didn't have to like, you know, throw punches or knee strikes or any, no, no, no decentralizations, no.*
- Q: Do you think if you would have used this type of force, punched someone, knee struck someone, decentralized someone, something of that level which is called reportable and recordable force which requires a blue team, do you think if you did that, you would remember that?*
- A: Yeah. Well and I would have had to gotten sergeant, I think it was Sosoka was our sergeant that night.*
- Q: Okay. If you did have to just push someone just real quick, I'm asking, I'm not. I'm asking you this. Is that something that you could have either forgotten to do a report on or just possibly think you didn't need to do a report on if you did something like that?*
- A: I mean, if I did push, I, I, I probably, I might have forgotten it. I generally don't. Like I'm. I don't know. If I use force, I record it even, you know, the reportable recordable matrix ----*
- Q: So you said if you ever, and even if it's not recordable force, we have to get the sergeant to do a blue team, you know, any time you, you know, touch someone, grab someone*

A: Yeah

Q: That needs a report

A: Yeah

Q: Okay. All right. Was anything, if another officer, another officer said it was something to the effect of someone said the officer said "I used some force to get them to move on." Does that help recollect anything of what you might have done?

A: I don't think I would have said I used force to get them to move on but I definitely would have said like yeah, I yelled at them and separated them to get them to move on.

Summary And Preliminary Recommendation Reference DSI Incident

In the interviews with the other officers who responded to the incident called out by PO Sitko, no officer witnessed PO Sitko using any force. While [REDACTED] stated he heard rumors about him using force during that incident, no one stated they directly had a conversation with PO Sitko about him using force.

The only Arbitrator recording that was captured by [REDACTED] squad car, does not show anything definitive. PO Sitko does not deny that the officer in the reflective vest was him on the sidewalk. He does state that while it is not like him to forget, he does not rule out that he may have had to push someone back and forgot to do the report. Between the long-time lapse and the fact that the squad video does not definitively show what happened, it is difficult to say what PO Sitko did during the incident.

If he did push someone as he was addressing the initial two people arguing, that would have to be documented in a report. Under the SOP: Use of Force sub section, ***Use Of Force Reporting Required***, it states in part:

"Any officer who uses physical force, or any type of the following enumerated weapons, devices, or tactics against another person, shall complete an original or supplementary report on the incident during which the force was used:

- 5) *Physical force, including focused and diffused strikes, pressure points, escort holds, decentralization techniques, holding or grabbing subjects, etc."*

Preliminary Recommendation

SOP: Use of Force (Reporting Required)

Not Sustained

Time Frame Reference PO Sitko's Behavior

When I interviewed [REDACTED] on 12-8-23, she stated that while he may have in the past made an inappropriate comment or two, she felt that ever since the traffic stop with [REDACTED] is when she

noticed an increase in his frequency of inappropriate comments. That incident happened on 8-29-23 and was referenced earlier in this memo. The following is what [REDACTED] stated about the [REDACTED] call.

"After the whole thing, after the call was kind of done and everything was like stabilized I guess, we kind of, I remember everyone getting in a circle and it, like chaotic doesn't even begin to describe how that was. And we all just kind of like collectively took a deep breath. Everyone's face was red. Some people looked like they were holding back tears. I know I talked to one officer like even the following day and we said [REDACTED] [REDACTED] I think everyone had a difficult time kind of recovering from it."

She also spoke about how in approximately the last few months, PO Sitko informed her [REDACTED] [REDACTED] The following are excerpts from my interview with her reference that call.

Q: Critical debriefings are, critical debriefings are, are private. I'm not asking what went in there. You said you've been on significant calls with him and things like that. Do you know, to your knowledge, regardless if you were on the call, if he's ever gone to one? Or is he of the attitude of "I can handle this stuff. I'm fine."

A: He actually told me, this is just coming to my brain now, it was very, it might have still been when we were in field training. It was on the west side. I [REDACTED] [REDACTED] s far as other calls, for the other calls, there hasn't been debriefs, like incident debriefs. So as far as like getting days off or anything like that, it hasn't happened so.

Q: And do you remember if he told you, if Officer Sitko told you like within in a few days or a week "I [REDACTED] or months later he said that

A: He told me this pretty recently actually within the last like two months maybe.

In my interview with [REDACTED] it was of her observations that after the [REDACTED] call, she noticed a frequency in inappropriate comments he was making, and also had never seen him do anything inappropriate with any weapon until after the [REDACTED] call. She stated that also during [REDACTED], she never observed him doing anything inappropriate with a weapon.

Brief Overall Summary of Entire Investigation

On 11-21-23, [REDACTED] contacted her direct supervisor, Sergeant Kevin Statz, to report her observations reference PO Sitko. [REDACTED] reported her observations of PO Sitko with his taser on [REDACTED] and concerning comments he made that same night (11-21-23). PO Sitko was placed on Administrative Leave on 11-22-23.

On 12-15-23, it was brought to my attention about a video he sent [REDACTED] showing an animation of a police officer shooting a woman complying with the officer. Also, on 12-15-23, I received a second investigative memo from Sergeant Statz reference PO Sitko possibly using force and not doing a report. I would interview [REDACTED] on 12-8-23, PO Sitko on 1-4-24, [REDACTED] on 1-10-24, and [REDACTED] on 2-1-24.

In reference to PO Sitko on two different occasions having his taser out of his holster and armed when not needed, he ultimately stated that while at UW Hospital at the time he had it out, there was not anything to indicate that he would need it. Reference the time he had his taser out on [REDACTED] he again had it unholstered and armed, when it was not needed. PO Sitko stated that he pretty quickly realized that the taser was not needed, but he felt that there was something wrong with the lever going from safe to armed. He stated that was why he had it out for that longer period of time, and towards the end of the call he felt like his taser was working fine. Both [REDACTED] and [REDACTED] stated there was nothing in their assessments that a taser would be needed.

PO Sitko denied resting his handgun on his driver's side mirror. He stated that he has practiced removing his (unloaded) handgun from his holster while seated in a squad, and that would have been the only reason he would ever had his handgun out of his holster while in a squad.

In reference to the inappropriate/concerning comments, he denied saying those exact words of any statement I asked him about. He stated that maybe people were remembering fragments of statements and combining them, or that a statement was close to what he said but not accurate. For example, reference the statement to the effect of hoping he would have a [REDACTED] blue team, he stated he hoped he would **NOT** have a [REDACTED] blue team.

Reference the video he sent to [REDACTED] via Instagram, he stated he did not mean to send her that particular video. He stated he was surprised when [REDACTED] called him the following morning asking him about it. He stated the other officer he sent the video to was [REDACTED] and he contacted him apologizing for sending a video like that. [REDACTED] stated the first time he saw the video was when I showed it to him. When I asked him if PO Sitko contacted him apologizing for sending it, he stated that did sound familiar to him. [REDACTED] stated that if he never got the video PO Sitko sent, he probably just did not think much about PO Sitko contacting him about it.

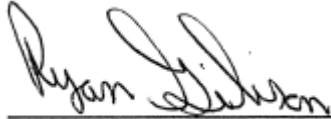
In reference to the DSI incident where force may have been use and no report completed, PO Sitko stated it is possible that he may have put his hand out to push someone back or accidentally touched someone when he was pointing in a direction for the subjects to go. He stated while possible, he stated he would usually not forget to do a report. Also, he stated he knows that a report would still need to be completed. The Arbitrator from [REDACTED] squad just does not show anything definitive.

In my interview with [REDACTED] on 12-8-23, she stated she considers PO Sitko a friend [REDACTED]. She stated that she noticed a frequency in his behavior after a traffic stop with a suspect, [REDACTED]. She also stated in approximately two months prior to my interview with her, he stated [REDACTED] that happened earlier in 2023. When I later spoke to [REDACTED] reference the video he sent her, she stated that how she felt about PO Sitko shifted, [REDACTED].

Preliminary Recommendations Summary

The following is the summary of my preliminary recommendations. The first Code of Conduct for Courtesy, Respect and Professional conduct is for the statements that he made. The second one is for the video he sent [REDACTED]

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|--|----------------------|
| SOP: Use of Force (Electronic Control Device) | Sustained |
| SOP: Police Weaponry (Handgun) | Sustained |
| Code of Conduct: Courtesy, Respect, and Professional Conduct: | Not Sustained |
| Code of Conduct: Courtesy, Respect, and Professional Conduct: | Sustained |
| SOP: Use of Force: (Reporting Required) | Not Sustained |

A handwritten signature in black ink, appearing to read "Ryan Gibson". The signature is written in a cursive style with a large initial "R".

Sergeant Ryan Gibson