



# Case Report Summary

Madison Police Department  
Official Case Report

Do Not Re-Release

Print Date/Time: 09/30/2020 12:16  
Login ID: pdjal  
Case Number: 2020-00227434

\*MADISON POLICE DEPARTMENT  
ORI Number: WI0130100

## Case

Case Number: 2020-00227434  
Location: STATE ST / W GILMAN ST  
Madison, WI 53703  
Reporting Officer ID: 5695 - OLSON

Incident Type: Battery  
Occurred From: 06/24/2020 01:00  
Occurred Thru: 06/24/2020 01:10  
Disposition:  
Disposition Date:  
Reported Date: 06/24/2020 17:49 Wednesday

## Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	13A	940.19(2)	SUBSTANTIAL BATTERY/AGGRAVATED/INTEND	1
2	State	90C	947.01 DC	BODILY HARM	1
3	State	90Z	939.645(1)	DISORDERLY CONDUCT HATE CRIME ENHANCER	2

## Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	LIVINGSTON, NICHOLAS M	[REDACTED] Madison, WI 53703	[REDACTED]	White	Male	[REDACTED] 23
Contact	2	WILLIAMS, JOSEPH P	[REDACTED] [REDACTED], WI 53597	(6 [REDACTED])	Unknown	Male	[REDACTED] 60
Contact	3	PELANEK, MORGAN	[REDACTED] Janesville 53546	(6 [REDACTED])	White	Female	[REDACTED] 24
Contact	4	BERRY, JEFFREY S	[REDACTED] Madison, WI 53719	[REDACTED]	White	Male	[REDACTED] 66
Contact	5	BERNSTEIN, WILLIAM L M	[REDACTED] Monona, WI 53716	[REDACTED]	Black	Male	[REDACTED] 25
Contact	6	BERNSTEIN, REBECCA S	[REDACTED] Madison, WI 53716	(6 [REDACTED])	White	Female	[REDACTED] 58
Contact	7	BERNSTEIN, RICHARD ALLEN	[REDACTED] Madison, WI 53716	(6 [REDACTED])	White	Male	[REDACTED] 65
Contact	8	GAMER, JOSHUA	[REDACTED] Middleton, WI 53562	[REDACTED]	White	Male	[REDACTED]
Contact	9	HENDERSON, KHANDRA C	[REDACTED] Sun Prairie, WI 53590	[REDACTED]	Black	Female	[REDACTED] 26
Contact	10	Diehl, Thomas M	[REDACTED] Madison, WI 53706	[REDACTED]	White	Male	[REDACTED]
Contact	11	Beyer, Kristine A	[REDACTED] Madison, WI 53706	[REDACTED]		Female	[REDACTED] 28
Person Mentioned	1	2020-00227434, UNKNOWN			White	Male	
Victim	1	BERNSTEIN, ALTHEA A	[REDACTED] Madison, WI 53716	[REDACTED]	Black	Female	[REDACTED] 18

## Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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## Property



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Date	Code	Type	Make	Model	Description	Tag No.	Item No.
09/18/2020	Evidence	CD/DVD/Tapes/Di scs			Snap chat records for [REDACTED] (Bernstein)	463320	1
08/12/2020	Evidence	CD/DVD/Tapes/Di scs			CD-video of CGI interview of Althea Bernstein on 7/24/2020	460982	1
07/23/2020	Evidence	Chemical			Extracts of volatiles from tag 457937	459616	1
07/23/2020	Evidence	Chemical			Extracts of volatiles from tag 457938	459617	1
07/23/2020	Evidence	Chemical			Extracts of volatiles from tag 458206	459618	1
07/21/2020	Evidence	CD/DVD/Tapes/Di scs			Thumb Drive containing video from Middleton Sport Bowl and Today's Trends	459438	1
07/21/2020	Evidence	CD/DVD/Tapes/Di scs			CD Containing citizen surveillance video	459446	1
07/15/2020	Evidence	CD/DVD/Tapes/Di scs			DVD with video surveillance from Middleton Jewelers	458953	1
07/08/2020	Evidence	Documents			Consent forms signed by Althea Bernstein - Medical and Phone	458560	1
07/08/2020	Evidence	Documents			Consent to search vehicle - William Bernstein	458557	1
07/08/2020	Evidence	CD/DVD/Tapes/Di scs			CD with Bernstein's call to non- emergency dispatch	458556	1
07/07/2020	Evidence	CD/DVD/Tapes/Di scs			Cd with UW ER hospital surveillance footage	458487	1
07/03/2020	Evidence	CD/DVD/Tapes/Di scs			compact disc containing one photographed screen shot of Morgan Pelanek's phone log	458291	1
06/30/2020	Evidence	CD/DVD/Tapes/Di scs			DVD - UWPD VIDEO, 6/24/20, 0045- 0048	458118	1
07/01/2020	Evidence	Chemical			SEALED PAINT CAN CONTAINING SIX SWABS OF AN UNKNOWN SUBSTANCE TAKEN FROM GRAY HYUNDAI ELANTRA (WI tag AGV 1526)	458206	1
06/27/2020	Evidence	Other			CFSRP archive data	457954	1
06/27/2020	Evidence	Cell Phone-PDA- iPhone			iPhone 11, Althea Bernstein	457953	1
06/29/2020	Evidence	CD/DVD/Tapes/Di scs			Video and photos taken of phone belonging to Nick Livingston	458026	1
06/26/2020	Evidence	Clothes/Furs/Acc essories			Victim's dark grey t-shirt	457937	1
06/26/2020	Evidence	Clothes/Furs/Acc essories			Victim's underwear	457939	1
06/26/2020	Evidence	Clothes/Furs/Acc essories			Victim's shorts - black	457938	1
06/26/2020	Evidence	Clothes/Furs/Acc essories			Victims shoes - Crocs	457936	1



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### Vehicles

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

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

**001 - PO OLSON/ORIG - BATTERY****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT**

<b>DETAIL</b>	REPORTED DATE/TIME <b>06/24/2020 17:49</b>	OCCURRED INCIDENT TYPE <b>Battery</b>	LOCATION OF OCCURRENCE  <b>STATE ST W GILMAN ST Madison, City of</b>
	OCCURRED FROM DATE/TIME <b>06/24/2020 01:00</b>	OCCURRED THRU DATE/TIME <b>06/24/2020 01:10</b>	
	REPORTING OFFICER <b>BAILEY OLSON</b>		

**NARRATIVE****ROUTING**VCU  
SELF**INITIAL INFORMATION**

On 6/24/2020, I was working as call sign 1997, working on light/restricted duty as a City of Madison Police Officer. As a part of my responsibilities while on light/restricted duty, I was tasked with handling calls for service that could be appropriately resolved via phone contact. I was assigned to a battery complaint that stated the individual, who was later identified as **Althea A. Bernstein**, had lighter fluid thrown at her and lit on fire while driving in the area of State St. and W. Gorham St. in the morning of 6/24/2020.

**Phone Contact w/ Althea A. Bernstein**

I then made phone contact with Althea A. Bernstein [REDACTED], who verbally identified herself to me. Bernstein stated that at approximately 1:00am on 6/24/2020, she had been driving her brother's vehicle from the East Side of Madison to his address in Middleton. Bernstein stated that as she was driving through downtown Madison, she came to a stop for a red light at State St. Bernstein stated that she was unsure which street she was driving on, but believed it was possibly W. Gorham St. when she came to a stop at State St.

While at the red light, Bernstein stated that she had her driver side window rolled down, at which point she heard a male yell, "Nigger," from the left of the vehicle. Bernstein then looked to her left, where she saw four white male subjects who she believed had yelled, "Nigger," at her; it should be noted that Bernstein stated that she was bi-racial (Hispanic and Black). Bernstein described the males as looking like "frat boys" as they appeared to be in their early 20's.

Bernstein described two of the males as wearing all black clothing with black masks. The other two males appeared to be wearing blue jeans and "floral shirts." Bernstein stated that the male who sprayed her with the lighter fluid was wearing a salmon-colored floral shirt and had brown hair; this was all she could recall of the four subjects.

Bernstein told me that once she looked at the four males, the subject in the salmon-colored shirt used a spray bottle to spray a clear liquid on to the left side of Bernstein's face and neck. Immediately after being sprayed, the same male then threw a flaming lighter at Bernstein, causing the liquid to ignite on her face and neck. It should be noted that per Bernstein, the liquid was later determined to be lighter fluid per UW Hospital staff.

After the lighter fluid was ignited, Bernstein stated that she drove her vehicle through the red light while simultaneously patting her face and neck to extinguish the flaming lighter fluid. Bernstein was able to



**MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT**

REPORTING OFFICER

**BAILEY OLSON**

REPORT DATE

**06/24/2020****NARRATIVE (continuation)**

quickly extinguish the flames and was unsure how long the lighter fluid was actively burning.

Once the flames were extinguished, Bernstein stated that she left the area in her vehicle and proceeded to her brother's residence in Middleton to return his vehicle to him. Bernstein then returned the vehicle to her brother and then took her vehicle from Middleton to her residence in Monona. Once back at her home, Bernstein called her mother and told her what had happened. Bernstein's mother then told her to go to the hospital.

Bernstein stated that at approximately 2:30am on 6/24/2020, she drove herself to UW Hospital Emergency Room near downtown Madison. Bernstein told me that after being seen by medical staff at UW Hospital, they told her she had 2nd and 3rd degree burns on the left side of her face and neck that were a result of the lighter fluid being ignited. Bernstein was also told by ER staff that she [REDACTED]

[REDACTED] Bernstein then stated that she was [REDACTED] and her injuries were tended to by medical staff while at UW Hospital. Bernstein told me that she was told by UW Hospital staff [REDACTED]

[REDACTED] Bernstein also stated [REDACTED]

Bernstein stated that she did have photos that were taken on her cell phone of her injuries, which she emailed to me, and they have been added to this case number. Bernstein stated that she did not have any additional information to provide me related to the subjects involved in throwing lighter fluid at her and subsequently lighting it on fire, causing the burns to her face and neck. Bernstein stated that this did cause her pain and that she did not consent to this behavior. Bernstein also stated that after being called a "nigger" and having lighter fluid ignited on her face, she "was in shock" and "wanted to get away."

I then asked Bernstein if she would be willing to sign a medical release upon being contacted by other officers or detectives to allow MPD to view her medical records related to this incident; Bernstein stated that she would sign a medical release. Due to my light/restricted duty status, I was unable to physically make contact with Bernstein at the time of completing this report.

I then asked Bernstein if she could describe her brother's vehicle she had been driving during this incident to assist me in attempting to view the incident on City cameras. Bernstein stated that she was driving a gray Honda four-door sedan when the incident had occurred. Bernstein also stated that no one else was in the vehicle at the time of the incident, nor was there any damage to the vehicle as a result of the lighter fluid being ignited inside of it.

Bernstein stated at this time, she had no additional information to provide to me. I then provided Bernstein with the appropriate case number and requested her to send me the photos of her injuries, which she did. I also told Bernstein that she would likely be in contact with other MPD personnel in the near future related to this case. I then ended my contact with Bernstein.

**Observation of Injuries**

Once I had received the photos of Bernstein's injuries, it did appear that one of the three images was taken

**MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT**

REPORTING OFFICER

**BAILEY OLSON**

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**06/24/2020****NARRATIVE (continuation)**

in a hospital or other medical facility due to the equipment in the background and Bernstein wearing a medical gown. The injuries were on the left side of Bernstein's face and neck area and appeared to be red in color.

The most apparent injury was approximately 2-3 inches long and about 2 inches wide on Bernstein's left cheek, near her jaw line. This area appeared more red than the surrounding skin and looked similar to scrape or scratch, based on my training and experience.

Just below this injury, there was another red spot of similar description, but moderately smaller in surface area. This other injury was on Bernstein's neck approximately 3 inches directly below her left ear.

Bernstein also had another injury of similar description to the two previous injuries approximately 1/2 inch to the left of her nose.

**Viewing of City Cameras**

After my contact with Bernstein, I attempted to view the incident on the city network of street cameras. Bernstein was unsure of exactly which street she was driving on when she came to the red light at State St., and she was also unsure of what time this occurred other than an estimate of 1:00am on 6/24/2020. This limited information made it somewhat more difficult to locate the appropriate cameras to view in my attempt to view the incident. I viewed the camera located at State St. and W. Gorham St from 12:45am, 6/24/2020, through 1:15am, 6/24/2020, and did not view the vehicle described by Bernstein. I also was unable to locate any individuals matching a similar description to the four males described by Bernstein as being involved while viewing city cameras.

At the time of completing this report, I have been unable to locate Bernstein or the four male subjects described by Bernstein on city cameras in the area or time that Bernstein stated the incident occurred. Having been unable to locate any video of the incident, I notified the Officer In Charge of the City, Sgt. Tyler Phillips. Sgt. Phillips stated at this time, there was no additional investigation that I could complete and agreed with my charges of Substantial Batter and Disorderly Conduct, both with added Hate Crime enhancers for calling Bernstein, "Nigger."

After my contact with Sgt. Phillips, I ended my involvement into this incident, having no additional course of action or information related to suspect identities.

NFA

P.O. Bailey Olson 5695

djt

**002 - DET HARRIS - VIEWING OF CITY CAMERA FOOTAGE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**06/26/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Viewing of City Camera Footage

**ATTACHMENTS**

- Still Images from City Camera

**NARRATIVE:**

On June 25, 2020, I was asked to follow up on a reported battery/hate crime. The victim, **Althea Bernstein**, reported she had been driving home from a friend's house to her brother's residence in Middleton at approximately 1am on June 24. Bernstein had reported that while she was stopped at a stoplight along her route, she was approached by four males. She was called a racial epithet and then doused with lighter fluid. Following that, a lit lighter was tossed into her vehicle, igniting the fluid and burning her face.

On June 25, I spoke with Bernstein. Bernstein had initially stated that she believed the attack had occurred at the intersection of Gorham and State St. When I spoke with Bernstein on this date, she stated that she was uncertain where the incident had occurred and was unable to remember any landmarks around her when the attack happened. Bernstein and I discussed where she was coming from and headed to. Bernstein agreed that she would most likely have been traveling along Gorham and would not have turned off it for any particular reason. Bernstein remembers passing the Double U Bar after the attack happened. Bernstein remembers there being parked vehicles around her when the attack occurred, including a black truck parked to her left. Bernstein also remembers seeing people out walking around and drinking on their porches prior to the incident. Based on Bernstein's description, it appears most likely the attack occurred at or near the downtown area.

I identified and viewed all the footage that was available from city cameras along Gorham from Few St through University Ave and Frances. Specifically, I viewed the cameras located at Gorham and Franklin, James Madison Park #1, Gorham and Wisconsin, Gorham and State St, Gorham and Broom St, University and Bassett and University Ave and N. Frances. I viewed all the footage from 12:15am until 2am that morning. I have requested that all of this footage be preserved.

In Bernstein's initial statement and also in my interview of her, Bernstein described the suspects as four white males of approximate college age. She stated that two of the males were dressed all in black including black face masks consistent with the type being worn during the COVID epidemic. Bernstein stated that the two other males were wearing Hawaiian style shirts with tropical patterns. Bernstein remembers one of the males as having a salmon colored pattern on his shirt.

Bernstein stated all the males, including the one who threw the lighter fluid on her, were standing on the sidewalk when the attack occurred. Bernstein described the lighter fluid that was thrown on her as coming from a bottle with a top on it. Bernstein describes that it was thrown on her in splashes or splotches versus a spray or steady stream.

Bernstein also told me that she recalls that immediately after the incident occurred, she realized her headlights on her vehicle were not on. Bernstein stated that right after the incident occurred, she turned these headlights on.

After viewing all of the above described video, I was unable to find anything consistent with the incident that

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**06/26/2020****SUPPLEMENTAL NARRATIVE (continuation)**

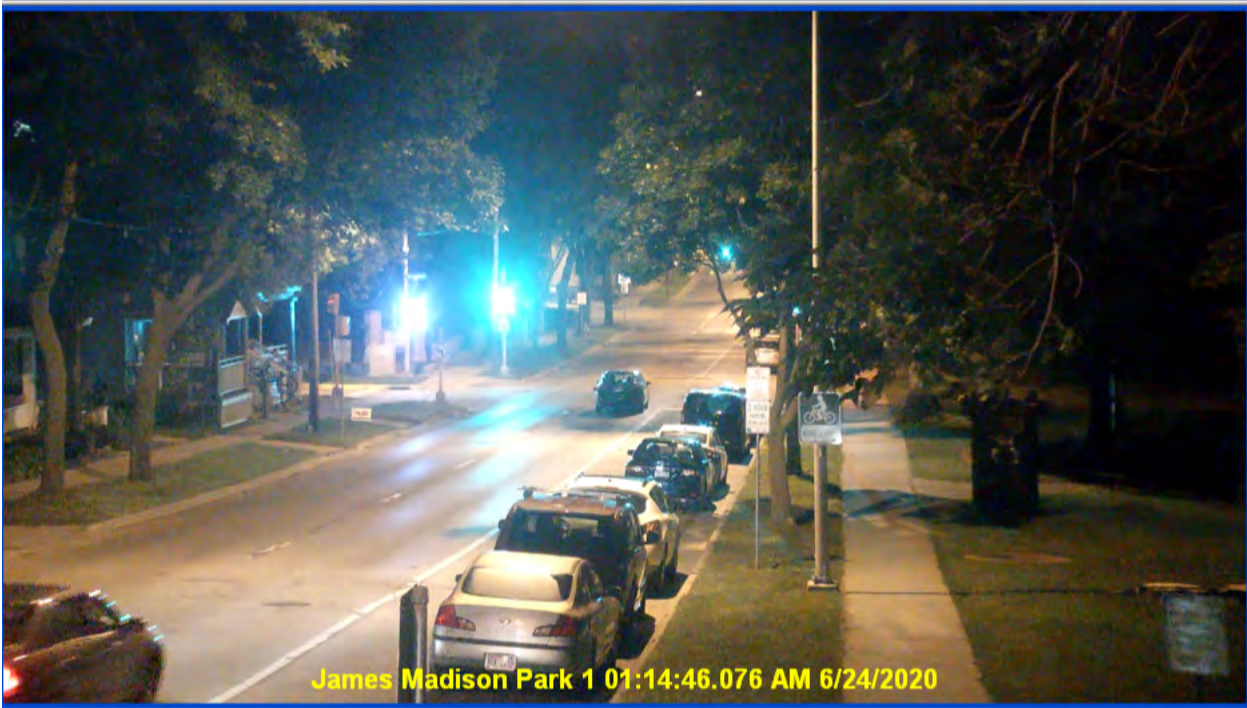
Bernstein described. I watched the video both for the incident itself and also for any individual males or groups of males matching the description given by Bernstein. I did not find any groups of four males consistent with Bernstein's description. I did not see any individuals or groups of males wearing Hawaiian style shirts. I tried to observe any items that were being held in the hands of a male when he was part of a group. I did not observe anything consistent with a lighter fluid bottle.

During the course of viewing, I did observe one vehicle that was driving down Gorham with no headlights. This vehicle did come from the area of Few St. The vehicle came through the intersection of Gorham and Wisconsin at approximately 1:15am. Upon zooming in on this vehicle, it did appear that, in addition to the driver, there was a front seat passenger. The vehicle was consistent with shape and color with the vehicle that Bernstein had described as belonging to her brother and being driven by her that night. I have not seen this vehicle in person to determine if the vehicle on the video is the same.

NFA/kmc

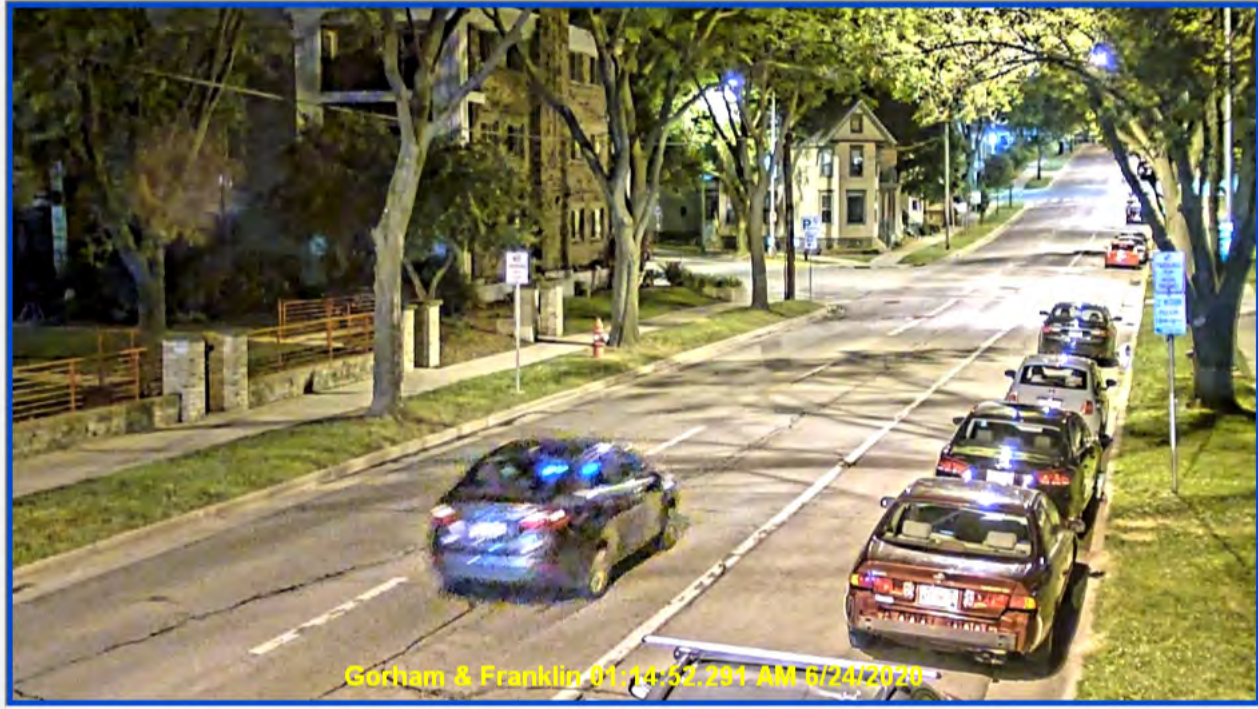
Det Justine Harris 3790

**002a - Gorham at JM Park 1**



James Madison Park 1 01:14:46.076 AM 6/24/2020

**002b - gorham and Franklin 1**





**002c - Gorham and WI 1**



**002d - Gorham and WI 2**





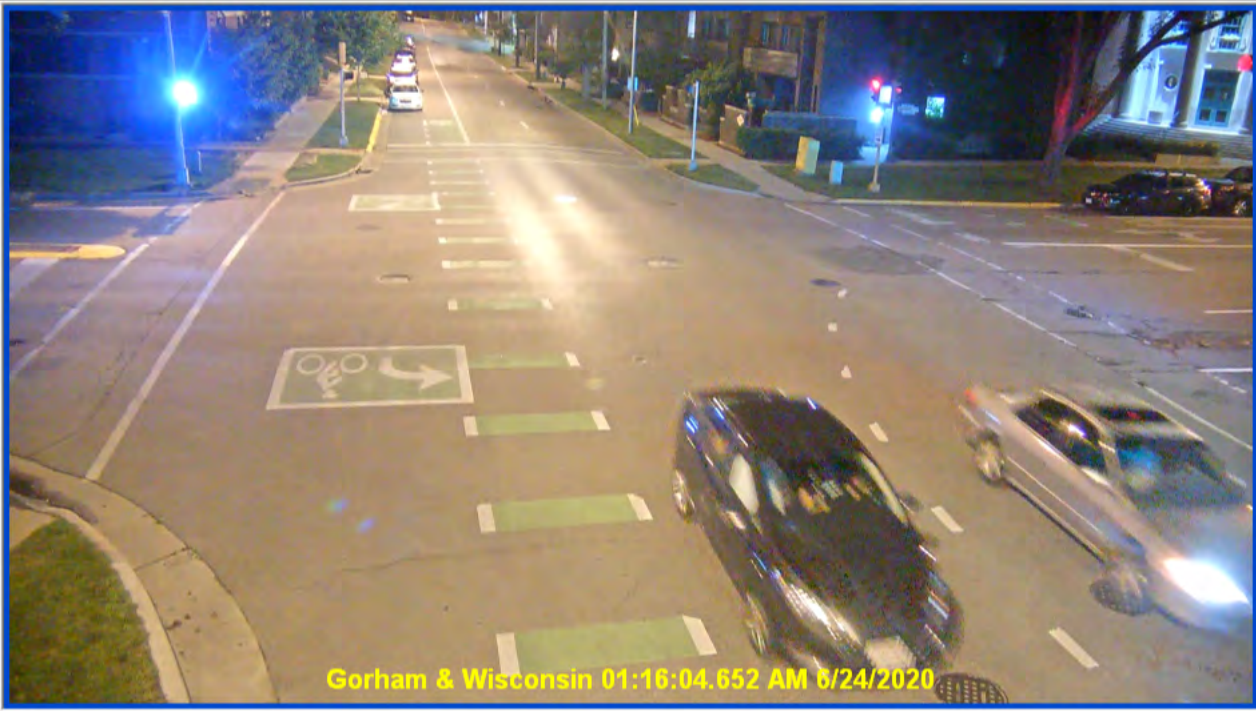
**002e - Gorham and WI 3**



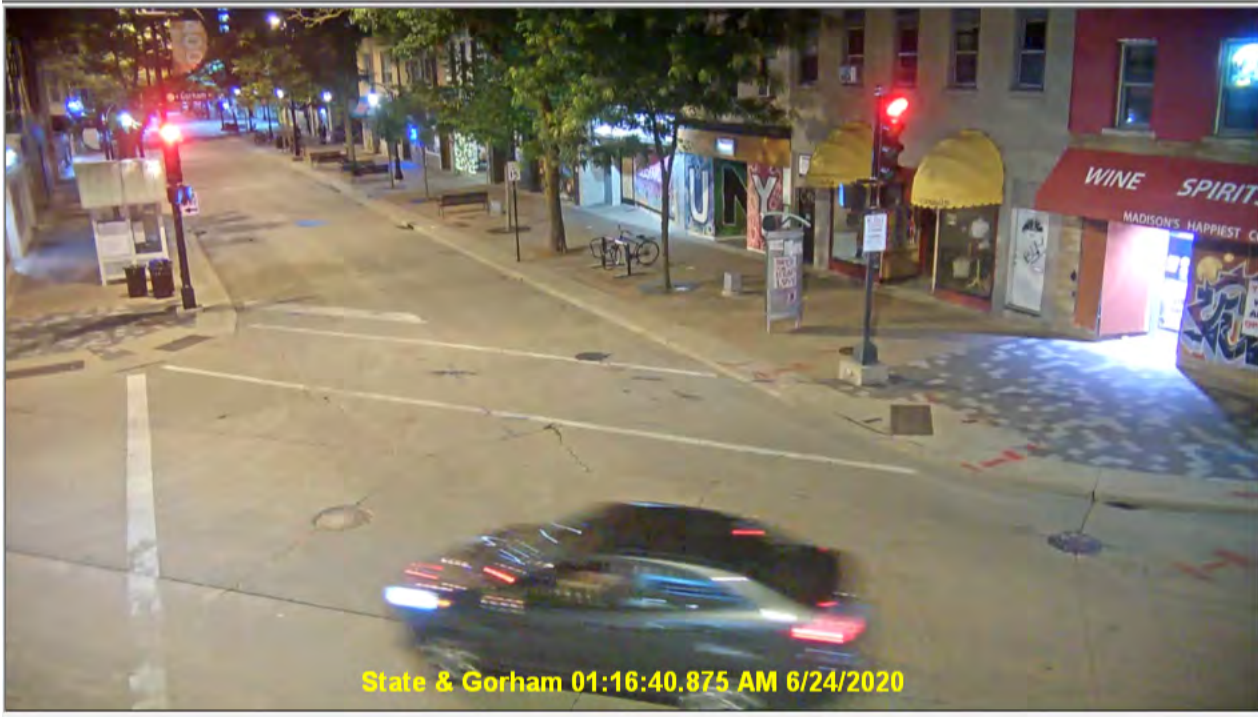
**002f - Gorham and WI 4**



**002g - Gorham and WI 5**



002h - Gorham and State 1





**002i - Univ and Bassett**



University & Bassett 01:17:00.639 AM 6/24/2020

**003 - DET HARRIS - INTERVIEW WITH ALTHEA BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**06/26/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Interview with Althea Bernstein

**NARRATIVE:**

On June 25, 2020, I was assigned to follow up on a report of an attack that occurred on **Althea Bernstein**. Bernstein had initially reported that she was attacked at the corner of State St and what she believed was Gorham. Bernstein stated she had been stopped at a red light at this intersection when she heard a male yell a racial epithet at her. Bernstein stated the man yelled "N\*\*\*\*\*." Bernstein turned to look at who had yelled at her and observed four white males standing on the sidewalk. Bernstein described these males as college age white males. Bernstein stated that after she observed them, she observed and felt one of them spray a fluid on her and then throw a lighter into her vehicle. This then ignited the flames on her face and neck. Bernstein had stated that she then drove through a red light and continued driving until she reached Middleton where she returned the car she was driving to her brother. Bernstein stated that this was her brother's car, and she wanted to return it to him.

Bernstein stated she had then gone home, talked with her mother, and then proceeded to the hospital. Bernstein stated she was treated at UW Hospital for the burns to her face.

I contacted Bernstein by phone. I introduced myself to Bernstein and explained who I was and that I had been assigned to investigate her case. I explained to Bernstein that part of what I wanted to do was to get additional detail about what had happened so that I could attempt to locate suspects on the video cameras in the area. Bernstein indicated she was aware that video cameras existed along the corridor, specifically at the State St/Gorham intersection.

I asked Bernstein to tell me where she was coming from. Bernstein stated that she had been visiting a male that she had recently started seeing on [REDACTED]. Bernstein identified this male as Nick Livingston. Bernstein described the route she had taken to get to his residence. This would be consistent with the [REDACTED] block of [REDACTED]. Bernstein stated she had left his residence after 12:30.

I asked Bernstein if she could review her phone to see if it provided any greater detail of when she would have been traveling home. Bernstein stated that at 12:37, she had sent Livingston a message telling him that she had enjoyed her night with him. Bernstein stated that she had sent that message prior to driving home.

I tried to get detail from Bernstein about what specifically she had seen prior to or during the attack. Bernstein indicated that she was now uncertain if the attack had occurred at the intersection of State St and Gorham or somewhere else along her route. Bernstein stated she could not remember exactly how she got home or what route she took. As I looked at the map from the [REDACTED] heading out toward Middleton, it appeared that the logical route to proceed on would be on Gorham. I asked Bernstein if she remembered turning off of Gorham at any time. Bernstein stated she did not. Bernstein indicated that after leaving [REDACTED] she had gone on the street by the lake. This street would likely be Sherman Ave. This street leads back out to Gorham after several blocks.

I asked Bernstein if she could recall anything she saw before or after the attack that would help me to identify where the attack had taken place. Bernstein stated she remembers seeing large houses just prior to the attack. Bernstein described these houses as consistent with the type of houses that college students live in. Bernstein

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**06/26/2020****SUPPLEMENTAL NARRATIVE (continuation)**

went on to describe them as similar to fraternity houses. Bernstein stated immediately after the attack she remembers driving through the intersection on a red light, in order to get away from the attackers.

Bernstein stated she also remembers that, after the attack, she saw the Double U Bar. This would indicate to me that the attack took place prior to or at University and N Frances. Bernstein stated she remembers driving by this bar and seeing people outside of it. Bernstein stated she has not been to this bar but that a number of her friends go there.

Bernstein stated one thing she does remember is that after the attack occurred, she realized her headlights were off. Bernstein stated that as she drove away from the attackers, she turned her headlights back on. Bernstein apologized for her inability to remember any more details. Bernstein explained that after the attack occurred, she was in a state of shock, and she had just "zoned out."

I asked Bernstein to describe what she remembers of her attackers. Bernstein stated when she stopped at the stop light, she had her driver window open. Bernstein stated she heard one male yell the n-word at her which caused her to turn and look. Bernstein stated she observed four white males. Bernstein stated they all appeared to be college aged. Bernstein described three of them as tall and remembers that one was significantly shorter and heavier set. Bernstein stated none of them were wearing hats, and she could see enough of their faces and hair to believe they were all white. Bernstein stated all appeared to be wearing some sort of gloves.

Bernstein stated two of the males were dressed in all black clothing. Bernstein stated in addition to their black clothing, they were wearing black fabric masks over the lower half of their face. Bernstein described these masks as consistent with the masks people are wearing due to the COVID outbreak. Bernstein stated the other two males were wearing bright colored Hawaiian style shirts. Bernstein stated she doesn't remember what the pattern was like on one of the Hawaiian shirts. Bernstein stated the male that she most remembers was wearing a salmon colored patterned Hawaiian shirt and a blue surgical style facemask. Bernstein stated he was also wearing jeans. Bernstein stated this male in the salmon colored tropical shirt is the one who sprayed the liquid on her and also threw the lighter into the car.

Bernstein stated all of the males, including the one who sprayed her with the fluid and threw the lighter were standing on the sidewalk when this occurred. Bernstein stated she was in the left lane of traffic. Gorham is a one way street, thereby putting the left lane of traffic next to a sidewalk or at least a parking lane.

Bernstein described the fluid that was later ignited as coming from a bottle with a cap. Bernstein had initially used the word spray bottle. Bernstein clarified that it was not a spray bottle of the type cleaner is often found in, but more similar to a bottle that liquid is squirted out of. Bernstein specifically referenced the type of bottle that women who have just given birth are given to assist them in helping them urinate. I was unfamiliar with this type of bottle and asked Bernstein if the type of bottle she saw would be consistent with a common lighter fluid bottle purchased for grilling. Bernstein stated she has never seen a lighter fluid bottle. Bernstein described that the fluid that was thrown on her was not splattered or sprayed but more "splotted" onto her face.

I then asked Bernstein if she had looked through the vehicle for the lighter that had been thrown at her. Bernstein stated that she had. Bernstein stated she was unable to find any lighter or ignition source in the vehicle. Bernstein agreed to get in touch with her brother so that I could have access to this vehicle and search

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**06/26/2020****SUPPLEMENTAL NARRATIVE (continuation)**

it myself. Bernstein then stated she wasn't sure if the item that was thrown into her vehicle was in fact a lighter. Bernstein stated it could have been a match or some other sort of incendiary device. Bernstein stated she believed it was a lighter because she observed the suspect doing what she described as a lighter-style motion prior to throwing the item into her car.

I asked Bernstein if there was any damage to her brother's vehicle. Bernstein stated there was not. Bernstein stated she was very relieved when she got back to her brother's and observed that there was no actual damage to his car.

Bernstein described the timeline of the assault. Bernstein stated she was stopped at the stoplight and heard the person yell. Bernstein does not know which of the four males yelled the racial epithet at her. Bernstein stated that she then observed the suspect in the salmon colored shirt spray her with a liquid which later ignited. Bernstein stated following this, she observed that same suspect move his hand in the motion one would use to light a lighter. Bernstein stated she did not actually see him throw the lighter into the car, but following that observation of him making a lighter-style motion, something flaming came into the car. Bernstein stated that then flames "erupted" on her neck. Bernstein stated it was only the left side of her face that was burned. Bernstein stated the flames did not spread to anywhere else on her body or the car.

I asked Bernstein what she was wearing when this occurred. Bernstein stated she was wearing a blue hooded zip up sweatshirt. Bernstein stated she was also wearing shorts. I asked Bernstein if I could obtain these items of clothing from her as they could contain evidence of the flammable liquid. Bernstein stated when she went to the hospital, she was told by hospital staff that the clothes were contaminated with the lighter fluid, and they needed to throw them out. Bernstein stated the clothes were taken from her by ER staff.

Bernstein described her brother's car as a dark grey Hyundai. Bernstein was not familiar with what model of car it was but stated it was very similar to the Honda Civic which she owns. Bernstein stated it is older than her car, but she does not know what year. Bernstein stated there was nothing especially significant or unique about the car. She stated it does not have any bumper stickers.

Bernstein and I discussed the need for me to meet with her in person to get a Medical Release signed. I also told Bernstein that I would like to examine her brother's vehicle for any evidence that could help in this crime. I specifically talked about searching the vehicle for the incendiary device that I hoped might still be in there. Bernstein was very agreeable to these requests and stated she would contact her brother to find out when would be a good time for him to make his car available. Bernstein stated she had recently taken some of her prescribed [REDACTED] Bernstein stated it was making her very tired right now, and she did not wish to meet this afternoon. Bernstein and I discussed when would be a good time on Friday, June 26. Bernstein agreed to text me with a time that would work for her and her brother.

After Bernstein and I concluded that interview, Bernstein called me back at approximately 3pm. Bernstein stated that she had thought of additional information that she thought I might find useful. Bernstein stated that she had just been contacted by a reporter who was interested in speaking with her. Bernstein stated she had informed the reporter that she was not doing any more interviews and simply wanted to focus on healing.

However, Bernstein stated that while she and the reporter were talking, the reporter had asked her if she had seen the suspects get out of or into any vehicle. Bernstein stated that she hadn't thought of it before, but when



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REPORTING OFFICER

**JUSTINE HARRIS**

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**06/26/2020****SUPPLEMENTAL NARRATIVE (continuation)**

the reporter asked, she remembered that there had been a large black pickup truck which had been "parked stupidly" near where the attack took place. Bernstein stated she remembers this vehicle being on the left side of the road and remembered this specifically because she had to drive around it. Bernstein stated she doesn't remember anything more about what was around this truck when she saw it but does remember it was near where the attack took place. Bernstein stated she didn't notice much detail on the truck or its surroundings due to it being in a darker area.

Bernstein stated when she mentioned this to the reporter, the reporter found it interesting as the reporter had knowledge that a large black pickup truck had been seen in the downtown area. The reporter further informed Bernstein that this pickup truck had been driving erratically and acting suspiciously.

I thanked Bernstein for this information and encouraged her to contact me if she had anything additional to add.

NFI/kmc  
Det Justine Harris 3790

**004 - DET HARRIS - ALTHEA BERNSTEIN, CONSENT FORMS AND VEHICLE SEARCH****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/02/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- In person contact with Althea Bernstein
- Consent forms
- Search of William Bernstein's car

**ATTACHMENTS:**

- Consent for Medical Records – Althea Bernstein
- Consent to Search Phone - Althea Bernstein
- Consent to Search Vehicle – William Bernstein
- Photographs of Hyundai Elantra and Althea Bernstein

**NARRATIVE:**

On June 26, 2020, as part of this ongoing investigation, I made contact with Althea Bernstein at her home, located at [REDACTED] in Monona WI. With me was FBI SA Jodi Jewett. Bernstein's father, Richard Bernstein, joined us for most of the interview.

**Contact with Althea Bernstein:**

I introduced the Bernsteins to SA Jewett. We explained to Bernstein that we were interested in getting some additional information from her and obtaining consent to investigate some additional items. Bernstein was very cooperative and agreed to speak with us.

I asked Bernstein if she had remembered any more details of where the incident had occurred. Bernstein stated she hadn't. Bernstein confirmed she had left her friend's house (Nicholas Livingston) and driven to where her brother was staying in Middleton. Bernstein stated Livingston lives on [REDACTED]. She stated she believes she came down Gorham until it turns into University Ave. She explained that she would have taken University Ave. outbound until Middleton. Bernstein stated the house where her brother was staying was behind the Willy Street Coop in Middleton.

SA Jewett asked Bernstein if she would be willing to drive the route, in order to help her remember details of the event. Bernstein seemed agreeable to doing this. Based on her schedule, we decided to schedule that at a later date.

During my examination of the City cameras in the downtown area, I had observed a dark grey vehicle driving through the area. The vehicle travels through downtown, close in time to when Bernstein stated the incident occurred. This vehicle appeared to have a passenger in it. The vehicle noted, had a clearly visible front plate. I asked Bernstein if anyone was with her as she drove to Middleton. Bernstein stated she was alone. Later during our contact, I was able to view the Hyundai Elantra that Bernstein was driving that night. I noted that the vehicle had no front license plate. I asked Bernstein and her father, Richard, if the vehicle had ever had a front plate. They both stated it had not. Based on that, I do not believe the vehicle pictured in my previous report is Bernstein's vehicle.

While we were with Bernstein, I asked if she had located the clothes she was wearing that night. Bernstein stated she had found the bag of clothes the hospital had given her. Bernstein handed over a clear plastic bag



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## SUPPLEMENTAL NARRATIVE (continuation)

with several items of clothing and a pair of shoes in it. Bernstein stated these were the clothes she was wearing when the attack occurred. Bernstein stated the hospital staff told her the shirt was still contaminated with accelerant.

I asked Bernstein if she had located the blue, hooded, zip-up sweatshirt she told me she had been wearing during the attack. Bernstein told me, again, that this sweatshirt had been taken by hospital staff and disposed of, due to contamination. Bernstein stated her primary care practitioner, NP Francesca Vosh, had reviewed the records from UW Hospital and had found no record of the sweatshirt being taken and disposed of. Bernstein stated both she and NP Vosh found this odd. Bernstein signed a medical release for her contact at UW Hospital and Clinics and her contact with NP Vosh related to this incident. It is attached to this report.

During this conversation, Richard Bernstein went inside and brought out a hooded sweatshirt. Althea Bernstein stated that was not the sweatshirt she was wearing. Her father asked her to describe the shirt. Althea Bernstein stated it was blue, with white and blue drawstrings from the hood. Althea went on to explain that she had gotten the sweatshirt when she was in London.

We spoke with Althea Bernstein about examining her phone. Bernstein was open to this but had apprehensions. Bernstein specifically mentioned not wanting to miss phone calls she was expecting, related to the incident. We discussed the timing of those calls and agreed to pick up the phone from Bernstein later in the evening, after the calls. Bernstein signed the consent form allowing us to examine her phone. This form is attached to this report.

**Search of William Bernstein's car:**

We confirmed with Althea and her father that the Hyundai Elantra (WI plate AGV-1526) belongs to William Bernstein. William (Willie) Bernstein was currently home and agreed to allow us to search his vehicle. The consent form he signed is attached to this report.

SA Jewett and I opened the vehicle. I took photos of the exterior and interior of the vehicle, using my department issued iPhone. The photos are attached to this report.

I asked Althea Bernstein if she or William had noted any damage to the vehicle after the attack. Bernstein stated she did not notice any damage to the vehicle. William had told her the steering wheel felt as though something was on it. I viewed the inside of the vehicle and didn't observe any obvious burn marks or smoke damage. I didn't notice any unusual smell in the vehicle. I looked at the steering wheel and didn't notice any obvious film on it. I observed some discoloration on the center console and front passenger seat. Bernstein stated that discoloration was there prior to the attack.

SA Jewett and I searched the entire vehicle, including the trunk. We removed floor mats and manipulated the seats in order to access as much of the passenger compartment as possible. I used my flashlight to look under the seats and into crevices. We found no lighter, incendiary device or any other evidence related to the attack.

**Photos of Althea Bernstein on 06/26/20**

Prior to leaving, I took several photos of Bernstein that showed the current state of her injuries and a tattoo on her arm. These photos are attached.



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**JUSTINE HARRIS**

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**SUPPLEMENTAL NARRATIVE (continuation)**

NFA

DETECTIVE JUSTINE HARRIS #3790

**005 - INV SHAUL - I-PHONE 11****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**BRIAN SHAUL**

REPORT DATE

**06/27/2020****SUPPLEMENTAL NARRATIVE****PROPERTY:**

Code	Tag #	Description	IMEI
E	457953	iPhone 11	[REDACTED]

**Narrative:**

On 6/26/20 I received a laboratory request from Detective Harris regarding a battery--hate crime investigation. I was acting in my official capacity as an Investigator with the City of Madison Police Department Computer Forensic Shared Resources Partnership (CFSRP). Detective Harris requested I examine the above listed cell phone and document available data. Detective Harris provided me with a signed consent form authorizing the search of the device's contents.

**Examination of iPhone 11 Cell Phone, Property Tag #457953****Model Number:** [REDACTED]**IMEI:** [REDACTED]**Serial Number:** [REDACTED]**Phone Number:** [REDACTED]**Pass Code:** [REDACTED]**Phone Owner:** Althea Bernstein**Service Provider:** Sprint

On 6/27/20 I retrieved the phone from the FSU temporary storage locker 3. I transported the phone to the SRP office where I began the examination process. I began the examination at approximately 8:32am on 6/27/20. I noted that the phone was powered off. I took overall photographs of the phone. I surrounded the phone in radio frequency shielding material and powered it on. I placed the phone into airplane mode at approximately 8:36am on 6/27/20 in order to prevent it from connecting with the cellular network.

**Advanced Logical (File System) and Partial Logical Extractions:**

I determined that I would use the Cellebrite UFED 4PC system to conduct advanced logical (file system) and partial logical extractions from the phone. The advanced logical (file system) extraction is a download of the accessible files in the cell phone's logical memory. This download can then be analyzed by the UFED Physical Analyzer application to identify data stored within the logical memory. I subsequently conducted a partial logical extraction in an effort to obtain additional data. I used the UFED Physical Analyzer application to examine the information that was extracted by the Cellebrite UFED 4PC.

**Extraction Results:**

I merged the results of the advanced logical and partial logical extractions in UFED Physical Analyzer. I then used UFED Physical Analyzer to create a merged Cellebrite report.

**Dates and Times:** The dates and times listed in the UFED Physical Analyzer merged report are documented in local time. At the time of this report Madison, Wisconsin is in Central Daylight Time (CDT) which is five hours behind Universal Coordinated Time (i.e. UTC-5). Activity that occurs during Central Standard Time (CST) is six hours behind Universal Coordinated Time (i.e. UTC-6). I did manually check a number of SMS text times on the phone to confirm that the date and time stamps on the cell phone correctly corresponded to the

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**06/27/2020****SUPPLEMENTAL NARRATIVE (continuation)**

dates and times listed in the UFED report.

On 6/27/20 at 9:59am I verified the date and time on the phone by comparing it to the National Institute of Standards and Technology (NIST) website clock.

**Manual Examination:**

I noted that Cellebrite UFED Physical Analyzer did not appear to parse data from a number of the device's applications including Snapchat, Mail, and Marco Polo. On 6/27/20, I video conferenced with Detective Harris regarding these additional items. I subsequently documented specific items with photography and video per Detective Harris' request. Detective Harris also indicated she would be obtaining data from Snapchat.

**Disposition:**

I provided a copy of the extracted data documentation to Detective Harris. I also archived the data to the CFSRP server with assigned tag number 457954. A digital copy of all extracted data documentation is available upon request. On 6/27/20, William Bernstein, the brother of phone owner Althea Bernstein responded to the CCB, where the device was released to him at approximately 1:47pm. NFA.

Inv. B. Shaul 3916

**006 - DET KELLY - REVIEW OF CITY CAMERAS****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**SHAWN KELLY**

REPORT DATE

**06/27/2020****SUPPLEMENTAL NARRATIVE****ATTACHMENTS: SCREENSHOT PHOTOS FROM CITY CAMERAS****REVIEW OF CITY CAMERAS**

On 6/26/20, I was contacted by Det. Justine Harris, and I was asked to review any available video from the City camera network in order to locate this incident or information on any potential suspects. I was advised that the victim, previously identified as **Althea Bernstein**, had reported that on 6/24/20 at around 1 AM, she had been driving a gray four door Hyundai Elantra with WI plate AGV1526 westbound on Gorham Street. Bernstein reported that she was coming from [REDACTED] and was traveling to an address in Middleton, and Gorham Street was her likely path of travel.

I was advised that Bernstein reported that she had been stopped in the left lane of a one-way street at a stop light, when an unknown white male suspect approached her open driver's side window and threw an accelerant and a flame into her window. I was advised that Bernstein believed she had been stopped at the intersection of W Gorham Street and State Street at the time.

I was advised that Bernstein stated that she believed there were four white males who had been walking in a group and had been standing on the sidewalk outside of her driver's side window when the incident occurred. I was advised that two of the suspects were wearing all black and had on masks, and Bernstein reported that the main suspect was a college aged white male wearing a floral designed shirt, possibly salmon in color, and possibly jeans.

**REVIEW OF CAMERAS FOR SUSPECTS**

I am aware from working cases in the downtown area that the cameras available on the City camera network often capture a person on video who is traveling throughout the downtown entertainment zone area. Based on this, I expanded my review of the video to a several block radius around the Gorham and State intersection in an attempt to locate the suspect(s) coming or going from the area.

I reviewed video from the following 17 cameras on the City Camera network between the hours of 12:15 AM and 1:15 AM on 6/24/20, focusing on any groups of white males either wearing all black or wearing a floral print shirt or pants that were salmon in color. I also chose to review cameras where I knew there to be heavy foot traffic coming and going from the State Street area.

400 Block W Gilman  
400 N Frances  
500 Block State  
600 Block State  
State & Gorham  
State & Johnson  
Peace Park & State  
State & Gilman  
Broom & Gorham



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## SUPPLEMENTAL NARRATIVE (continuation)

Buckeye Gilman  
 Buckeye Gorham  
 Gilman & Henry  
 Langdon & Carroll  
 Langdon & Howard  
 State & Dayton  
 University & Frances  
 University & Bassett

I was not able to locate any potential suspects matching these descriptions, including any subjects who may have been seen running to or from the area around this timeframe.

## REVIEW OF CAMERA FOR BERNSTEIN'S VEHICLE

Based on DOT records and photos sent to me of Bernstein's vehicle by Det. Harris, I was able to become familiar with the make, model, and features of the 2007 gray Hyundai that Bernstein stated she was operating. Upon searching multiple downtown cameras between 12:30 AM and 1:30 AM on 6/24/20, I found what I believe to be Bernstein's vehicle on the Fluno cameras at approximately 12:45 AM as it passes the Double U bar at 620 University Ave traveling westbound in the far right lane. This vehicle appears to be the same make, model, and color of Bernstein's vehicle, and it is observed with no front license plate attached.

I then was able to backtrack this same vehicle using cameras along Gorham St and University Ave to when I first can locate Bernstein's vehicle on E Gorham St by James Madison Park at approximately 12:42 AM.

The following is a summary of what I observed on camera of Bernstein's vehicle as it traveled through the downtown isthmus, including the camera name and approximate time from the video timestamp:

James Madison Park 1 (12:42:40): Vehicle is seen traveling westbound in right lane and slows for red light at N Franklin and pauses for one second before proceeding forward through now green light. Another vehicle is traveling next to vehicle in left lane. Second vehicle makes next left turn onto N Hamilton St.

Gorham & Franklin (12:42:46): Continues westbound in right lane passing James Madison Park.

Gorham & Wisconsin (12:43:26): Vehicle slows and stops for a red light for westbound Gorham at Wisconsin in right lane. No other vehicles nor pedestrians are observed in the area. At 12:43:55, vehicle starts through intersection on now green light.

State & Gorham (12:44:27): Camera swings to face eastbound Gorham and shows vehicle continuing westbound still in right lane with no interactions with other vehicles nor pedestrians. Vehicle reaches intersection of State and Gorham, which is the next signaled intersection, and continues without stopping at green light through intersection at 12:44:41. No other vehicles nor pedestrians are observed around the





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vehicle or on the nearby sidewalk areas.

Gorham & Broom (12:44:37): Camera is facing eastbound and shows vehicle still in right lane as it drives through State & Gorham intersection. The camera shows the vehicle as it approaches Gorham & Broom, and no other vehicles nor pedestrians are around the vehicle. The camera swings to now face westbound at **12:44:46**, and the vehicle can be next be seen after it passes through the intersection **12:44:54**, still in the right lane. Video then shows the vehicle traveling through green light at next intersection at University and Bassett without slowing or stopping at **12:45:05**.

University & Bassett: Camera skips recording between **12:44:46** and **12:46:00** and does not capture vehicle as it travels through intersection.

University & Frances 2 (12:45:16): Vehicle continues traveling westbound in right lane and continues through intersection at **12:45:23**. No other vehicles nor pedestrians are seen around driver's side of vehicle.

University & Frances: Camera shows another angle of intersection and shows stop light as green as of **12:45:11**, and vehicle can be seen traveling in far right lane through intersection at **12:45:22**.

Fluno 1, Fluno 2, Fluno 3: Shows vehicle continuing westbound on University Ave in right lane, and vehicle travels through green light in right lane at University and Lake at approximately **12:45:33**. No other vehicles nor pedestrians are seen around the driver's side of vehicle.

University & Lake: Camera is positioned away from intersection and does not capture vehicle.

I was next able to locate this likely same vehicle as it continues westbound on University Ave after it left the downtown and campus area, and it can be seen traveling still in the right lane at the intersections of Shorewood Blvd (**12:49:45**), Midvale Blvd (**12:50:20**), and Segoe Rd (**12:51:09**).

It should be noted that Bernstein's vehicle had its headlights on the whole time it was observed on these cameras, and it appears to stay in the right lane the entire time it is seen on video. It should also be noted that the video shows that the vehicle did not stop at any intersections at any red lights through the entire downtown entertainment zone isthmus area after passing through Gorham & Wisconsin (Gorham/State, Gorham/Broom, University/Bassett, University/Frances, University/Lake), as it had all green lights as it traveled on the roadway.

Attached to this report are screenshot photos from the above listed cameras, and I later sent a preservation request to the MPD lab to save this video as evidence.

## SUMMARY

After locating Bernstein's likely vehicle on camera, it appeared that Bernstein traveled through the

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downtown isthmus area between approximately 12:42 AM and 12:46 AM. From reviewing the available video, it is not clear where this incident occurred, as it was not captured on camera. The video also shows that Bernstein had not likely been stopped at any red lights while in the isthmus area, as the vehicle was almost continuously captured on video as it traveled through the downtown entertainment zone without stopping. In addition to not finding the incident on video, I ultimately was unable to locate any potential suspects on camera based on the descriptions provided by Bernstein. .

**NFA****DET SHAWN KELLY 4221**

## 006a - Screenshot Photos from City Camera Network











Gorham & Wisconsin 6/24/2020 12:41:50 AM (GMT-5:00)











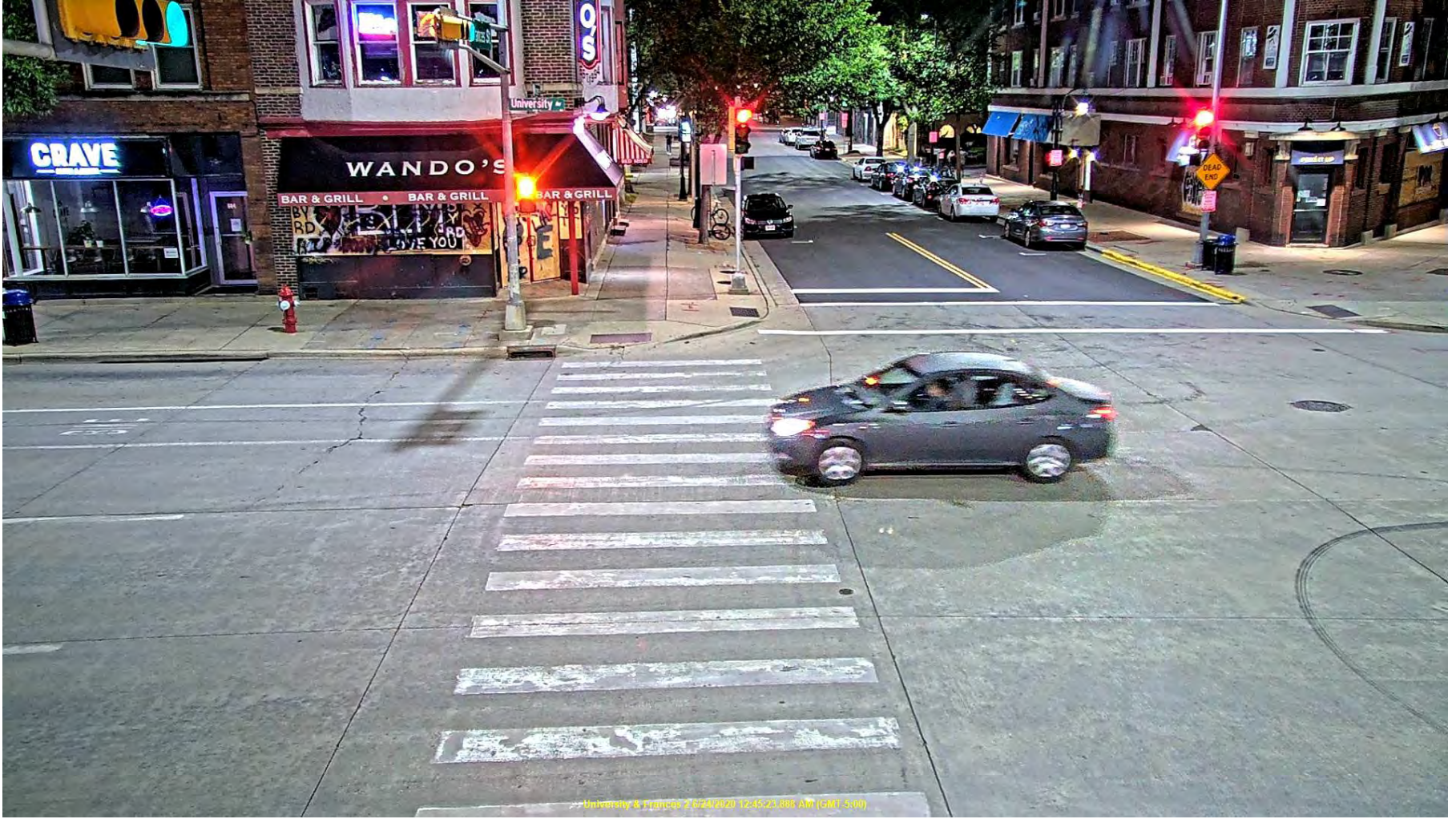




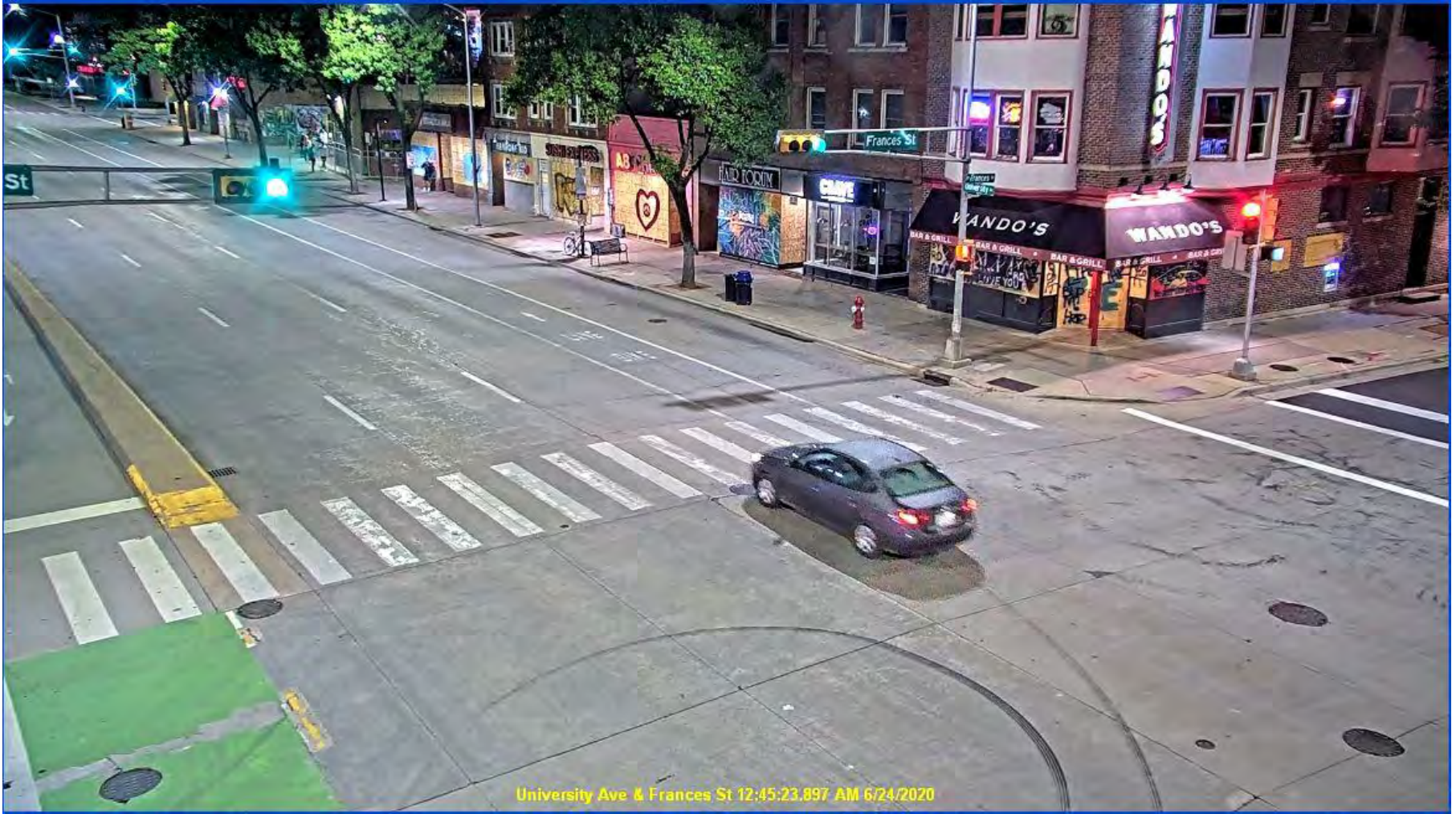






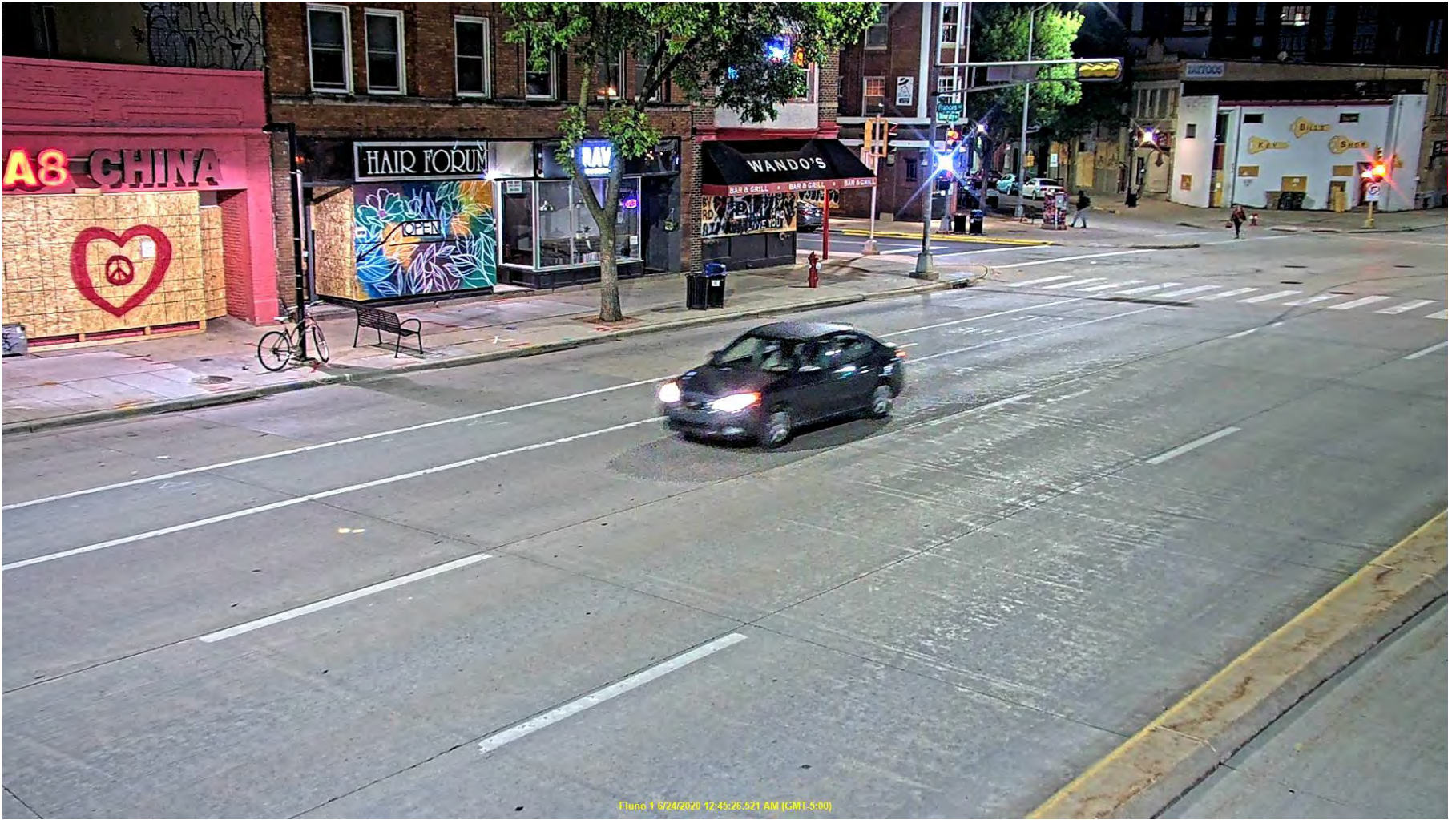






University Ave & Frances St 12:45:23.897 AM 6/24/2020





Fluno 1 8/24/2020 12:45:26 AM (GMT-5:00)





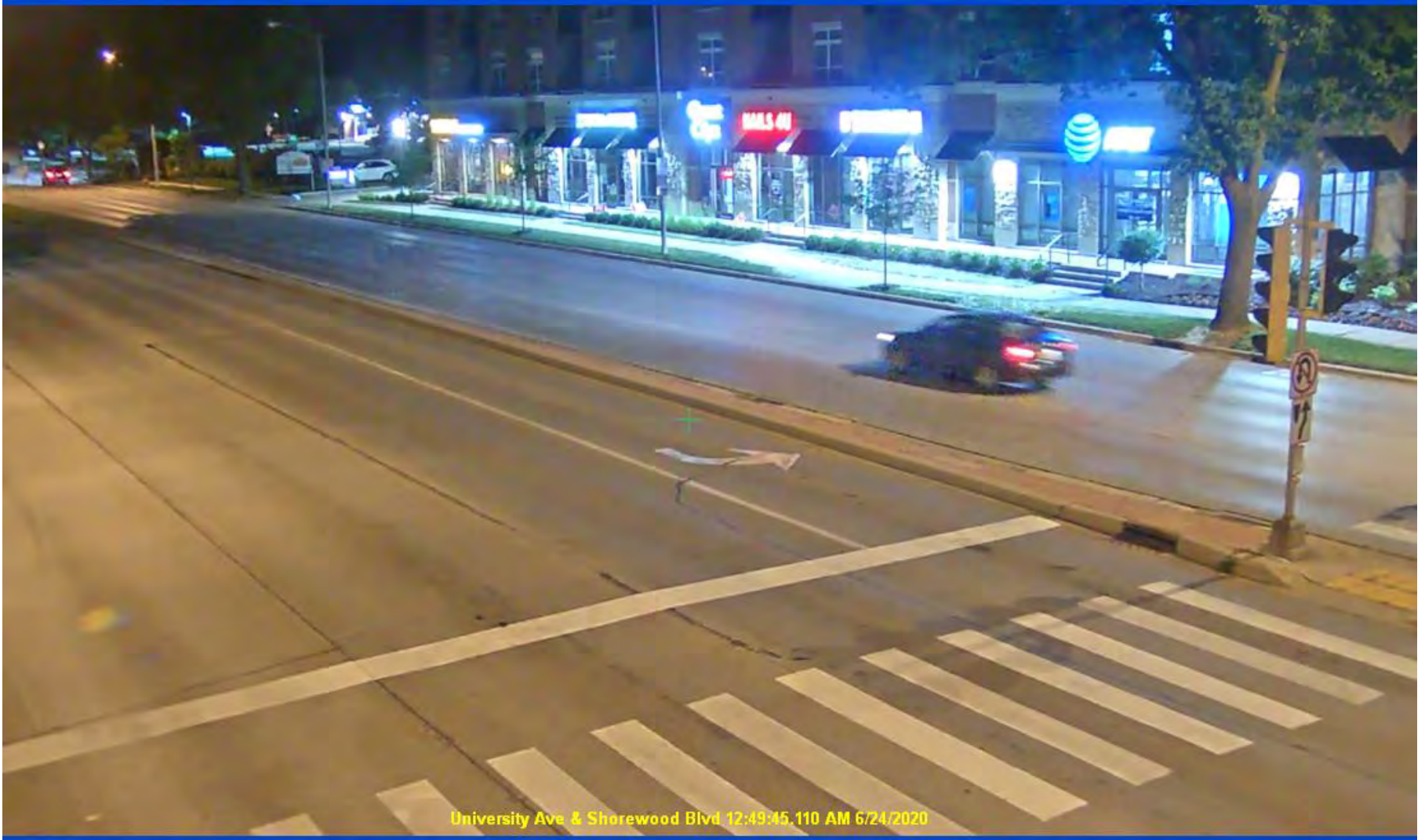
Flumo 2 8/24/2020 12:45:27.884 AM (GMT-5:00)





Photo 3 6/24/2020 12:45:28 AM (GMT-5:00)











**007 - DET KELLY - REVIEW OF UW-MADISON POLICE DEPT VIDEO****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**SHAWN KELLY**

REPORT DATE

**06/30/2020****SUPPLEMENTAL NARRATIVE****ATTACHMENTS: SCREENSHOT PHOTOS FROM UWPD VIDEO****REVIEW OF UW-MADISON POLICE DEPT VIDEO**

On 6/28/20 I contacted Det. Matthew Schirmacher of the UW-Madison Police Department and requested video from the UWPD network camera system of any intersections on University Ave westbound of N Lake Street from 6/24/20, starting at approximately 12:45 AM. I provided Det. Schirmacher with a screenshot photo of victim **Althea Bernstein**'s vehicle for his reference.

On 6/30/20, I retrieved a DVD from the UWPD dispatch center that contained the requested video. On 6/30/20, I placed this disc into the East property room as evidence under tag 458118.

Upon viewing the video files on the disc, I observed the video contained seven video files from 6/24/20 between 12:45 AM and 12:48 AM. The camera views were all from UW owned buildings along the University Ave corridor between N Frances St and Campus Dr.

The following is a summary of the contents of the videos, including the camera locations and approximate times:

University & N Frances (Lot 46 Exterior Northeast PTZ) (12:45:21): Bernstein's vehicle is seen slowing at the intersection but proceeding forward without stopping while traveling in the right lane of University Ave.

700 University Ave (Hamel School of Music Exterior Southwest) (12:45:39): Vehicle continues westbound on University Ave in right lane.

University & N Park (Grainger Hall Exterior East PTZ) (12:45:51): Vehicle continues through intersection without stopping at green light in right lane.

University & N Charter (MSC Exterior Southeast PTZ) (12:46:21): Vehicle continues through intersection without stopping at green light in right lane.

University & N Orchard (Discovery Building Exterior Northeast PTZ) (12:46:29): Vehicle continues through intersection without stopping at green light in right lane.

University & N Randall (Discovery Building Exterior Northwest PTZ) (12:46:38): Vehicle continues through intersection without stopping at green light in right lane.

University & Campus Dr (WEI Exterior Northwest PTZ) (12:47:11): Vehicle continues westbound in right lane on Campus Dr.

From these videos, it appears that Bernstein does not interact with any other persons or vehicles at any of the intersections, and she does not stop at any of the intersections due to the series of green lights.

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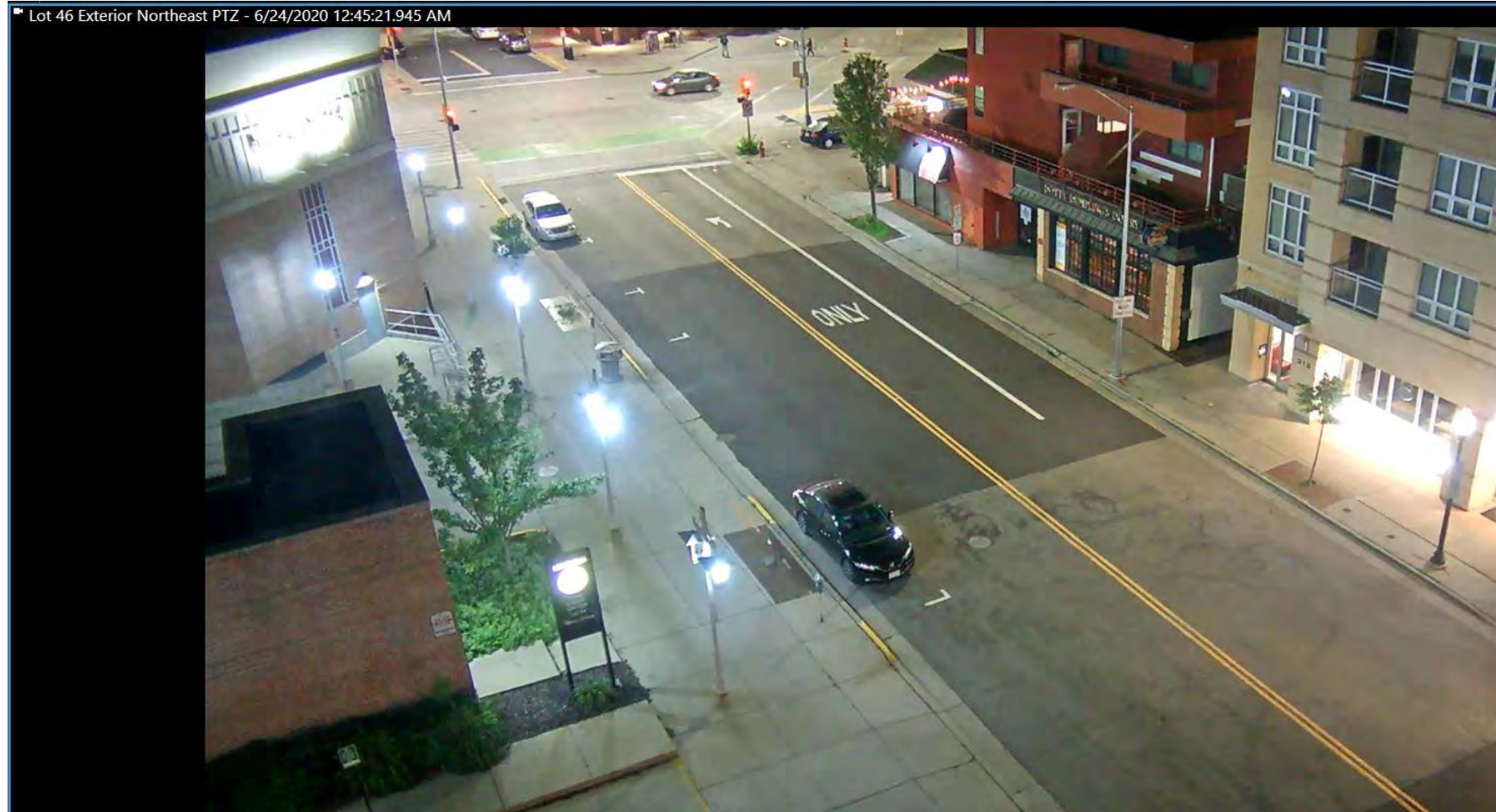
**06/30/2020****SUPPLEMENTAL NARRATIVE (continuation)**

Attached to this report are screenshot photos from this UWPD video.

**NFA****DET SHAWN KELLY 4221**

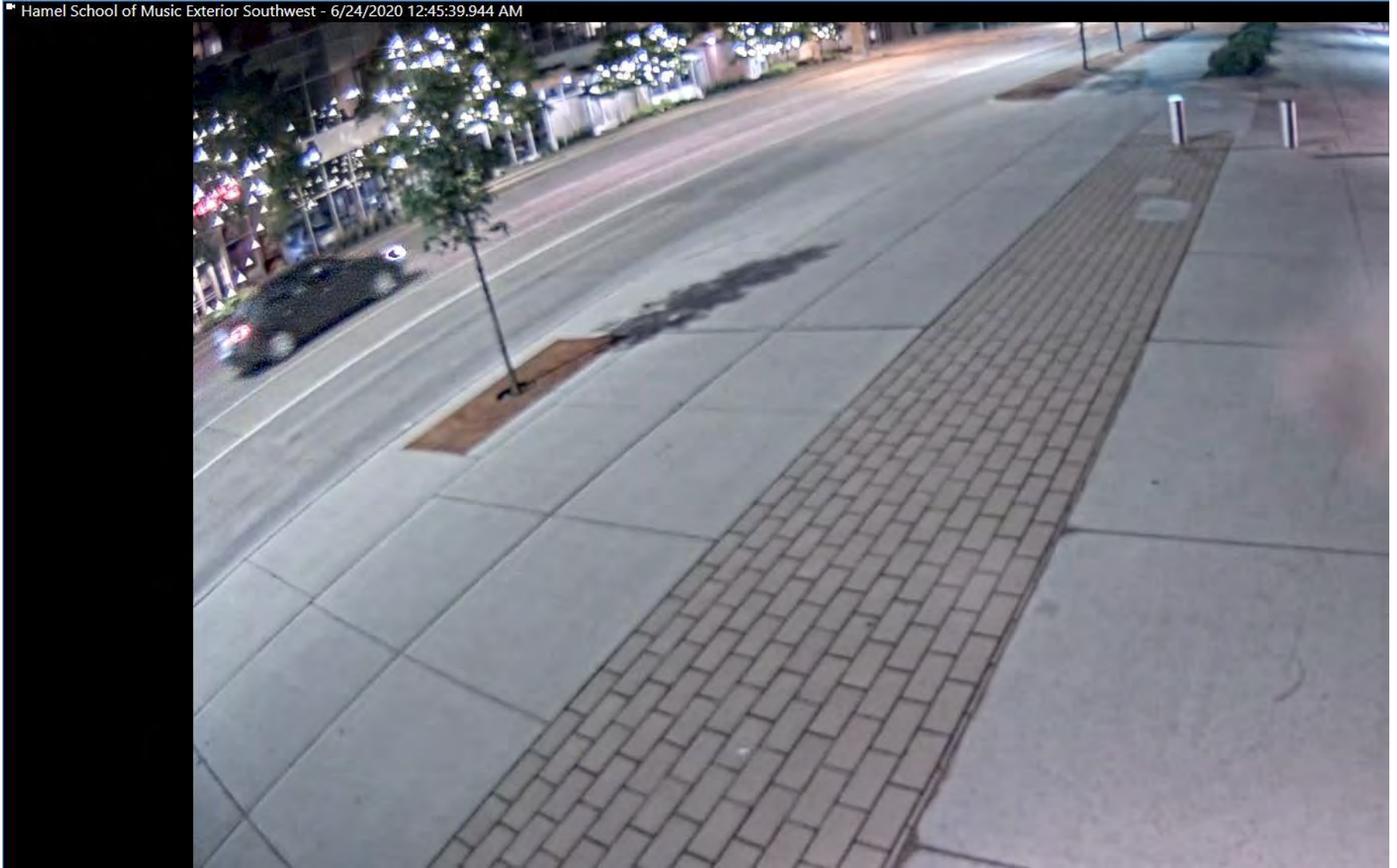


## University & Frances



# 700 University Ave (Hamel School of Music)

Hamel School of Music Exterior Southwest - 6/24/2020 12:45:39.944 AM





## University & N Park

Granger Hall Exterior East PTZ - 6/24/2020 12:45:51.943 AM



## University & N Charter

MSC Exterior Southeast PTZ - 6/24/2020 12:46:21.691 AM





## University & N Orchard

Discovery Building Exterior Northeast PTZ - 6/24/2020 12:46:29.383 AM



## University & N Randall

Discovery Building Exterior Northwest PTZ - 6/24/2020 12:46:38.788 AM





## University & Campus Dr

WEI Exterior Northwest PTZ - 6/24/2020 12:47:11.889 AM



**008 - DET HARRIS - CAMERAS ALONG ALTHEA BERNSTEIN'S ROUTE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/02/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Cameras along Althea Bernstein's route

**NARRATIVE:**

As part of the ongoing investigation into this case, SA Jodi Jewett and I interviewed Althea Bernstein on 06/26/20. During the course of the interview, we discussed the route she had driven to get from [REDACTED] to where her brother was staying in Middleton (later determined to be [REDACTED]). During previous interviews, Bernstein had identified that the attack had taken place somewhere near State St., along Gorham. Bernstein had consistently stated she had been stopped at a red light when the attack occurred.

SA Jewett and I drove to [REDACTED]. From there, we proceeded to N. Ingersoll, as Bernstein had stated she remembered driving by houses along the lake. Bernstein had also stated she was confident the attack had occurred prior to her passing the Double U bar. Bernstein remembered this as her friends sometimes go there and she remembered thinking they might be there. N. Ingersoll runs into Sherman Ave. which would take her back to Gorham. We drove down Gorham toward University Ave. Then on University we drove toward Middleton.

I observed all intersections where stoplights existed that could have stopped Bernstein during her route. I had already checked for intersections along Gorham where City cameras were placed or had coverage. I compared my observations while driving and the knowledge of which intersections are covered by City cameras. The only intersection on this route between [REDACTED] and the Double U bar with no camera coverage is Gorham and Patterson. This intersection would not be consistent with other descriptors provided by Bernstein for where the attack occurred.

NFA

DETECTIVE JUSTINE HARRIS #3790



**009 DET SGT VOSBURG - INTERVIEW WITH NICHOLAS LIVINGSTON****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**ERIC VOSBURG**

REPORT DATE

**06/30/2020****SUPPLEMENTAL NARRATIVE****INTERVIEW WITH NICHOLAS LIVINGSTON**

On Friday June 26, 2020, I was assigned to the Violent Crime Unit, working in my capacity as Detective Sergeant. On this date, I was assisting with an investigation concerning burn injuries that occurred to an individual identified to me as Althea Bernstein. Detective Justine Harris indicated that she had spoken to Bernstein and requested that Bernstein's friend, Nicholas "Nick" Livingston, be contacted. I was advised that Livingston was with Bernstein while she was treated for her injuries at UW Hospital.

On this same date, I was able to reach Livingston via phone. Livingston informed that he would be willing and able to speak with me in person. Detective Glenn Davis and I then met with Livingston in the parking lot of [REDACTED] on Northport Drive at approximately 7:45pm. Livingston said he was able to take a break from his work and agreed to speak with Detective Davis and I inside of my unmarked detective squad car. The interview was recorded using a digital voice recorder. A copy of the recording has been uploaded to the MPD server using the Winscribe software. The following report summarizes our interview and is not intended to be a verbatim transcript.

Livingston informed that he has known Bernstein for about two weeks or so, and has been on approximately three "dates" with her since their online dating application introduction. Livingston then mentioned that Bernstein has known a friend of his for a longer period of time and identified this person as Isiah Stefan (ph). I asked Bernstein if Stefan was made aware of the injuries (by Bernstein) to which Livingston said that Stefan was aware because Bernstein's mother posted something on facebook. Livingston confidently explained how he knew that Stefan would not have any further information about details or suspect information surrounding this incident.

I asked Bernstein how he himself became aware of Bernstein's injuries. Livingston explained how Bernstein had been present at his house on [REDACTED] in Madison just prior to Bernstein receiving her injuries. Livingston mentioned that Bernstein was at his residence since at least 11:30pm. Livingston explained that he was made aware of something happening to Bernstein via Snapchat. Livingston told me that Bernstein's Snapchat account is [REDACTED]. Livingston estimated that Bernstein left his residence at approximately 12:30am on Wednesday June 24. Livingston referred to his Apple brand cellular phone and accessed his own Snapchat account to look at messages between himself and Bernstein. Livingston told me that Bernstein left his residence to drive to her brother's residence in Middleton.

Det. Davis asked Livingston if Bernstein was pulled over on the side of the road or where exactly Bernstein was located when she was sending him the text messages below. Livingston replied that he was not exactly certain. Livingston went on to say that Bernstein told him that following the incident of Bernstein being injured, she drove to her brother's house (in Middleton, WI) and took a shower to get the flammable material off of her, then drove to the UW ER. Livingston has never been to the home of Bernstein's brother.

Livingston recalled that Bernstein was driving a gray four door car that according to Livingston was free of any noticeable damage or distinctive stickers.



## MADISON POLICE DEPARTMENT

CASE# 2020-00227434

## CASE REPORT SUPPLEMENT

REPORTING OFFICER

ERIC VOSBURG

REPORT DATE

06/30/2020

## SUPPLEMENTAL NARRATIVE (continuation)

## SNAPCHAT MESSAGES

Using my cellular phone, Det. Davis took photographs and a short movie of the text messages between Bernstein and Livingston. A summary of the text thread:

Time stamp	Message
12:47 am	Althea Bernstein: Do you like Kayaking
12:48 am	Nick Livingston: I've only been on a canoe
1:24 am	Althea Bernstein: Some fucked up shit just happened
1:24 am	Nick Livingston: What?
1:25 am	Althea Bernstein: Someone on state street tried to set me on fire
1:25 am	Althea Bernstein: Yelled the n word and threw beer and a lighter at me
1:26 am	Nick Livingston: Are you safe?
1:26 am	Althea Bernstein: I'm going to er Its still burning my skin They think it's acid base
	Nick Livingston: Where?
	Were they in a car or on foot?
1:27 am	Althea Bernstein: It was a group of white Walking
1:27 am	Nick Livingston: What'd they look like
	Althea Bernstein: I was driving. White guys
1:30 am	Nick Livingston: They threw it into your car?
1:31 am	Althea Bernstein: Ya
1:32 am	Now I gotta drive
1:32 am	Nick Livingston: Go now What'd they look like? How many?
1:36 am	Althea Bernstein: I am 3 or 4 I'm sorry to unload this on you
1:36 am	Nick Livingston: No Are you okay?
	Althea Bernstein: Yeah I'll be fine. I'm driving myself to the ER so they can check it out. You should get some rest. Sleep well
	Nick Livingston: Did anybody see it?
	Althea Bernstein: I don't know
	Nick Livingston: Which we are you at? ER



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## SUPPLEMENTAL NARRATIVE (continuation)

	Althea Bernstein: Uw
	Nick Livingston: Okay
	Althea Bernstein: Get some sleep!!!
	I'll be fine!
	I'll send you updates
1:49 am	Nick Livingston: I'm coming
	Althea Bernstein: Nooo
	Don't
	I don't even think visitors are aloud
	Nick Livingston: Idc
	Althea Bernstein: You need sleep
	Nick Livingston: I'm fine
	Althea Bernstein: I'm be fine please get some rest Nick
	I don't want you up late
	It's 3
	2
	Nick Livingston: Idc
	Are you in yet?
	Althea Bernstein: No
	Still on the way
1:49 am	Nick Livingston: Where are you?
1:49 am	Althea Bernstein: University
7:09 am	Thank you
	What you did tonight means the world to me and my family... I'm sorry you had to deal with that... I apologize for keeping you up.. Please let me know how I can make it up to you.
	I adore you nick
	I understand if that was too much to deal with

Livingston said he responded directly to the UW Hospital ER from [REDACTED] near Tenney Park in order to meet up with Bernstein and arrived two to three minutes before Bernstein did. Livingston recalled that Bernstein told him that she drove to her brother's house and her own house before arriving at the hospital. Livingston told me he walked inside of the ER along with Bernstein from the parking lot.

Livingston said that Bernstein was checked in and told the receptionist the same details she had informed him about the incident. Bernstein then had to go through [REDACTED] at which point Livingston waited in the waiting area for Bernstein. Livingston recalled that Bernstein was seen by two separate nurses of which one was a specialized burn unit nurse. Livingston said Bernstein was [REDACTED] and Bernstein was not



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**06/30/2020****SUPPLEMENTAL NARRATIVE (continuation)**

saying much at this point.

Livingston then recalled how Bernstein began describing a male white suspect as having long hair "to his eyes" wearing a salmon colored shirt and jeans. Livingston said that Bernstein just began describing this person and talking about it.

I asked Livingston to tell me in his own words what he recalled Bernstein telling him about how she was assaulted. She told me over snapchat that some terrible thing just happened and that somebody tried to set her on fire and her face was burning. She was sitting at the red light waiting to go and some guy just came up to her and threw liquid on her face. She thought it was just beer. This same person then lit the liquid and it caught on fire. Bernstein told Livingston that the liquid smelled like it could contain alcohol.

Livingston said that Bernstein was somewhat in shock, and described how she works within EMS services in Oregon, WI and described that Bernstein relayed how she was burned in a very factual manner to the UW health care workers. Bernstein informed Livingston that she brings patients to the ER all of the time while on duty. Livingston said the incident was very short timed in nature and there wasn't much more details to relay.

Livingston recalled that Bernstein was wearing shorts and possibly a dark blue t-shirt while at his residence and the hospital. Livingston remarked that Bernstein said she had put on a sweatshirt on her way home, and was wearing that when she was burned. When Bernstein arrived back from [REDACTED] he was wearing a hospital gown.

When Livingston first greeted Bernstein outside the hospital ER, Bernstein began crying at which point Livingston said he gave her a hug and they walked into the ER together. I asked Livingston to describe Bernstein's injuries. Livingston was visibly upset and had "burns all over her face". Livingston further added that Bernstein's face was "weeping". Livingston did not observe any blisters on Bernstein's face. Livingston stated he does not have any formal medical training or knowledge about burns.

Livingston gave Bernstein a ride to her father's home in Monona since Bernstein was provided [REDACTED] medication. According to Livingston, the hospital staff bagged her clothing up (tshirt and shorts). Livingston recalled that Bernstein was also wearing "Crocs" for shoes. Livingston said he carried the clothing items and medications inside of the Monona residence, kissed Bernstein goodbye and left the area. Livingston said that Bernstein's father picked up Bernstein's car later.

Livingston was asked if Bernstein provided him with any details of her attack in the time elapsed since her medical treatment. Livingston was asked about how Bernstein's welfare since the attack to which Livingston commented how Bernstein was simply sitting at a red light and someone had lit her face on fire. Livingston continued and said that some individuals were making negative comments about the incident and essentially were now trying to "drag her through the mud". Livingston also informed that someone had "hacked" into Bernstein's Facebook account and set up a facsimile account under Bernstein's name. In addition, the hacker set up a "Go Fund Me" account in Bernstein's name. As a result, Livingston said that Bernstein took her Facebook account offline and deleted the account.

I asked Livingston if he had watched or listened to any media reports about the attack. Livingston advised that he had there were little inconsistencies between what he knew of the attack from Bernstein and what certain news stories were stating. Livingston provided one example of how Bernstein told him that the suspect(s) were simply standing on the



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## SUPPLEMENTAL NARRATIVE (continuation)

corner of the street prior to the attack when the media report stated that the suspects ran up to her car.

At this point, Livingston commented that Bernstein told him she was not exactly certain which intersection she was stopped at. Livingston then told us that there are only the intersections of Gorham/Wisconsin, Gorham/State, and Francis Street, and concluded that the attack had to have occurred at one of those three intersections. Livingston asked Bernstein if anyone was around her to which Bernstein stated she didn't know and just drove off after being attacked. Livingston said he would continue to look through his phone to determine if there were any other details of the attack as reported to him by Bernstein and would reach out to us if he were to locate anything.

I asked Livingston if the car in which Bernstein drove to the hospital was the same car she drove to his residence. Livingston shook his head to indicate "yes". Initially, Livingston thought this same car was hers although a day ago, Bernstein told Livingston that the car actually belonged to her brother.

## EVIDENCE

On Monday June 29, I uploaded the screenshots and one video captured by Det. Davis of Livingston's snapchat messages to Bernstein located on his phone. These images were placed onto a DVD and then into a clear plastic evidence bag that was sealed with evidence tape. I then placed this item into locker CPD 40 at the Central District. The assigned MPD property tag is 458026.

## PHONE FROM BERNSTEIN

I spoke to Det. Harris via phone following this interview. Det. Harris advised she had previously arranged with Bernstein to obtain her cellular phone so that it could be downloaded by our Forensic Services Unit. At approximately 8:45pm, Det. Davis and I then drove to Bernstein's residence where we were eventually able to make contact with Bernstein's father outside of the residence. He advised Bernstein was sleeping and he was trying to wake her. Bernstein's father responded back outside a few minutes later and said his daughter was reticent in wanting to turn over her phone. A short time later, Bernstein appeared and said she had some questions about the phone download, mainly, what content would we (investigators) be able to view and who would have access to it. Myself and Det. Davis explained that our investigative cases are locked and therefore only a limited amount of detectives and supervisors can access them. Further, only Det. Justine Harris would have direct access to the contents of her phone which would not be placed on a platform available to other police personnel to view without permission. Bernstein appeared to be relieved by this information and provided me with her cellular phone at approximately 9:05pm.

I then transported this phone directly to the Central District and turned it over to FSU Investigator Clint Spade. Investigator Spade then placed the phone into a temporary locker to await for FSU Investigator Shaul to download it on Saturday June 27.

NFA

Det. Sgt. Eric Vosburg 3246



# MADISON POLICE DEPARTMENT

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REPORTING OFFICER

ERIC VOSBURG

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### SUPPLEMENTAL NARRATIVE (continuation)



**010 DET HARRIS - MEDICAL RECORDS RECIVED FROM GHC - RE: ALTHEA BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/01/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Medical Records received from GHC – Re: Althea Bernstein

**ATTACHMENTS:**

- Medical Records received from GHC – Re: Althea Bernstein

**NARRATIVE:**

On 06/26/20 I received a Release of Medical Information form signed by Althea Bernstein. I faxed this form to UW-Hospital and Clinics and GHC Clinics. Bernstein had identified Nurse Practitioner Francesca Vosh, at GHC, as her primary care provider.

On 07/01/20, I received medical records related to Althea Bernstein from GHC. I downloaded these records from the CIOX portal. These records are attached to this report.

NFA

DETECTIVE JUSTINE HARRIS #3790

**011 - DET HARRIS - BERNSTEIN UW MEDICAL RECORDS****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/10/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Receipt of Medical Records from UW Hospital and Clinics

**ATTACHMENTS:**

- Medical Records from UW Hospital and Clinics – Althea Bernstein

**NARRATIVE:**

As part of the ongoing investigation into this case, I requested medical records related to the injuries on Althea Bernstein's face. On 07/06/20, I received medical records from UW Hospital and Clinics.

Bernstein arrives at UW-Hospital Emergency Department at 1:55 am on 6/24/20. In general, the notes in the medical report are consistent with Bernstein's account of the attack given to law enforcement. Bernstein is [REDACTED] (per patient). Bernstein [REDACTED]. Bernstein describes the attack as having occurred in her car, while she was driving downtown. Bernstein reports [REDACTED]. Notes report the [REDACTED].

Departures from Bernstein's statements to law enforcement include:

- [REDACTED]
- [REDACTED]
- [REDACTED]

Bernstein is discharged from UW-Hospital at 5:48 AM, on 6/24/20. Her final diagnosis is [REDACTED] to [REDACTED]. This is attributed to Dr. Brian Sharp.

The medical records, as received from UW Hospital and Clinics, are attached to this report.

NFA

DETECTIVE JUSTINE HARRIS #3790

**012 - DET. ORTEGA-MENDOZA - UW SUBPOENA FOR VIDEO AND MEDICAL RELEASE SERVED****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**PEDRO ORTEGA-MENDOZA**

REPORT DATE

**07/02/2020****SUPPLEMENTAL NARRATIVE****UW SUBPOENA FOR VIDEO AND MEDICAL RELEASE SERVED**

On 06/29/20, I authored a subpoena, requesting UW Hospital ER lobby and parking lot surveillance footage from 06/24/2020 at 230AM. Sgt., Vosburg notarized my affidavit. I emailed the subpoena to on duty Dane County DA William Brown and after reviewing the subpoena, he endorsed it and emailed it to on duty Dane County Honorable Judge Nicholas McNamara. A few hours later, I received an email from Dane County Honorable Judge Nicholas McNamara, containing the signed subpoena.

On the morning of 06/30/20, I emailed Sgt., Vosburg the signed subpoena and a fax cover sheet and asked him to serve it by faxing it to UW Health Hospitals and Clinics Records Management. I also asked Sgt., Vosburg to fax the medical release signed by Bernstein. A few minutes later, Sgt., Vosburg advised that the faxes were successfully sent.

DET. ORTEGA-MENDOZA 3345



**013 - INV HOLLENBACK - SWABS TAKEN F/ VEHICLE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JOANNA HOLLENBACK**

REPORT DATE

**07/01/2020****SUPPLEMENTAL NARRATIVE****PROPERTY:**

Tag:	Locker:	Description:
458208	FSU 16	Sealed paint can containing six swabs of an unknown substance taken from gray Hyundai Elantra (WI tag AGV-1526)

**NARRATIVE:**

On 07/01/2020, I was working in my official capacity as an Investigator for the City of Madison Forensic Services Unit (FSU). At approximately 5:05pm, I was contacted by phone by Det. Sgt. Eric Vosburg requesting that I respond to [REDACTED] Monona, in reference to a battery complaint that needed follow-up.

Det. Sgt. Vosburg explained that a female victim had been driving a vehicle and while stopped, a suspect had thrown a liquid substance on her through the driver-side window and had thrown a flaming lighter at her causing the substance to catch on fire. Det. Sgt. Vosburg asked if it would be possible to attempt to swab for the substance in the vehicle. I advised him that I would conduct wet and dry swabs of the areas that they pointed out to me.

I then responded to [REDACTED] Monona and made contact with Det. Sgt. Vosburg and Det. Justine Harris. Det. Harris pointed out the areas that she wanted me to swab.

I first took overall photos of the vehicle's exterior and interior. Next, wearing fresh nitrile gloves, I used Pur-Wrap Sterile Cotton Tipped Applicators (lot #2910) to swab the following areas; please note that sterile water was used for obtaining the wet swabs:

1. Dry swab of external driver-side front window at 6:10pm
2. Wet swab of external driver-side front window at 6:13pm
3. Dry swab of external front driver-side door (top ¼ of the door) at 6:15pm
4. Wet swab of external front driver-side door (top ¼ of the door) at 6:17pm
5. Dry swab of steering wheel at 6:20pm
6. Wet swab of steering wheel at 6:22 pm

I secured all of the swabs in FSU truck #2865 and traveled back to the FSU Lab. Upon returning to the lab and wearing fresh nitrile gloves, I appropriately packaged the swabs in a lined metal paint can (tag # 458208). I placed the sealed evidence in FSU temporary locker #16 at the request of Det. Harris. Det. Harris will be picking up the evidence to transport to the Wisconsin State Crime Lab. All photographic images are on file within the Mideo digital system at the FSU Lab.

NFA

Inv. Joanna Hollenback #4874















**014 - DET HARRIS - ARSON K9 VEHICLE EXAM****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/13/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Examination of Hyundai Elantra by arson canine

**ATTACHMENTS:**

- Report from DCI Canine Handler SA Tiffany Ince

**NARRATIVE:**

On 07/07/20, as part of this ongoing investigation, I assisted in an examination of the Hyundai Elantra that Althea Bernstein reported she had been travelling in during the attack on her. The examination on 07/07/20 was conducted by DCI SA Tiffany Ince and her canine partner. Ince's canine partner is specially trained to detect evidence related to arson, including accelerants. The examination had been coordinated by DCI SA Jim Pertzborn, who was also present for the examination.

William Bernstein, the owner of the vehicle agreed to the search and made it available to us. Ince conducted the examination on the road in front of the Bernstein home. After the examination, Ince informed us the dog did not alert on the vehicle, indicating the dog did not detect the presence of accelerants inside the vehicle. Please see SA Ince's report for more details.

While we had access to the vehicle, I did examine the area above the driver's seat. Information was included in Althea Bernstein's medical records that indicated [REDACTED] I found no evidence of burning or charring. I reviewed the photos inv. Hollenbeck took for this case. The lack of burn damage is captured in those photos.

NFA

DETECTIVE JUSTINE HARRIS #3790



**015 - DET HARRIS - INTERVIEW WITH WILLIAM BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/20/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview with William Bernstein

**ATTACHMENTS:**

- Photos shown to Bernstein

**NARRATIVE:**

On 7/1/2020, Detective Sergeant Vosburg and I interviewed William Bernstein at his home in Monona. Also present by Zoom was the family lawyer, Andrea Sumpter. I informed Bernstein that the purpose of our interview was to help clarify the timeline that his sister, Althea Bernstein, had given regarding the attack, and to find out if there were any additional details of which we should be aware.

Bernstein stated he would start at the beginning of what he felt was significant. Bernstein explained that his sister, Althea, had been primarily using their mother's car while their mother was in Vermont. Bernstein explained that his car, a Hyundai Elantra, is older and somewhat unreliable. Bernstein stated that on the day prior to the attack, 6/23/2020, he had decided to take his mom's car over to a friend's house.

Bernstein stated that he took his mom's car and left for the friend's house after being frustrated with his family. Bernstein later explained that he felt like he needed to get away from his family as the tension had been building for a couple of weeks. Bernstein explained that they have been stuck together in a small house for months, due to COVID and there were additional factors that were frustrating him. Bernstein stated he had been trying to keep the house clean and orderly but felt that he was undermined by the number of animals that were being brought into the house. Bernstein specifically mentioned there being a goat and a pig that were causing problems and tracking in a lot of mud and hay.

Bernstein stated that he had left in the afternoon at some point, and then was later contacted by his mom on Facetime, stating that Althea wanted the mom's car, a Honda, back. Bernstein was unsure of why exactly she needed the car, but stated he was informed that Althea's friend, Khendra's father, [REDACTED] Bernstein stated that after being told that he needed to bring the car back to his sister, he went home to Monona. Bernstein stated that when he arrived home at Monona, he found that Althea had already left in his Elantra. This made him even more frustrated with his family.

Bernstein stated that over the course of the evening, he and his mother had repeated conversations about how Althea could get the Honda back from him. Bernstein stated he parked the Honda on the street, in front of his friend's house. Bernstein stated he didn't want to deal with his family anymore and told his mother that he would leave the keys outside underneath the front passenger wheel of the Honda. Bernstein stated he wanted Althea to leave the keys for the Elantra in the same manner. Bernstein stated he specifically did not want to have contact with Althea or anyone in his family regarding the exchange of cars. Bernstein stated he wanted to go to sleep and not deal with the situation any longer.

Bernstein stated that when he went to bed at his friend's house, he had left the keys in this manner. Bernstein stated he got up at approximately 9am on 6/24/2020 and went to work. Bernstein stated he works at [REDACTED] Bernstein stated that when he got up and left for work, his Elantra was back and the keys were where

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**07/20/2020****SUPPLEMENTAL NARRATIVE (continuation)**

he had instructed them to be. Bernstein stated the Elantra was parked on the street, near where the Honda had been. Bernstein stated he did not talk to his family at all that morning, prior to leaving for work.

Bernstein stated that at approximately 11am, he got a Facebook message from his mom. The message informed him that Althea had been the victim of a violent crime. Bernstein went home to the family's house to see what he could do to help. Bernstein stated that he found out that at that point, no police report had been filed and Althea was asleep. Bernstein didn't feel that there was anything he could do to assist at that point, and so he went back to work. Bernstein stated he was still frustrated with his family that day and decided to stay at his friend's house again, in order to have more time away. Bernstein explained he felt like he needed his friend's support. Bernstein identified his friend as Lilliana Harper. He stated that her address at that time was [REDACTED] in Middleton. He stated she lived on the second level of this address. Since that time, Harper has moved and Bernstein did not know her new address.

I asked Bernstein if he had woken up or heard anything while Althea was dropping off the car. Bernstein stated that he is a very sound sleeper and he did not hear or see anything when Althea came and exchanged the cars. Bernstein did say that he did not want to see anybody from his family that night, and that Althea made no attempt to contact him when she got there. We asked if she had contacted him around the time that she would have been driving from her friend's house to Middleton. Bernstein looked back at his phone and stated that he had no contact from Althea late the night on 6/23/2020 or early morning on 6/24/2020.

I asked Bernstein if there were any cameras at his friend, Lilliana's apartment. Bernstein stated that Lilliana didn't have any cameras up and he did not believe that her landlord did either. Bernstein described the house as "not a nice place." Bernstein suggested that possibly a neighbor might have a Ring doorbell camera. Bernstein also stated the Willy St Co-op, which is down the street, would likely have cameras as well.

We asked Bernstein if he noticed anything unusual in his car after the attack. Bernstein stated that he did notice that his car had an odd smell. We asked Bernstein to describe the smell. Bernstein stated that it smelled like the after-smell of an aerosol spray. Bernstein stated it reminded him of when you use sprayed sunscreen and the smell that lingers afterward. Bernstein stated that it isn't the smell of the sunscreen itself, but the after-smell of the propellant.

We asked Bernstein if there was any damage to his vehicle. Bernstein stated that he did not observe any physical damage to the car. Bernstein specifically stated there were no burn marks and "no puddles of anything." Bernstein did identify that there was an odd film on the steering wheel, driver's side door, and exterior of the driver's side window that he noticed after the attack. Bernstein stated that there has been [REDACTED] around their house, so that was a possible source, but he found it odd that it was only on the driver's side.

We asked Bernstein if he would be open to the idea of having an arson dog examine his car. We explained the purpose of an arson dog is to identify accelerants that might not be easily identified by humans. We also asked Bernstein if he would be willing to allow us to swab the areas he had just described as having the unusual film on them. Bernstein asked to speak with the lawyer in private, regarding the use of an arson dog. Ultimately, Bernstein was amenable to both of these additional investigative steps.

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**07/20/2020****SUPPLEMENTAL NARRATIVE (continuation)**

I asked Bernstein if he had found any lighters, matches or an incendiary device in his car after Althea returned it. Bernstein stated he had not, but added he hadn't searched it thoroughly. Bernstein believes the lighter or other flaming object could have easily been knocked out of the car window by Althea as she was patting out the flames.

I also asked Bernstein if he would be willing to have his car examined through the Wisconsin State Crime Lab. I explained that the crime lab would be able to perform an investigation in a more detailed manner, possibly by dismantling his car and then re-assembling it when they were done. Bernstein stated in theory he was open to this, but again wanted to speak with his lawyer. Ultimately, Bernstein decided he would be willing to explore this type of search, but wanted it to be as minimally invasive as possible. Bernstein was interested if it could be done in a couple of hours or a part of a day.

I asked Bernstein if he had ever spilled accelerants in his vehicle. Bernstein did not believe this had happened. Bernstein acknowledged that he probably had had lighters in his vehicle but did not have a recollection of any of them ever spilling or breaking. Bernstein stated he had transported gas for the family mower in his vehicle, but the gas can had been in the trunk. Bernstein did say that he had recently helped a friend move and that there were numerous articles in his car as part of this move. Bernstein couldn't say whether any of those items would have been accelerants. Bernstein did say he had not had his vehicle cleaned or washed since the attack on his sister. Bernstein noted that it had rained in the interim time, but this would have only affected the exterior of the car.

We asked Bernstein if he could think of anybody who would want to harm his sister. Bernstein stated that there was no one he could think of. Bernstein went on to describe his sister as an incredibly nice person. He stated she volunteers to help both people and animals. Bernstein stated there was truly no one he could think of that dislikes Althea.

We asked Bernstein if his father had been home when Althea got home from exchanging the cars. Bernstein stated that he assumed he was, but that he didn't know and we should ask his father directly. We asked Bernstein if he had seen Althea that night, prior to her going out. Bernstein stated he had seen her earlier in the day, but he had no contact with Althea after leaving with his mom's car in the afternoon. We asked Bernstein if he remembered what Althea was wearing that day. Bernstein stated he did not.

We asked Bernstein if he had talked to his sister about the attack since it occurred. Bernstein stated the thought of what happened to Althea has been incredibly upsetting to him. Bernstein [REDACTED] Bernstein stated that he hasn't been able to bring himself to ask her questions about the actual attack. Bernstein stated this is both for his own well-being and due to him not wanting to further traumatize Althea.

We showed Bernstein several photos of what we believed to be his Hyundai Elantra as it headed through the downtown area. I showed him these photos on my department-issued cell phone. Bernstein stated that the photographs could be his Elantra. Bernstein commented that the resolution of the photos was too low for him to make a definitive identification and that he wasn't able to see the license plate. Bernstein stated the driver



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**07/20/2020****SUPPLEMENTAL NARRATIVE (continuation)**

depicted in the one photo looked similar to Althea.

We asked Bernstein if he had any questions for us. Bernstein did not. We asked Andrea Sumpter if she had any additional questions. She did not. We thanked them both for their time and willingness to meet with us. At that point, Detective Sergeant Vosburg and I went outside. I took some additional photographs of Bernstein's car, the Hyundai Elantra, on this date in order to assist with identification through the city camera footage. Those photos are attached to this report. Additionally, we requested that an investigator come out to help process the vehicle and tag swabs of the suspect residue. Investigator Hollenback did report out to the family house and follow up on this. Please see her report for further details.

NFA

DET JUSTINE HARRIS 3790

jkt

**016 - DET HARRIS - INTERVIEW WITH RICHARD BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/20/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENT:**

- Interview with Richard Bernstein

**NARRATIVE:**

On 7/1/2020, Detective Sergeant Eric Vosburg and I made contact with Richard Bernstein at his home. Bernstein is the father of Althea Bernstein who has been identified as the victim of a hate crime battery. Detective Vosburg and I explained to Bernstein that our purpose in interviewing him was to try and clarify the timeline Althea had given us regarding the attack. We also hoped to get any additional details that he might know that Althea had forgotten to tell us. We explained to him that Althea had informed us that she was dazed after the attack, and that therefore there were some things that she did not remember. Bernstein stated he understood this.

We asked Bernstein to tell us what he remembered from the night before, into the next day. Bernstein stated that he didn't really have many details. I prompted Bernstein by asking him to tell us about why his son William had taken the Honda that night. My understanding was that there had been somewhat of an argument over William taking the Honda over his car, a Hyundai Elantra. Bernstein stated that yes, Willie had taken the Honda and then added something similar to, "That's all I recall." Bernstein later added that Willie had taken the Honda to be with his friend, Lilly.

I asked if Bernstein remembered where Althea had wanted to go that night, when she asked to take the Honda. Her desire to take the Honda to her destination is part of what caused an argument earlier that evening. Bernstein stated he didn't know where Althea wanted to go. He stated that she didn't tell him where she was going. I asked if he knew approximately what time she had left their residence on that night. Bernstein stated he did not. I asked if he remembered anything about what Althea was wearing when she left that evening prior to the attack. Bernstein stated he did not remember.

We asked Bernstein when he next saw Althea. Bernstein stated he next saw her the morning after the attack, when she got home from the hospital. Bernstein stated that around 5:30 or 6:00am, he had heard their dog barking. Knowing that their dog barks when someone is approaching the house, Bernstein went out into the living room to see what was going on. Bernstein stated that when he got out there, he saw Althea in the living room. That is when he found out that the attack had happened.

I asked Bernstein if he had woken up at all the night before when Althea came home immediately after the attack. Bernstein explained that he had not. Bernstein stated [REDACTED] Bernstein stated [REDACTED] Bernstein added that he "slept through whatever might have happened here."

Bernstein stated that when he first saw Althea on the morning of 6/24/2020, she was wrapped in a blanket. Bernstein had assumed that she had just gotten home from the hospital. Bernstein stated that Althea was alone when he saw her.

We asked Bernstein what Althea told him about the attack. Bernstein stated that she told him that someone had called her the "N-word" and then tried to set her on fire. Bernstein stated he wasn't confident of what

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**07/20/2020****SUPPLEMENTAL NARRATIVE (continuation)**

additional details she might have told him at that time, because since then he has learned more facts. Bernstein stated he believed she told him that the attack occurred downtown near State St.

Bernstein stated he was "stunned" by what Althea told him. Bernstein stated he didn't know what the next steps should be. Bernstein explained that Althea was very tired so he allowed her to get ready for bed and go to sleep. Bernstein stated he felt this would be the best thing for her.

Bernstein stated that when he heard about the attack, he believed that it likely had something to do with the craziness that was going on downtown. Bernstein clarified that he didn't believe Althea was involved in any of the protests or riots. He added that he has never known her to be involved in that kind of a thing. Bernstein stated he just assumed with everything that was going on downtown, that this was associated or a spin-off of that.

Bernstein stated that later in the day, he took a Union Cab to the UW Hospital to pick up the Elantra. Bernstein stated that Althea had been unable to drive the vehicle home after her treatment, so he went and brought it home.

We went back to asking Bernstein about anything he might have heard the night before, after Althea came home and prior to her going to the hospital. I asked if he would have woken up if Althea had taken a shower. Bernstein stated no [REDACTED] Bernstein stated that his understanding was that Althea had not received a shower until she went to the hospital, but said that he wouldn't have known if she did take one at the house.

We explained to Bernstein that one item we were attempting to locate was a blue sweatshirt that Althea said she was wearing at the time of the attack. We explained that Althea had informed us that the hospital had thrown away this sweatshirt due to its level of contamination. Given that we had no record of this from the hospital, we were attempting to locate the sweatshirt in order to have it tested. I asked Bernstein if perhaps he had seen the sweatshirt around the house, and if Althea had taken it off prior to going to the hospital. Bernstein stated that it was possible he had picked up the sweatshirt and put it in the laundry. Bernstein stated that he often cleans up after Althea and puts her clothes into the laundry pile.

I described the sweatshirt that Althea had described to me. Bernstein had initially been present when Althea was describing this sweatshirt. I described the sweatshirt as a blue hooded sweatshirt with white and blue striped drawstrings. I reminded Bernstein that Althea stated she had gotten this sweatshirt in England when she was there. Bernstein stated he was not familiar with this sweatshirt and didn't think he would know if it he saw it.

Detective Vosburg and I acknowledged that Bernstein had learned many more things since his initial contact with Althea. However, we wanted him to think back if he had asked any of the usual questions someone might ask after receiving that type of information from their child. We specifically asked Bernstein if he remembered asking Althea who had done this to her, and what had been done. Bernstein stated that Althea told him it was four guys. She told him that two were wearing black and two were in bright colored shirts. Bernstein stated that he "did ask her if they were Hawaiian shirts." Bernstein stated he asked her this because he was aware



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that Hawaiian shirts are often associated with white supremacists extremist groups. Bernstein stated that Althea answered that she didn't know anything about that. He went on to say that she didn't tell him that the shirts were Hawaiian shirts or say anything more about them when he asked this.

Bernstein stated that Althea told him she was driving with the window open when someone threw lighter fluid into her car and onto her. Althea then told him that they threw a lighter at her afterwards. Althea told him that this happened while she was en route to exchange the Elantra for the Honda. Bernstein added that Althea felt strongly that the Honda was "her car."

We asked Bernstein if Althea was receiving [REDACTED] Bernstein stated he really didn't know [REDACTED] Bernstein added that [REDACTED] He believed [REDACTED] Bernstein did state that he had heard her say [REDACTED]

We thanked Bernstein for his time and willingness to speak with us. We asked Bernstein if he had any questions for us at this time. Bernstein did not.

NFI

DET JUSTINE HARRIS 3790

jkt

**017 - DET HARRIS - PROPERTY TAGGING EVIDENCE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/02/2020****SUPPLEMENTAL NARRATIVE****PROPERTY:**

Tag	Location	Description
457936	MTPD 15	Victim Shoes – Pink Crocs
457937	MTPD 15	Victim T-shirt – Dark Grey with white pattern
457938	MTPD 15	Victim Shorts – black spandex
457939	MTPD 15	Victim underwear
458556	MTPD 1	CD containing Althea's call to non-emergency dispatch
458557	MTPD 1	Consent to search vehicle – William Bernstein
458560	MTPD 1	Consent forms – phone and medical records, Althea Bernstein

**REPORT CONTENTS:**

- Property tagging of Althea Bernstein's clothes
- Property tagging of consent forms
- Property tagging of non-emergency dispatch call

**ATTACHMENTS:**

- Photographs of Bernstein's clothes
- Dane County Communications CAD record

**NARRATIVE:**

On 6/26/20, I met with Althea Bernstein at her home. During the course of the interview, Althea Bernstein and her brother, William Bernstein, signed several consent forms. The details of their signing was covered in a previous report. On 07/08/20, I property tagged these items.

Althea Bernstein also turned over a plastic bag containing clothes. Bernstein informed me these were the clothes she was wearing during the attack. She stated they were taken off and bagged at the hospital. I photographed and property tagged these items on 6/26/20.

On 6/29/20, I received the audio recording and CAD record related to Althea Bernstein's call to non-emergency dispatch. I received this from Atalie T. Bruere, Records Clerk, Dane County Public Safety Communications. I property tagged the audio recording on 7/8/20. The CAD report is attached.

NFA

Det. J. Harris #3790

**018 - INV URSO, J - REPACKAGING EVIDENCE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**REPORTING OFFICER  
**JILL URSO**REPORT DATE  
**07/01/2020****SUPPLEMENTAL NARRATIVE**

On 07/01/20 I was working in my official capacity as an Investigator for the City of Madison Police Department. On this date at approximately 10:30am, I was contacted via phone in the Forensic Services Unit Lab by Detective Justine Harris. Det. Harris requested that I remove two evidence items, #457937 and #457938, from the Madison Police Property Room and repackaging them according to the Madison Police Property Guidelines in reference to clothing containing possible flammable liquids.

I removed these items at 10:45am. With gloved hands I photographed a grey t-shirt and black shorts. I then transferred each item from its individual paper bag to an individual lined metal can and repackaged them as evidence. I returned them back to the property room at 11:16am.

Investigator Jill Urso #3111



**019 DET HARRIS - CONTACT WITH ALTHEA BERNSTEIN ON JULY 7, 2020****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/07/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Contact with Althea Bernstein on July 7, 2020

**ATTACHMENTS:**

- Photograph of Althea
- Photographs of car

**NARRATIVE:**

On July 7, 2020, I met with **Althea Bernstein** at her home. We met outside on their patio. Midway through the interview, her father, **Richard Bernstein**, joined us for the interview. I had previously told Althea that I wanted to ask her some additional questions and show her some photos. Althea agreed to this and to our meeting.

**Clarification - Clothes worn during attack/Shower prior to hospital:**

I started off by asking Althea if the clothes she had handed over to me in a plastic bag (during our previous meeting) were indeed the clothes she was wearing at the time of the assault. Althea stated that they were.

I told Althea that I wondered if she had taken a shower prior to coming to the hospital. Althea stated that she had not. Althea stated that she only washed her face, in an attempt to get the flammable liquid off of it. I explained to Althea that in the medical reports I had received [REDACTED]

[REDACTED] Althea stated that she does not know why that was written. She stated that she did not shower prior to coming to the hospital and did not tell anyone that she had. Althea maintained that the only removal of the accelerant would have been washing her face.

**Recreation of Driving Route:**

I spoke with Althea about doing a recreation of the driving route she had taken the night of the assault. I explained to Althea that sometimes doing a walk-through or drive-through of an event helps people to remember more details. I explained to Althea that I understood that this could be difficult for her, but that we were hoping it would provide us some additional information. I also explained to Althea that the person conducting this type of interview with her would be SA Pertzborn of DCI. Althea was agreeable to doing this type of interview.

Althea had some additional questions regarding what DCI was and what their involvement in the case was. I explained this to her and Althea was comfortable with their involvement and with Agent Pertzborn's assisting with this interview. We discussed the timing of this and Althea stated that she was flexible and would attempt to work with Agent Pertzborn's schedule.

**Identification of vehicle Althea was driving:**

I showed Althea two photographs that we had identified as likely being the car she was driving in the night of the attack. In one of the photographs, the driver is visible and appears to resemble Althea. I showed both of these photographs to her. Althea stated that the car looked like her brother's Hyundai Elantra. Althea stated it looked like the car she was driving that night. When I showed Althea the picture where the driver is more

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visible, Althea stated that it looked like her. Althea was not comfortable saying that she was 100% certain the photograph was the car she was in, as the photograph was still blurry and the light was dim. Althea stated that without actually seeing a license plate, she really couldn't say with certainty, but did believe that was her brother's car with her in it.

**Clarification regarding photo:**

I had questions regarding a specific photograph that I had found in Althea's phone. This photograph was taken in front of a cream-colored cloth background. It shows one side of Althea's face, the side where the injuries occurred. Althea is crying in the photograph. She is wearing a gray t-shirt with a white pattern on it. I recognized this t-shirt as the t-shirt I later collected from her as the shirt she was wearing when the attack occurred. I asked Althea when this photograph was taken. Althea stated it was after she got home to her house. Althea stated that she was talking with her mom on the phone and her mom asked to see a picture of the injuries. Althea stated that she was in the bathroom when she took the photograph and was in front of her shower curtain. Althea stated she then sent this photograph to her mother.

**Conclusion of interview:**

I asked Althea if she had any questions at this time. Althea stated that she did not. Althea and I talked about a possible billboard ad that would highlight her case and would ask for any additional information. Althea expressed a preference that her face not be used on this billboard. Althea's father, Richard, asked if we had any more photographs of Althea's car. I told Richard that we did have additional photographs, but that I wanted to have Althea confirm that these photographs were indeed of her and the car before I traced them backward and confirmed that the other photographs we have are the same vehicle.

NFA

DET JUSTINE HARRIS 3790

brn

## 019b - Vehicle ID photo 1





## 019c - Vehicle ID photo 2





019d - Vehicle ID Photo 3



Fluno 4 6/24/2020 12:45:26.521 AM (GMT-5:00)

**020 - DET HARRIS - ATTEMPT TO LOCATE CAMERAS****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/10/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Attempt to locate cameras near [REDACTED]

**NARRATIVE:**

On 07/03/20, as part of this ongoing investigation, Det. Ortega-Mendoza and I travelled to [REDACTED] in Middleton, WI. Both Althea and Willie Bernstein had informed me that this was the location where Althea dropped off Willie's car and picked up her own. This was believed to have occurred on the street, near the address, about 1:00 am on 6/24/20.

We looked at [REDACTED] and at the houses surrounding that address. We found no surveillance cameras, Ring doorbell cameras or garage cameras. We determined that any cameras on the Willy Street Coop would be too far away and have an obstructed view. We saw no cameras on the west end of the strip mall across Park St. Based on our findings, it does not appear there were any cameras that would have captured Althea's movements at this address.

NFA

DETECTIVE JUSTINE HARRIS #3790

**021 - DET SGT VOSBURG - INTERVIEW W/ MORGAN PELANEK****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**ERIC VOSBURG**

REPORT DATE

**07/03/2020****SUPPLEMENTAL NARRATIVE****INTERVIEW WITH MORGAN PELANEK**

On Monday June 29, 2020, I spoke in person with Morgan Pelanek at the South District. This interview was recorded using my digital voice recorder. A copy of this recording has been uploaded to the MPD server for safekeeping. The following is intended as a summary of the interview and not a verbatim transcript.

Pelanek is a friend of Althea Bernstein who has known Bernstein for approximately 1 ½ years after having met in a class at MATC. Pelanek and Bernstein communicate frequently and socialize. Bernstein has no known enemies. Pelanek also said she last saw Bernstein in person on June 14 at a social gathering. Pelanek readily agreed to assist with this investigation by providing any information she had reference the attack on Bernstein. Pelanek said that Bernstein called her right after the attack. Pelanek was at home sleeping and was woken up by a phone call from Bernstein. Pelanek said Bernstein regularly calls at night so this call was not out of the ordinary. Pelanek said this phone call was actually a "FaceTime" or video call. As a result, Pelanek said she could see Bernstein's face and first observed that Bernstein [REDACTED] and had what appeared to be injuries on her face. Pelanek said Bernstein looked "terrified" and she has never seen somebody so scared in their life.

Pelanek asked Bernstein what happened to which Bernstein answered that somebody just tried to light her on fire. Initially, Pelanek said that she received this call from Bernstein at 12:30am on Wednesday June 23, 2020, but when asked if she was certain, Pelanek referred to her cellular phone call log. Pelanek said she recalled how she was supposed to go see Bernstein earlier that afternoon since Bernstein received some pet chicks and ducks. However, Bernstein told Pelanek that one of her other pets passed away and she was not up for any visitors. Bernstein told Pelanek she had a date later that same night. Pelanek said Bernstein called her on Bernstein's drive home from her this same date.

**DATE/TIME CORRECTION**

I clarified with Pelanek that Bernstein's attack was reported to have occurred on June 24 and not June 23. Also, I asked Pelanek if she was certain she received a phone call from Bernstein at 12:30am. Pelanek then corrected herself, apologized and told me she actually received a call from Bernstein on Wednesday June 24, at 1:01am at which time Bernstein called via "FaceTime" as described previously.

**INFORMATION ABOUT THE ATTACK**

Pelanek said she asked Bernstein where she was when she was attacked and where she was at that time. Bernstein explained to Pelanek that she was downtown at a stoplight where four guys threw a lighter at her. Pelanek said that Bernstein was somewhat hard to understand since she was "absolutely hysterical". When Bernstein called, she said that she knew she was sitting at a stoplight when the suspects called her the "n word" and threw a lit lighter at her. (Later on, not in this initial conversation, Bernstein recalled that lighter fluid had been thrown on her and relayed this to Pelanek).

Pelanek then mentioned how she (Pelanek) is also a first responder like Bernstein, and as a result asked Bernstein to take a deep breath, try to think about what happened, where you are right now. Bernstein answered that she was about two exits from her home. Pelanek said she then advised Bernstein to pull over in a safe place, lock your doors and call police. Pelanek told Bernstein that police would be able to solve this faster and she would get EMS treatment sooner. Bernstein remarked that she just wanted to get home. Pelanek said she talked with Bernstein for about a total of 7 to 10 minutes at



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**07/03/2020****SUPPLEMENTAL NARRATIVE (continuation)**

which point Bernstein said her mom was calling her. Bernstein then hung up the phone.

Pelanek did not hear back from Bernstein until around 7am on June 24. Pelanek informed that Bernstein was back home from her emergency room visit at this point.

I asked Pelanek if she had any indications of where Bernstein was driving when she was on a FaceTime call with her. Pelanek said that she did not have any idea where Bernstein was located during that time. Pelanek said that she asked Bernstein which direction she was traveling and more specifically if she was headed toward the Alliant Energy Center, which Pelanek knows to be close to Bernstein's home in Monona, WI. Pelanek told Bernstein that she was leaving State St. headed towards University Avenue. Pelanek said she tried to get Bernstein to describe exactly where but Bernstein said she didn't know and only informed she was at an intersection. Bernstein had informed Pelanek that she was at an apartment near State Street. I asked Pelanek whose apartment she had been at to which Pelanek said she did not know this person but was told by Bernstein that his first name was "Nick".

I asked Pelanek to describe Bernstein's injuries from her FaceTime call at 1:01am. Pelanek said her observations were hampered by the lack of light within the car Bernstein was driving. Pelanek said she observed "wet patches" on Bernstein's face which were not from tears. Pelanek recalled that the camera on Bernstein's phone was pointed up toward the ceiling of the car and so she was not able to see any landmarks outside of the car to help identify any location. Pelanek said Bernstein was alone in the car. Bernstein said that she could feel the clear liquid exiting from her wounds just before informing that her mom was calling.

At 7:11am, on June 24, Pelanek received another incoming call from Bernstein which was also a FaceTime call. This call lasted for about five minutes. At that time, Pelanek was informed by Bernstein that she had second and third degree burns on the left side of her face, neck and her ear. Bernstein said she was made to undergo [REDACTED] process while at the hospital [REDACTED]. Bernstein said she would need to do follow up visits to the burn center so her wounds could be cleaned out. During this conversation, Pelanek learned from Bernstein that lighter fluid may have been the substance thrown at Bernstein. Pelanek referred to "they" when talking about the medical personnel who were treating Bernstein at the hospital and was a reason to pursue a [REDACTED].

At 1:30pm, on June 24, Pelanek said she again spoke with Bernstein. Pelanek said she didn't learn any details about what happened to Bernstein since she is only concerned with making sure Bernstein is OK. Pelanek said she knows there are a great number of people already asking Bernstein about who did this to her and she just wanted to be a support mechanism for her instead of asking questions. Pelanek said that she knows the people asking Bernstein care less about her well-being and she wanted Bernstein to know that she does not have an alternate agenda and cares about her.

Pelanek said she received a photo from Bernstein this past Sunday which was taken by Bernstein's mother. Pelanek said that Bernstein looked much better as compared to the day on which she sustained her injuries. Pelanek's opinion was that Bernstein was [REDACTED]. In addition, Pelanek said Bernstein also receives emotional support from a close friend whom Pelanek identified as a mutual friend "Anna" and a close friend identified as "Khandra". In response to my question, Pelanek advised that Khandra may be a good person for me to speak with. Pelanek said she did not have a phone number for her but said she would private

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**07/03/2020****SUPPLEMENTAL NARRATIVE (continuation)**

message Khandra via Snapchat or Facebook to have her contact me directly. As of July 3, I have not received a message or phone call from Khandra. Pelanek said that "Anna" did not hear about this attack until it came out on the news.

I asked who else would be a source of information concerning details surrounding the attack on Bernstein. Pelanek thought Bernstein's mom may be of assistance, in addition to "Nick". Pelanek said Bernstein was at the hospital with Bernstein during her treatment and "he took really good notes" and wanted to make sure she was ok.

**SCREENSHOT**

Det. Ortega-Mendoza entered the room and while using a cellular phone camera, snapped a photo of Pelanek's phone log showing the calls received from Bernstein on June 24. While doing this, Pelanek commented how she really didn't recall what she talked to Bernstein during the afternoon call to Bernstein.

I have placed a copy of this single screen shot image on to a CD for safekeeping. I then placed this CD within a plastic evidence bag which was sealed with evidence tape. This bag was then placed into locker 40 at the Midtown police district. The assigned property tag number is 458291.

NFA

Det. Sgt. Vosburg, 3246

**022 - DET HARRIS - INTERVIEW WITH REBECCA S BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/20/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview with Rebecca S Bernstein

**NARRATIVE:**

On July 15, 2020, FBI Special Agent Jodi Jewett and I interviewed Rebecca Bernstein at her home. Bernstein is the mother of **Althea Bernstein**, the victim in this case. Bernstein identified herself verbally, providing her date of birth and a cell phone number of [REDACTED]. Also present at the interview through Zoom was the family lawyer Andrea Sumpter.

Bernstein explained that when the attack occurred, she was in Vermont. Bernstein stated she had been in Vermont since early February. Bernstein explained she had gone out to care for her elderly parents and then needed to stay due to concerns regarding the Covid virus.

We spoke with Bernstein regarding her daughter's ongoing treatments and how she was doing. Bernstein stated that Althea has ongoing appointments with [REDACTED]. Bernstein stated that Althea [REDACTED]. Bernstein mentioned specifically that Althea [REDACTED]. Bernstein mentioned that Althea [REDACTED]. Agent Jewett spoke with Bernstein about connecting Althea with counseling related to traumatic events. Bernstein stated that since her daughter is 18 years old, she tries not to get involved in such matters. Agent Jewett offered to connect Bernstein with the victim witness representative through the FBI. I also provided victim witness Specialist Julie Foley's contact information to Bernstein.

We asked Bernstein to tell us about what she knew regarding the night of the attack on Althea. Bernstein stated that Althea had gone out and had taken her brother Willie's car as Willie had taken the car that Althea normally drives. Bernstein stated that Althea needed to swap the car with her brother and that she, Bernstein, had been checking in with Althea throughout the night to make sure this happened. Bernstein did not know exactly where Althea was. She stated that Althea was visiting a friend and was coming from the east side of Madison.

Bernstein stated that 1:07am, she received a video call from Althea. Bernstein stated that Althea was driving, but she could see that Althea was incredibly upset. Bernstein stated she was able to see tears on Althea's face and that Althea was shaking uncontrollably. Bernstein stated Althea described to her that she had been stopped at a stoplight, with her car driver side window down. Bernstein stated Althea told her that a group of guys was outside and that someone yelled "Nigger" at her. Bernstein stated that Althea then described that one or more people within the group tossed something on her and then tossed a lit lighter into the car. Bernstein stated Althea described catching on fire and then patting out the flames soon afterward.

Bernstein stated that Althea was incredibly upset. Bernstein stated Althea even talked about how she felt bad for going through the red light to get away from the guys and the attack. Bernstein didn't know exactly where the attack had occurred. Bernstein stated she assumed it was downtown from the way Althea was describing it. Bernstein stated she believed that Bernstein would have been coming through the downtown area on Gorham. Bernstein stated that this is a way Althea would know to get out to Middleton where she needed to exchange the car. Bernstein explained that the family church is out that direction just off of University and Althea knows that route.



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I asked Bernstein how long she and Althea were on the video chat before Althea reached home. Bernstein had told us that she stayed on the video call with Althea due to her concerns for Althea. Bernstein wanted to make sure that Althea got home safely. Bernstein stated she didn't know exactly how long Althea was driving before she got home. Bernstein stated she believes Althea was on the Beltline when she first called her. Bernstein stated that during the trip, Althea identified where she was passing, reference getting home. Bernstein stated the first landmark she remembers Althea mentioning to her was that she was either passing Park St or John Nolen. Bernstein remembers Althea getting off the Beltline but is not sure whether she got off at S Towne as they often do or went all the way to Monona Dr.

Bernstein stated when Althea got home, she remained on the phone with her. Bernstein stated Althea carried the cell phone into the house and went into the bathroom. Bernstein stated when Althea turned on the light in the bathroom, that was the first time she was able to see Althea's face. Bernstein stated she was shocked and very upset. Bernstein stated that the injuries to Althea's face looked very significant, and she immediately told Althea that she needed to call the GHC nurse on call.

At that point, Bernstein and Althea hung up, and to Bernstein's knowledge, Althea began to contact medical personnel. At 1:30am, Althea texted her that she was going to the emergency room.

Bernstein had noted some times of when she had contacted Althea regarding the injuries and next steps. Bernstein texted Althea asking if she was at the emergency room. Bernstein stated at 2:30, Althea responded that she was there. Bernstein stated at 2:46am, she asked Althea was the emergency room able to make a police report. Bernstein stated that Althea did not respond right at that time. Bernstein stated somewhere between 2:46am and 3:10am, Althea informed her that the hospital had confirmed that what was thrown on her face was indeed lighter fluid. Althea stated that at 3:10am, she again asked Althea if the hospital had called the police. Bernstein wasn't sure at which time Althea responded to her but is confident that Althea responded that the hospital was going to make a report in response to one or the other of her asking them. Bernstein stated that Althea was home by 6:10am and informed her of such.

Bernstein stated that Althea had been sleeping much of the day on the 24<sup>th</sup>. Bernstein stated on midday on the 24<sup>th</sup>, Bernstein wanted to know for sure if the police had been contacted. Bernstein stated she had called the non-emergency number and tried to make a report on Althea's behalf. Bernstein stated she was told by Dispatch personnel that it was Althea who needed to actually make the report. Bernstein stated that when Althea got up that afternoon, she informed Althea that a report hadn't been made and that Althea should call the police and make a report.

Bernstein stated that to her knowledge, her husband Richard was unaware of the attack until after Althea returned home from the hospital. Althea stated that her understanding was Richard was sleeping and did not find out about Althea's injuries until approximately 6am.

I asked Bernstein if she was able to see Althea's face while Althea was driving. Bernstein stated that she was not. Bernstein stated that Althea was sobbing and shaking very badly but that she did not see that side of Althea's face during the video call. Bernstein stated that the first time she saw Althea's face was when Althea brought the phone into the bathroom. Bernstein stated that both she and Althea were very shaken by the extent of the injuries.

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**07/20/2020****SUPPLEMENTAL NARRATIVE (continuation)**

I asked Bernstein if she was familiar with the blue sweatshirt Althea had described herself as wearing at the time of the attack. I explained we were interested in collecting this sweatshirt as evidence. I described the sweatshirt as Althea had described it to me. Bernstein stated she wasn't aware of the sweatshirt, but would look around for it. Bernstein contacted me by email on July 16, 2020, to let me know she had not yet been able to locate the sweatshirt.

We talked with Bernstein about the status of the investigation. We asked Bernstein if there was anything else she felt we should be looking at that hadn't been discussed. Bernstein stated that Althea is a very kind person who helps many people. Bernstein didn't think there was any reason why somebody would intentionally harm her. Bernstein stated she has considered the friends that Althea hangs out with and did not have any concerns in that area. I asked Bernstein if there was anything specifically she felt the police should be doing. Bernstein mentioned that she hoped that the law enforcement agency investigating this would look at it in a larger context and see if there was any relation to any similar crimes that had occurred in the area. Bernstein also stated that one question that she did not feel had been answered yet was whether or not the area where this had happened was crowded or not at the time the attack occurred. Bernstein stated that she felt that that is something that should be looked into.

We thanked Bernstein for her time and willingness to speak with us. We discussed some of the follow up investigative strategies we hoped to utilize. Both Agent Jewett and I provided Bernstein with our contact information.

NFA/kmc

Det Justine Harris 3790

**023 - DET HARRIS - CITIZEN SURVEILLANCE VIDEO****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/21/2020****SUPPLEMENTAL NARRATIVE****PROPERTY:**

Tag	Status	Description
458446	MTPD 40	CD containing surveillance video from citizen

**REPORT CONTENTS:**

- Receipt of video from citizen
- Viewing of video
- Property tagging of video

**ATTACHMENTS:**

- Still images from surveillance video

**NARRATIVE:**

As part of the ongoing investigation into the attack on Althea Bernstein, a request for information was put out to the public. I received information that a citizen had video that might be useful. This citizen wished to remain unnamed in reports.

The citizen contacted me by email and provided me with a video file, which I then downloaded. Upon opening the video, I noted that there were four camera views simultaneously displayed on the screen. One of the views shows the just the Buckeye parking lot. One view shows a portion of the Buckeye lot and some private parking areas. One view shows a portion of front yard, the right travelling lane of Gorham and the right stopping or turning lane of Gorham. The fourth view shows the portion of the Buckeye lot closest to Gorham and a portion of the State St. and Gorham intersection, and Gorham. The view shows the full stopping area where cars stopped at this light would normally stop. It also shows portions of the sidewalk on either side of this area. A still image from 12:05:36 am is included to show the position of stopped vehicles in both lanes at this intersection.

I viewed the surveillance video from 12:30 am until 1:00 am. Based on previous investigation of this case, I am aware that Althea Bernstein left [REDACTED] at 12:39 am. At 1:00 am, Bernstein calls her friend, Morgan, and reports the attack. By 1:00 am, Bernstein has traveled to Middleton and exchanged cars with her brother.

During the course of viewing, I saw several groups of individuals who walked through the State and Gorham intersection. None of the groups were consistent with the four males Althea described as her attackers. I did not see any groups that lingered or loitered around the intersection, as though they were waiting for something.

At 12:44:15 am, there are two groups of three individuals each that are in the area of the intersection. Both groups continue walking until they are off camera.

At 12:44:36-12:44:39 am, the car believed to be William Bernstein's Hyundai Elantra approaches the Gorham/State St. intersection. It is travelling in the right driving lane. The vehicle has a green light as it approaches and continues through the intersection without stopping. There is no one visible on either sidewalk as the vehicle goes through the intersection. This is consistent with the footage viewed from the City

**MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/21/2020****SUPPLEMENTAL NARRATIVE (continuation)**

camera at Gorham and State St.

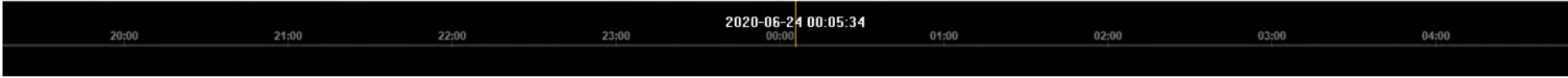
I created a working copy of this video. I placed a copy onto a CD and entered it into the MPD property system as evidence as recorded above.

NFA

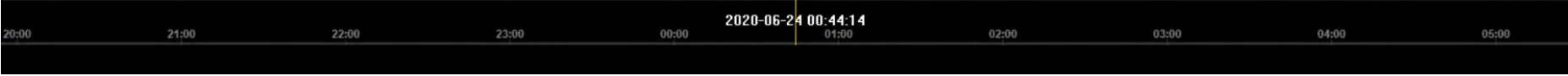
Det. J. Harris #3790



023a - Camera Still 1

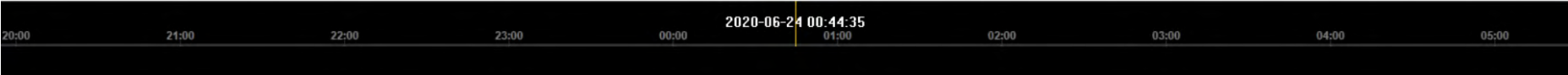


023b - Camera Still 2

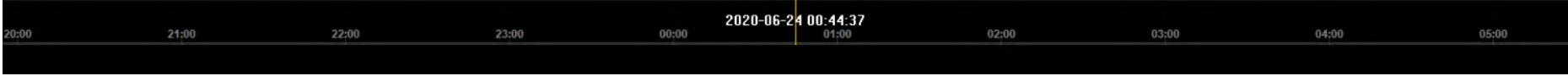




023c - Camera Still 3

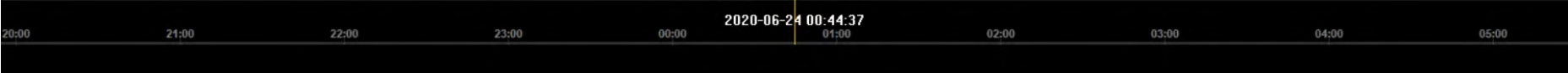


023d - Camera Still 4





023e - Camera Still 5



**024 - DET HARRIS - TODAY'S TRENDS VIDEO****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/21/2020****SUPPLEMENTAL NARRATIVE****PROPERTY:**

Tag	Status	Description
459438	MTPD 40	Thumb Drive containing video from Middleton Sport Bowl and Today's Trends Nail Salon

**REPORT CONTENTS:**

- Receipt of video from Det. D. Jones
- Viewing of video
- Property tagging of video

**ATTACHMENTS:**

- Still images from Today's Trends video

**NARRATIVE:**

As part of the ongoing investigation into the attack on Althea Bernstein, we requested assistance from Det. Jones of Middleton PD with collecting video evidence. Det. Jones made contact with Middleton businesses that have surveillance cameras that might have captured Bernstein's route of travel or the exchange of vehicles.

Det. Jones collected two surveillance videos. One was from Middleton Sport Bowl (6815 University Avenue). The other was from Today's Trends Nail Salon (6670 University Avenue). Det. Jones placed both of these videos on a thumb drive. On 07/15/20, Det. Jones turned the thumb drive over to me. He informed me that the Today's Trends video is 12 minutes fast, based on a comparison of the video time and his cell phone time.

On 07/20/20 and 07/21/20, I viewed the videos. The angle of the view and the quality of the recording make the video filmed by Middleton Sport Bowl not relevant in this investigation. It is an interior view in which only a small portion of the closest east bound lane is visible. The surveillance camera from Today's Trends is an exterior view which captures all four lanes of traffic. The camera is motion activated.

I watched the video from Today's Trends. There are very few cars on the road around the time Bernstein was travelling and no pedestrian traffic. At approximately 12:54 am (1:06:25 am camera time) a dark colored sedan, that is consistent with the Hyundai Elantra Bernstein was driving, goes by. The car is the same shape and color as the Elantra. It also does not have a front license plate, which is consistent with the vehicle Bernstein was driving. Still images from the video are attached.

I created a working copy of the Today's Trends video. I entered the thumb drive into the MPD property system as evidence as recorded above.

NFA

Det. J. Harris #3790



# MADISON POLICE DEPARTMENT

CASE# 2020-00227434

## CASE REPORT SUPPLEMENT

REPORTING OFFICER

JUSTINE HARRIS

REPORT DATE

07/21/2020

### SUPPLEMENTAL NARRATIVE (continuation)

**024a - Althea Car 1**



**024b - Althea Car 2**





## 025 DET SGT VOSBURG - JOSEPH WILLIAMS CONTACT



## MADISON POLICE DEPARTMENT

CASE# 2020-00227434

## CASE REPORT SUPPLEMENT

REPORTING OFFICER

ERIC VOSBURG

REPORT DATE

07/01/2020

## SUPPLEMENTAL NARRATIVE

On Friday June 26, 2020, I called Joseph Williams and left a voice message for him to call me back. I explained how I wanted to speak with him reference information he wished to provide reference possible suspect information related to an attack on Althea Bernstein. Det. Harris had provided me with Williams's information and explained that Williams had initially contacted dispatch.

On June 27, 2020, Williams called me back and confirmed he wanted to share some information and make me aware of some of the activities of his teenage neighbor who was later verbally identified as [REDACTED]. Williams summarized by telling me that [REDACTED] a 17 year old white large statured male who resides [REDACTED] with his grandmother who was identified as [REDACTED]. Williams said that he was aware that [REDACTED] had recently been cited by either the DCSO or Waunakee PD for driving around with friends yelling the "n" word.

Williams said he also learned of another incident involving [REDACTED] and his friends. In this incident [REDACTED] had allegedly sprayed something flammable on a female who was present along with [REDACTED] friends. [REDACTED] also reportedly threw a lighted match at this same female. Williams said he learned this information directly from [REDACTED] and this incident reportedly occurred in a detached garage on the property where [REDACTED] and [REDACTED] reside. Williams estimated this incident occurred 2-3 months ago. Williams said that [REDACTED] told him the group was drinking at the time and eluded to the act being simply a prank. Williams recalled that [REDACTED] told him "kids will be kids". Williams said he thought the female involved in this incident was from Waunakee. Williams said he was not certain this incident was ever reported to police.

Williams said he has only interacted with [REDACTED] the form of simple greetings and does not know the names or faces of [REDACTED] associates but does recognize their vehicles. Williams said that all drive pickup trucks the friends [REDACTED] typically drive their parent's vehicles and dress "normal", while [REDACTED] typically wears flannel style shirts. Williams has observed [REDACTED] associated with a white "souped up" pickup truck that has been modified with a lift kit and recently [REDACTED] has acquired a silver Ford Mustang. [REDACTED] currently does not hold a valid driver's license.

Finally, Williams told me that he was out of town on June 24 and did not observe the activities of [REDACTED] on this date. Williams learned of the attack on Althea Bernstein via news media reports and stated he does not know Bernstein, Bernstein's family members or friends of the Bernstein family.

NFA

Det. Sgt. Vosburg 3246

**026 - PO CLENNON - CONTACT WITH BERRY****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**STEVEN CLENNON**

REPORT DATE

**07/04/2020****SUPPLEMENTAL NARRATIVE****SPECIAL ROUTING**

Self, Sgt. Straka, VCU

**INITIAL DISPATCH**

On 6/29/20 at 3:55pm, I was on routine patrol as 3D3. I was wearing full MPD military style uniform and operating a fully marked squad car. On the above date and time, I was dispatched to make phone contact with an individual who believed he may have pictures of the suspect involved with the battery of Bernstein. I was able to make phone contact with the individual and verbally identify him as **JEFFREY S. BERRY**.

**CONTACT WITH BERRY**

During my contact with Berry, he stated that he believed he had pictures of the individual who had set fire to Bernstein. Berry described this individual as wearing all black, "like the description in the news", and holding a sign that stated "abolish the police."

I asked Berry why this individual stood out to him and Berry stated that this individual "looked weird and stood out compared to the rest of the crowd." Berry provided me with multiple pictures of this individual. The pictures are attached to this report.

I asked Berry if he observed this individual committing any crimes and Berry stated that the individual was seen sitting on the square at the top of State Street not committing any crime or inciting violence.

I asked Berry what day he saw this individual and Berry stated that he observed him on 6/6/20 at 9:16pm. I told Berry that this was nearly 20 days before the incident and asked him why he believed him to be related to the incident. Berry stated that he believed it might be the suspect based on the clothing description and "the weird feeling" he had while observing him.

I then thanked Berry for the information and informed him that an officer would follow up with him if this information is pertinent to the case.

NFA

PO Steven Clennon, 5771

aas

**027 - DET HARRIS - PRESERVATION REQUEST SNAPCHAT****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/10/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Preservation request for SnapChat account [REDACTED]

**NARRATIVE:**

As part of the ongoing investigation into this case, I contacted Snapchat on 7/8/20 to request preservation of an account. I had learned that Althea Bernstein communicated through her Snapchat account regarding the attack she suffered and the injuries to her face. Bernstein informed me her Snapchat account is under the name [REDACTED]

I received a response from Snapchat LEO that the account [REDACTED] was preserved on 7/8/20. The Snapchat case # assigned to it was 85128870.

NFA

DETECTIVE JUSTINE HARRIS #3790

**028 - DET HARRIS - SNAPCHAT RECORDS****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/28/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Warrant for Althea Bernstein's Snapchat Records
- Receipt and Return of Warrant
- Content of Snapchat Records

**PROPERTY**

Tag #	Locker	Description
463320	MTPD 40	CD containing Snapchat records for [REDACTED]

**ATTACHMENTS**

- Warrant Written for Snapchat Records
- Selected Records from Bernstein's Account

As part of the ongoing investigation into the attack on **Althea Bernstein**, I wrote and received a warrant for Bernstein's Snapchat account. Bernstein had identified [REDACTED] as the Snapchat account which she uses. Bernstein had previously informed me that she had both sent and received Snapchat messages the night of the reported attack. Bernstein stated that some of these messages were sent and/or received while she was in the process of driving from Livingston's home to Middleton where she exchanged the car with her brother. She had reported that the attack occurred during this trip.

On July 23, 2020, I wrote a warrant to receive the records from Snapchat related to [REDACTED]. I believed these records could provide information regarding Bernstein's location on that evening. I also believed these records could provide information in the form of communication contemporaneous to the time of the attack possibly including where and how the attack had taken place. I also hoped that the records might provide greater information regarding suspect description.

I received the records from Snapchat on August 17, 2020. On August 18, 2020, the warrant was returned and filed with the court. The warrant was sealed until November 2, 2020 in order to complete the investigation effectively.

Investigators on this case, including myself and DCI Analyst C. Ripp examined the Snapchat records from the [REDACTED] account. In reviewing the numerous Snapchat conversations Bernstein had prior to and after the reported attack, the following observations were made.

- Bernstein remained consistent in her description of where and how the attack took place
- Bernstein consistently referenced the attack having occurred at State St., while she was stopped at a stoplight.
- Bernstein consistently referred to a group of males as the attackers. She always identified them as white males.
- Bernstein consistently stated they threw some form of liquid on her, followed either by a lighter or match.
- Bernstein did not have any Snapchat interactions with anybody that would indicate that there was any intent to deceive law enforcement or the public.
- Bernstein did not have any Snapchat contact with anyone indicating any sort of altercation that she was



**MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/28/2020****SUPPLEMENTAL NARRATIVE (continuation)**

involved in prior to the reporting of the attack.

- At 5:33 pm, on June 24, 2020, Livingston asks Bernstein if she has filed a police report. At 5:49 pm, Bernstein responds that she has.
- Numerous locations were identified from the Snapchat messages sent and received. These GPS locations showed Bernstein to be in the locations she had reported to police.
- There was no indication from the GPS locations associated with Bernstein's Snapchat records that she was involved in any of the destructive and violent activity that took place downtown, in the early morning hours of June 24, 2020.
- Bernstein has a Snapchat exchange with her friend Khandra Henderson. During this conversation, Henderson tells Bernstein that there have been white supremacists in the area who have been dressing all in black. This message exchange is after Bernstein has told people about the attack but prior to her reporting to the police.
- Bernstein's Snapchat messages show a tremendous outpouring of support for Bernstein, from friends, family members, and the community.

The message received from Henderson is attached to this report. The conversation between Bernstein and Livingston is attached to this report. The entirety of the Snapchat records for [REDACTED] has been preserved and entered into evidence. Please see the above property table for details.

NFA/kmc

Det Justine Harris 3790

**029 - DET ORTEGA-MENDOZA - UW ER HOSPITAL SURVEILLANCE FOOTAGE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**PEDRO ORTEGA-MENDOZA**

REPORT DATE

**07/24/2020****SUPPLEMENTAL NARRATIVE****PROPERTY:**

Tag	Locker	Description
458487	MPD 40	CD CONTAINING UW ER SURVEILLANCE FOOTAGE

**UW ER HOSPITAL SURVEILLANCE FOOTAGE**

On July 6, 2020, I received a telephone call [REDACTED] from a person who identified himself as Craig Kuprianzzyk. Craig indicated that he was a security assistant technician working at UW Hospital and received the subpoena that I served UW Hospital and clinics on June 29, 2020. Craig indicated that he had with him a CD, containing the surveillance footage that I requested via subpoena. I made arrangements to pick up the CD and sometime around 12:33PM, I made contact with Craig at the entrance of UW Children's Hospital, at which point, he provided me with a CD containing the requested footage.

On the morning of 07/07/2020, upon my return to the Madison Police Department district station, I entered that CD into the MPD property system under tag number 458487 and maintained a copy of the footage with the file. I will review the footage at a later time.

DET. ORTEGA-MENDOZA 3345

**030 - DET SGT VOSBURG - BUS VIDEO REQUEST****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**ERIC VOSBURG**

REPORT DATE

**07/29/2020****SUPPLEMENTAL NARRATIVE**

On June 29, 2020, I contacted Phil Gadke via email for the purpose of obtaining bus video footage. Gadke is employed by the City of Madison and is the Madison Metro Transit Safety Supervisor. I requested that Gadke attempt to locate any video footage contained on buses which may have captured a gray colored four door Hyundai Sonata (plate AGV1526) in area of [REDACTED] en route to W. Gorham and State Street. Gadke was informed this vehicle would have been traveling inbound beginning at approximately 12:30am.

On Tuesday July 28th, 2020, I spoke to Gadke over the phone to follow up on this request. Gadke said he did not locate any bus video footage as outlined in my request. Gadke cited how the recent pandemic had led to a reduction in bus routes and service. As a result, there are no city buses that operate within the City of Madison after 11:30pm.

NFA

Det. Sgt. Eric Vosburg 3246

**031 - DET SGT VOSBURG - VIDEO FOOTAGE OBTAINED FROM MIDDLETON JEWELERS****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**ERIC VOSBURG**

REPORT DATE

**07/17/2020****SUPPLEMENTAL NARRATIVE****VIDEO FOOTAGE OBTAINED**

On Tuesday June 14, 2020, Detective Pedro Ortega-Mendoza and I contacted Joshua Gamer at 6629 University Ave in the City of Middleton. This is the address for Middleton Jewelers which is co-owned by Gamer. Our goal was to obtain surveillance video footage showing University Ave. from the hours of midnight to 2am on June 24, 2020. For geographical reference, Middleton Jewelers is located within a strip mall on the south side of University Avenue and is across the street from Wells Fargo Bank. Middleton Jewelers is approximately two blocks to the east of the Middleton Willy Street Co-op store.

Upon arrival, we met with Gamer and another co-owner identified by first name only as "Manny". On the way inside, I observed an exterior mounted camera located above the window on the outside northeast corner of the building. Once inside, Gamer showed me the security camera system DVR and I observed a live view showing multiple camera views. Only one view showed University Ave. and this camera was labeled "Front North".

I observed that the time and date stamp were the same as shown on my cellular phone which was connected to the AT&T cellular network. Gamer then informed that he recently manually reset the time and date on this system approximately one week ago because the system "went down". As a result, Gamer told me that the time stamp on any video footage from June 24 would most likely be approximately fifteen minutes ahead of actual time.

Gamer and Manny were not experienced with downloading video footage from the DVR. I was able to utilize the computer screen home menus to eventually download video footage from June 24th, 2020 between the hours of midnight and 2am as listed on the computers date/time stamp. This would correlate to an actual time of 11:45pm to 1:45am CDT (June 24) using the estimated time correction given by Gamer.

Detective Ortega-Mendoza supplied an empty thumb drive and the camera footage was downloaded onto this device directly from the DVR. Upon arrival back at the Midtown police district, this video was transferred to two separate DVD's. I placed one DVD into a clear plastic evidence bag which I subsequently sealed with evidence tape and placed into locker #40 at the Midtown police district. The assigned property tag number for this DVD is 458953. A separate DVD is available as a working copy for review.

**VIDEO REVIEW**

The "Front North" camera captures an area toward the east and mainly encompasses the window, front sidewalk, and parking lot area facing University Avenue. A small upper portion contained within the field of view shows both the east and westbound lanes of University Avenue.

I viewed this video and was able to observe vehicles traveling in both directions on University Ave.

However, the small portion of the roadway shown within the footage lacks a significant amount of ambient light. Although I could observe vehicle traffic due to illuminated vehicle headlights and tail lights, I was not able to determine the number of occupants, color, make, or model of any vehicles on the roadway. Also, over one dozen vehicles passed drove by on University Ave. in both directions during this time frame. I did





**MADISON POLICE DEPARTMENT**

CASE# **2020-00227434**

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**ERIC VOSBURG**

REPORT DATE

**07/17/2020**

**SUPPLEMENTAL NARRATIVE (continuation)**

not observe any persons or vehicles enter the parking lot within the captured time frame.

NFA

Det. Sgt. Eric Vosburg 3246

**032 - DET HARRIS - UPDATE MEDICAL RECORDS FOR ALTHEA BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/10/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Update Medical Records for Althea Bernstein

**ATTACHMENTS:**

- UW Hospital and Clinics Medical Records for Bernstein

**NARRATIVE:**

On July 29, 2020, as part of the ongoing investigation into this case, I requested additional medical records related to the injuries suffered by Althea Bernstein. Bernstein had previously informed me she had received [REDACTED]

On August 6, 2020, I received medical records documenting the related out-patient treatment Bernstein received from UW Health Clinics. The records showed visits on June [REDACTED] and July [REDACTED] 2020 that were documented as follow up visits for Bernstein's burn injuries. Each visit was documented as last 15 minutes or less. PA Kristin Beyer was the primary attending medical staff.

On June 25, 2020, Bernstein identifies [REDACTED] She is documented as [REDACTED] She is being treated with [REDACTED]

On July 2, 2020, Bernstein identifies [REDACTED] She is documented as [REDACTED] She is [REDACTED]

On July 16, 2020, Bernstein identifies [REDACTED]

[REDACTED] Bernstein reported [REDACTED]

The received medical records are attached to this report.

NFA

DETECTIVE JUSTINE HARRIS #3790

**033 - DET HARRIS - ITEMS TRANSMITTED TO WISCONSIN STATE CRIME LAB AND RESULTS RECEIVED****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**07/31/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Items Transmitted to Wisconsin State Crime Lab and Results Received

**ATTACHMENTS**

- Wisconsin State Crime Lab Receipts
- Wisconsin State Crime Lab Results

**NARRATIVE:**

On July 2, 2020, I transmitted items from this case to the Wisconsin State Crime Lab. Specifically, I transmitted three sealed cans containing the following items, the dark grey shirt reportedly worn by **Althea Bernstein** on the night of the assault, the shorts reportedly worn by Althea Bernstein on the night of the assault, and swabs that were used to collect residue from the vehicle of William Bernstein. This is the vehicle that Althea Bernstein was driving on the night of the assault.

On July 8, I received notification from Meghann McMahon, the senior trace evidence examiner from the Wisconsin State Crime Lab, that the pint cans in which the items were packaged were smaller than the recommended size by their guidelines. McMahon informed me that she had repackaged the clothing in quart sized cans. Additionally, she recommended separating the swabs in future cases.

On July 30, 2020, I received a letter from the Wisconsin State Crime Lab. This letter contained results on the items tested. The details of the testing are included in the letter which is attached. The letter informed me that item A, the dark grey t-shirt, was found to contain "a volatile mixture which was identified as a medium petroleum distillate". The letter went on to state that examples of a medium petroleum distillates include some charcoal lighters, some paint thinners, and some organic solvents. The letter also stated there were no common ignitable liquid residues found on the shorts or the swabs from the interior and window of William Bernstein's car. Please see the Wisconsin State Crime Lab results letter for more details.

NFA/kmc

Det Justine Harris 3790

**034 - DET HARRIS - EVALUATION OF CITY CAMERAS RECORDING AT GORHAM AND WISCONSIN AVE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/20/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Evaluation of City Camera Recording at Gorham and Wisconsin Ave

**ATTACHMENTS**

- Still Images from City Camera Video

During the course of this investigation, multiple city cameras were preserved and reviewed. Det Kelly made me aware that the recording at Gorham and Wisconsin Ave had captured the vehicle **Althea Bernstein** was traveling in on the night of this incident. Det Kelly further informed me that Bernstein had been stopped at a red light at this intersection and that due to non-motion, the camera did not record a period of approximately 30 seconds.

On August 20, 2020, I further reviewed this video footage. I found that at 12:43:26am, the vehicle that has been identified as being driven by Althea Bernstein comes to a stop at a red light at the intersection of Gorham and Wisconsin. The vehicle appears to remain stopped at this light until 12:43:55 when it begins moving again. The time period between 12:43:26 and 12:43:55 is not recorded by the city cameras. The recording starts again when Bernstein's vehicle starts to move forward.

I am aware that the city camera at this location is motion activated. I viewed the footage from that evening starting at 12:15am and ending at 1:59am. Based on my viewing of this footage, it appears that both vehicular and pedestrian traffic will trigger the motion activation. I attached still images demonstrating the motion activation by pedestrian.

Also while viewing the one hour and 45 minutes of city camera footage, I watched to see if there was any group of individuals matching the description provided by Bernstein of her attackers. I found no group matching this description. Additionally, I found no group of four males at all. I also found no males wearing floral or Hawaiian style shirts.

I have included still images from the camera footage of Bernstein's vehicle at the point it stops at the intersection and the point it begins moving forward again. I noted that there was nobody around her vehicle in the intersection area at either point. The camera shows three of the four corners of this intersection. It shows the corners closest to where Bernstein's vehicle was stopped. I also have included still images from the 10 minutes prior to Bernstein's vehicle being stopped and the 10 minutes after Bernstein's vehicle is stopped. The images I have included from this time period are of any pedestrian traffic in and around this intersection.

When Bernstein described her attack, she stated that she was in the left lane. Bernstein stated that after the attack, she was so frightened that she drove through the red light at the intersection where she was stopped. Bernstein also stated she remembered that her headlights had been turned off at the time of the attack. She noticed this and turned them on as she was driving away.

I noted from the camera footage that Bernstein's headlights were on at the point she approached this intersection. Bernstein is travelling in the right lane of traffic. Bernstein did not drive forward until the light turned green at this intersection.

Bernstein had stated that after being doused with liquid and having a lighter thrown at her, her face had erupted in flames. I have attached images of Bernstein as she goes through the intersection, including one in



**MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/20/2020****SUPPLEMENTAL NARRATIVE (continuation)**

which I have zoomed in to better capture the interior of the car. It does not appear as though there are any flames inside Bernstein's vehicle at this point.

NFA/kmc

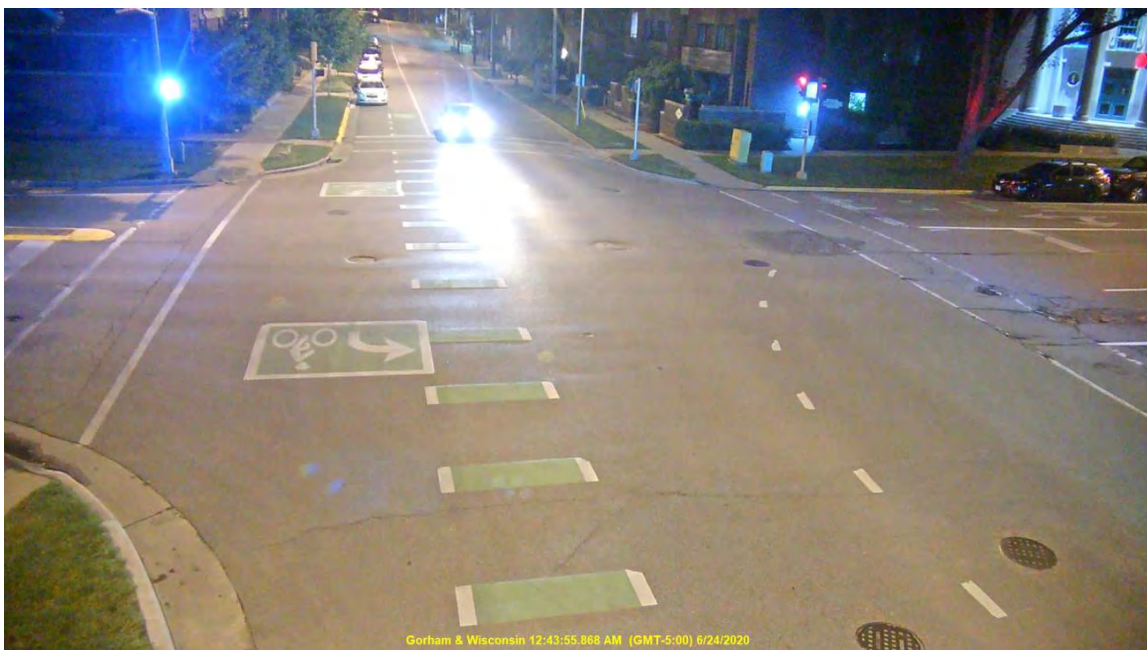
Det Justine Harris 3790

## 034a - Photos from Intersection

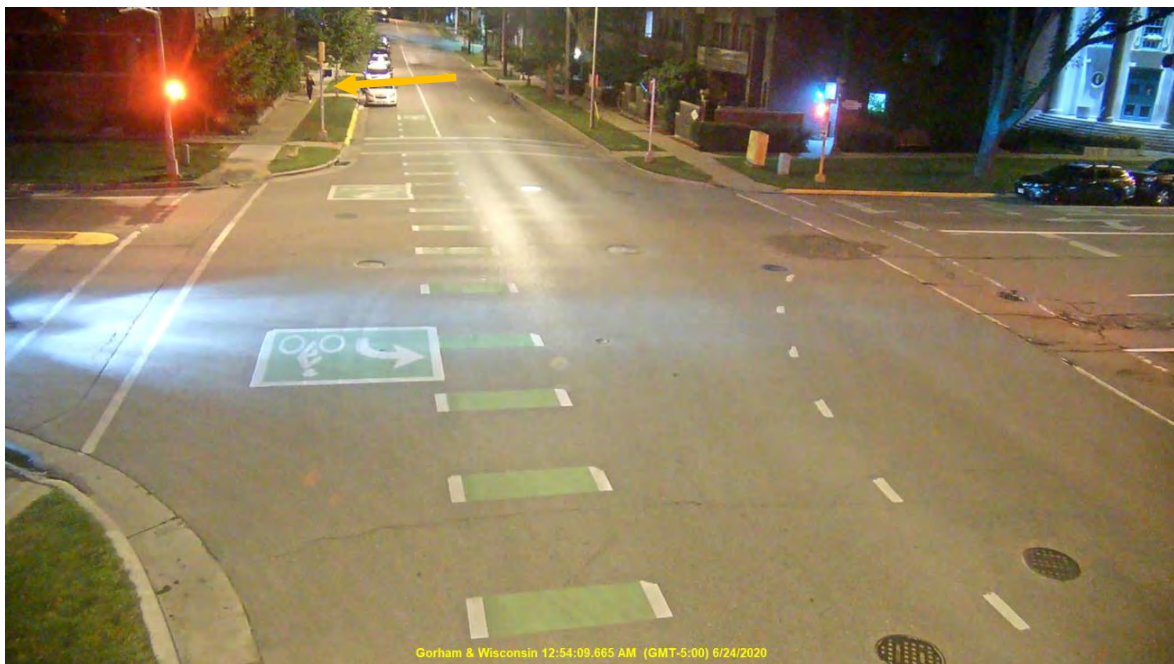
**20-227434**

**Images from Gorham St. and Wisconsin Ave. Camera**

**Bernstein's car at light – showing before and after 30 second gap**



### Motion Activation by Pedestrian



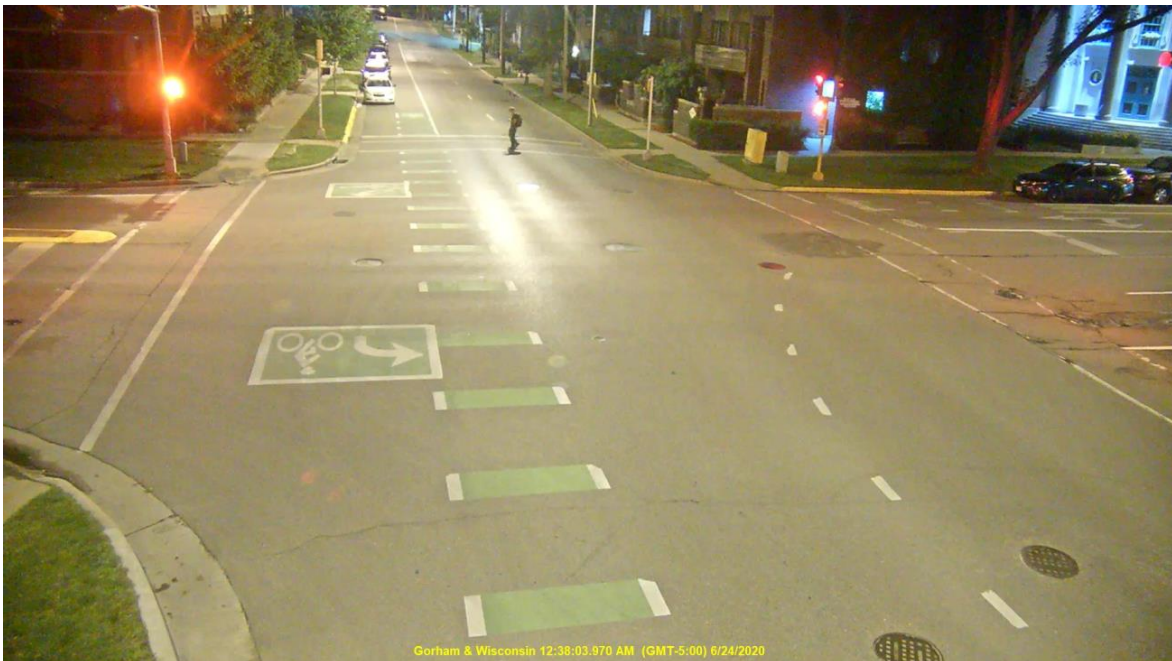
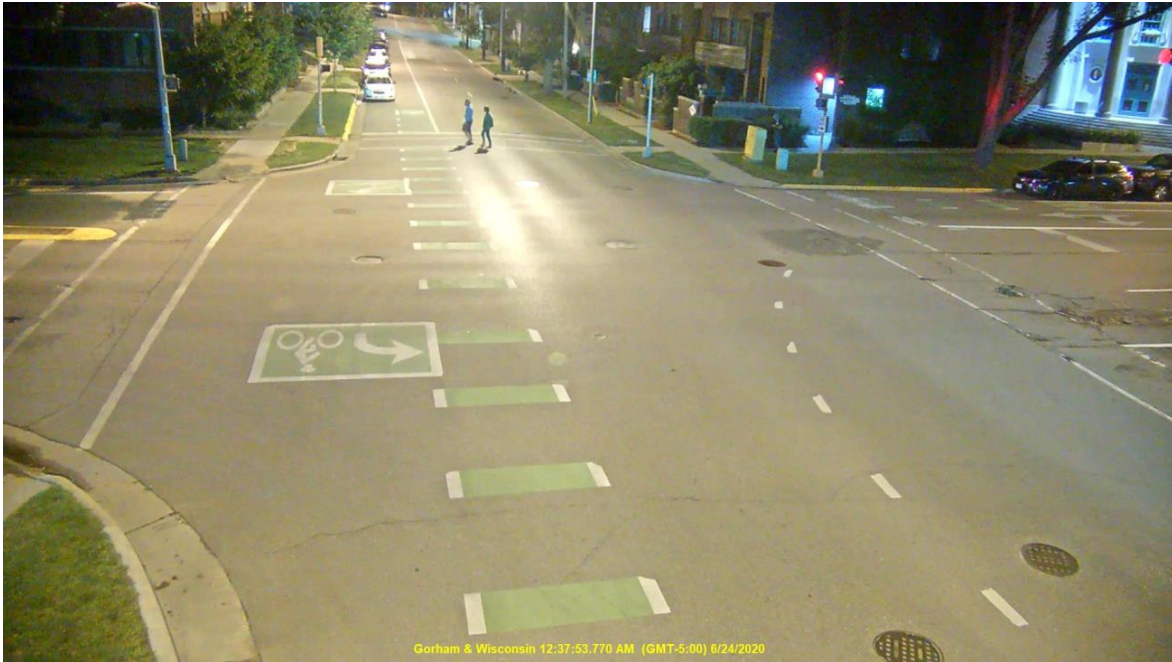


Images of Bernstein's car after intersection:





## Pedestrian Traffic at Intersection – 12:33 am – 12:53 am







**035 - DET HARRIS - CONVERSATION WITH ALTHEA BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/18/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Conversation with Althea Bernstein

**NARRATIVE:**

On August 17, 2020, I observed that I had a missed phone call from Althea Bernstein. She had called on August 15 and left a voicemail asking me to call her. Althea and I connected by phone on August 17, 2020.

Althea explained that she wanted to talk to me to get an update on her case and to ask me some questions. I told her I would be happy to try and answer whatever I could at this point. Althea explained that she wanted to try and foster a more open relationship with me, and she felt that, due to previous negative experiences with law enforcement, she hadn't been as interactive and open with me as she would have liked. Althea stated she felt like because of the layer of having a family representative and a family lawyer that she and I had not had the direct contact that would have enabled better communication.

Althea also added that due to some negative experiences with law enforcement, she was intimidated by me and my role. She explained that after thinking about it, she realized this is something she needs to work through and wanted to feel more comfortable talking with me. I explained to Althea that I understood how she felt and that I would like to try to have open and comfortable communication with her.

Althea asked me to give her an update on what the investigation had found. I explained to her that I had reviewed numerous cameras in the downtown Madison area. I explained to her that based on this review, I had identified the vehicle that I had shown to both her and her brother Willie as the likely vehicle she was driving in. I further explained that not only did both she and Willie identify that as likely the correct vehicle, additional GPS movement data from her phone corroborated that the vehicle identified on camera was in fact the vehicle Althea was traveling in that night.

I explained to Althea that after watching this vehicle travel from near [REDACTED] through downtown Madison and out toward Middleton, I was unable to find any instance of anybody approaching her in her vehicle. I explained to Althea that additionally, the vehicle did not appear to stop at any stoplights in the downtown area after stopping at the intersection of Wisconsin and Gorham.

I told Althea that after not finding any video evidence of anybody approaching her vehicle from these cameras, I began to look at other cameras to see if there was evidence of the four assailants she had described. I told Althea that in looking at the other video cameras in the downtown area, I could not find any group of four males that matched her description. I told her that while I could find males dressed in black, I was unable to find any males in Hawaiian shirts.

I told Althea that after not finding evidence that the attack had occurred downtown in the manner she had described, the other investigators and I began to look at other ways the attack might have occurred. I explained to her that we re-contacted Nick Livingston due to this reason. I told her that we were not trying to pry into her life or her private business, but given what we knew about the timeline, we wanted to re-interview him in case he had been involved in her injuries. I stated specifically that we wanted to be confident he did not harm her in any way and that she was scared to tell us about it.

Althea stated that she didn't think Nick would do anything violent to her. Althea then stated, "I don't remember



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## SUPPLEMENTAL NARRATIVE (continuation)

anything." She stated that the fact that there isn't any video of the attack happening really concerns her and confuses her. I asked her if, when she said she didn't remember anything, she meant she didn't remember anything from that night, or she didn't remember Livingston doing anything violent or harmful to her. Althea then stated, "I don't remember the attack." She stated that she remembered it "really well" a couple days after it occurred but that it has been slowly fading from her memory since then. Althea went on to say she feels as though her brain is erasing or cutting out the memories of the attack as time goes by.

I explained to Althea that trying to determine where and how the attack had occurred is also why we interviewed her brother Willie and his friend Lilli. I told Althea that from looking at messages on her phone from the day preceding the incident, it appeared as though she and her brother Willie had gotten in an argument regarding the use of the family car. I stated that her family had also mentioned that there had been an argument or disagreement regarding this and some other family issues. I told Althea that we were concerned that perhaps when she went to return the vehicle to Willie that something might have occurred at that time. Althea stated that absolutely did not happen and that she knows for certain it was not her brother.

Althea stated one of the things that had been concerning her that she wanted to talk to me about was that she learned from a friend of hers that works at the Mayor's office that on the night of the incident, there was a credible threat received that white supremacists were coming to the area to hurt people. Althea wanted to know why, with this known threat, more was not shared with the community. Althea stated if she had known there was this credible threat in the community, she would not have been out driving around that night. Althea stated that she learned of this threat through her current boss. Althea stated that her current boss showed her text messages that she received from the person in the mayor's office telling her that she needed to go home and not be in the downtown area at night due to this threat.

I encouraged Althea to have this person contact me. I stated that I didn't know of any threat that the police department had received on that date consistent with what she was sharing with me. I stated if there had been a threat like that we believed to be credible and specific enough to be alarmed, I believed that it either would have been shared that night or certainly after the attack occurred, someone would have made me aware of it. I did tell her that if we were able to find out more information about that threat, I would want to follow up on it. After our conversation, I was able to view the MPD Command Post daily briefings from 06/23/20 and 06/24/20. I found no mention of any known threat by white supremacist groups in the Madison area.

Althea also stated that she has been getting threats to harm her since this incident occurred. Althea stated that multiple people have contacted her through social media and said very hateful things to her. Althea mentioned specifically receiving a threat from somebody who threatened to [REDACTED]. Althea also mentioned that she received a threat from someone who said that they were going [REDACTED]. Althea was especially upset by this one [REDACTED].

I asked Althea if she had shared these threats with anyone in law enforcement. I told her that while I might not be able to follow up on them myself, given the jurisdictional issues, I would certainly work with the Monona Police Department to make sure they were addressed appropriately. Althea stated that she had not contacted any law enforcement about these threats as they were too numerous. She stated she didn't feel that police would be able to do anything about them. I told Althea that we could certainly look into them and follow up on the accounts from which they were being sent. I encouraged her to contact law enforcement for any further





## MADISON POLICE DEPARTMENT

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REPORTING OFFICER

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## SUPPLEMENTAL NARRATIVE (continuation)

threats.

Althea and I discussed how she was feeling about the investigation and some of the community response. Althea stated she has been very upset by how people have reacted to her reporting the attack. Althea stated she [REDACTED] Althea expressed many concerns about what will happen when the investigation is complete and reports are released. I explained to Althea that we are required by law to release reports but that certain items may be redacted. I explained to Althea that that portion of our work is not something I deal with, so I couldn't tell her exactly what would be released. I also discussed with Althea the importance of making sure she had enough support around her to address any stresses the release of information might cause. Althea assured me that she does have adequate support both personal and professional.

Althea and I discussed more of what was found during the investigation. I discussed some of the forensic evidence with Althea. I told Althea that the arson dog that we had utilized did not alert to the presence of any accelerants inside of the vehicle she was in. I explained to Althea that the swabs that we had taken from the vehicle she was in did not show any signs of accelerant. However, the t-shirt she was wearing when she went to the hospital did show signs of a medium petroleum distillate present on the shirt. I explained to Althea that examples of a medium petroleum distillate include lighter fluid and paint thinner. Althea stated she doesn't know why there wasn't evidence in the car. She stated she still feels that the window fogs up, and it has felt different since the attack occurred.

I went back to some of the other things that had been observed through the video and her phone. I told Althea that one of the things we noticed was that her vehicle was traveling in the right lane of traffic as it came through the Isthmus and downtown area. I reminded Althea that she had stated that she was in the left lane of traffic which would have put the driver side closest to the curb. I also told Althea that in looking at the video, it appeared that her driver side window was up as she came through the State St/Gorham intersection. I told Althea that this was part of the reason why we wanted to have her drive the route so that we could see if she remembered anything else as she revisited how she traveled from Livingston's out to Middleton. I explained to Althea that I understood why it could be traumatic for her but that was one of the reasons we had asked for it. Althea reiterated she was unable to remember anything more about the attack.

I told Althea that one of the things we had questions about, was a number of steps that she had taken as she left Livingston's apartment. I explained that based on both her and Livingston's statement, she had left his apartment and walked to her car on her own. I stated that there was a large number of steps and a longer amount of time that didn't seem consistent with her just leaving his apartment and going to her car, which both she and Livingston believed was parked right outside. I asked if she remembered anything else from that night that might have happened in between leaving Livingston's and getting to her car. Althea answered, "I don't even know."

Althea asked if we had been able to find any cameras around Livingston's apartment. I stated that we had not. Althea then stated, "I'm 100% confident of what happened." Althea went on to say that she very firmly believes that what she told us in the days immediately after the attack is what happened to her. Althea added, "I just don't understand why there's no evidence."

Althea and I discussed how she was feeling about the investigation. I told her we were also very frustrated by

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**08/18/2020****SUPPLEMENTAL NARRATIVE (continuation)**

not being able to figure out what had occurred. Althea stated, "I just want answers." She went on to say that at this point, she doesn't care about the people who did this being prosecuted. She stated she hopes that they learn from what they did and will make better choices. Althea stated what matters to her the most at this point is how people are treating her since the report. She stated the mean things that people are saying and the comments on social media have been incredibly hurtful and are causing her far more pain and trauma than the attack did. Althea went on to say that she is especially frightened of what will occur when the reports, saying that we were unable to find video evidence, are released.

Althea stated she feels as though she has done everything she can to assist the investigation. She stated that was part of why she did the forensic interview with the FBI interviewer was in order to try and develop any new leads. Althea stated that the process of being interviewed by the FBI interviewer was an especially upsetting process and was not therapeutic at all. Althea stated much of the investigation has not felt good to her and has made her feel like a suspect, not a victim. Althea stated this is especially upsetting when she feels as though she has been very open and accessible during the investigation. Althea stated recently, she decided that she would not be made to feel like a suspect. She stated, "I know what happened to me." She stated that she is a victim and would not be made to feel otherwise.

I thanked Althea for calling and talking to me today. I told Althea if she wanted to talk about any other aspects of the investigation or had additional questions to please feel free to contact me. I told Althea that part of the reason I had not contacted her directly was that the information I had been given was that contact should occur through the family lawyer, Andrea Sumpter. I told her I in no way meant to cut her out, but that I did not want to violate a chain of communication that the family, including Althea, desired. Althea stated that she understood this. Althea and I discussed having a meeting with her family and the lawyer sometime in the next couple of weeks to discuss what we had done in the investigation and what we had learned. I told Althea that I would like to share the information with her family and with Andrea if that was okay with her. Althea seemed amenable to this.

Althea and I discussed recent contact her family had received from the media saying that police had released information about not finding anything on video. I assured Althea that that did not come from our department. I told Althea that we would speak with her family prior to our department releasing any information.

Althea asked if I thought it would be a good idea for her to reach out to the media and possibly do a press conference asking for people to come forward if they had information. I explained to Althea that the information I had provided her was her information to do with as she wished. I stated that she is allowed to share the information with whomever she wishes. I also told Althea that our department and others had made numerous requests to the public for information regarding this case. I told Althea that I didn't believe that there was anyone out there with information who wasn't already aware of the request to come forward.

NFI/kmc

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**036 DET HARRIS - VIEWING OF ADDITIONAL DOWNTOWN CAMERAS****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/21/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Viewing of additional downtown cameras

**NARRATIVE:**

After being assigned to investigate this case, I reviewed multiple city cameras along the Gorham corridor especially in the downtown area. I was unable to find any video evidence of the attack against Althea Bernstein. Given Bernstein's statements regarding being somewhat confused about exactly where the attack took place, I looked at other downtown cameras.

**Gilman and State Intersection:**

In Bernstein's recorded call to the nonemergency dispatch on June 24, 2020, she mentioned being near a Mexican restaurant. Bernstein specifically mentioned Los Gemelos. I recognize this restaurant as being near the intersection of Gilman St and State St. Given that this seemed consistent with Bernstein's description of the downtown area, I reviewed the city cameras that cover this intersection. I specifically reviewed the cameras located in the 400 block of W Gilman, 500 block of State St, the Gilman and Henry intersection, the cameras located at Peace Park and Gilman and Peace Park and State and the camera located at State and Gilman. I viewed the camera footage from approximately 12:15am until 2am on each of these cameras. I also had this camera footage preserved.

During the course of my viewing, I found no incident consistent with the attack on Bernstein. I also found no other incident of a group of individuals approaching any vehicle as it was stopped at the intersection. The intersection of Gilman and State is controlled by a stop sign, not a stop light as described by Bernstein.

I noted that the foot traffic was light during this time period. I did not see any group of four males consistent with the description provided by Bernstein of her attackers. I did not see any males in Hawaiian style shirts. I did see one male in a patterned shirt, but it appeared to be more similar to the urban camouflage pattern.

I also observed that, for a good portion of this time period, there was a work truck parked near the intersection of Gilman and State St. Its location would place it approximately across the street from Los Gemelos restaurant. This work truck had its flashing lights on and was a very noticeable aspect of this area at that time.

**Langdon Street Cameras:**

As Bernstein had, on several occasions, described her attackers as looking like fraternity boys, I also viewed two cameras along the Langdon St corridor. I viewed the Langdon and Wisconsin camera and the Langdon and Howard camera. I viewed from approximately midnight until 2am on each of these cameras. Again, I observed that foot traffic in this area was light. I observed no group of four males consistent with Bernstein's description of her attackers. I observed no males wearing Hawaiian style shirts. I observed no one carrying what appeared to be containers of lighter fluid or any other readily identifiable, ignitable liquor. I did not preserve these two camera views.

NFA/kmc

Det Justine Harris 3790

**037 - DET HARRIS - INTERVIEW OF ALTHEA BERNSTEIN BY FBI  
CHILD/ADOLESCENT INTERVIEWER****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/31/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of Althea Bernstein by FBI Child/Adolescent Interviewer

**NARRATIVE:**

On 07/24/20, as part of this ongoing investigation, Althea Bernstein was interviewed by FBI Child/Adolescent Interviewer (CAFI) Catherine S Connell. The interview was conducted at the Midtown Police Station of the Madison Police Department. Bernstein was accompanied to the interview by her mother and the family lawyer, Andrea Sumpter. Only Connell and Bernstein were present in the room during the interview.

The interview was observed by SA Jodi Jewett and Victim Specialist Emily Stephani of the FBI, Lieutenant Diane Nachtigal of the Madison Police Department, SA Jim Pertzborn and Analyst Courtney Ripp of WI Division of Criminal Investigations and AUSA Meredith Duchemin.

The interview was video and audio recorded. I reviewed the audio recording of this interview. No additional investigative leads were developed from this interview.

In accordance with FBI protocol regarding interviews of victims, for details of the content of the interview with Althea Bernstein, please refer to the video recording.

NFA

DETECTIVE JUSTINE HARRIS #3790



**038 - LT NACHTIGAL - VIDEO OF FBI INTERVIEW WITH ALTHEA BERNSTEIN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**DIANA NACHTIGAL**

REPORT DATE

**09/29/2020****SUPPLEMENTAL NARRATIVE**

On 07/24/2020, I was working as a Lieutenant assigned to Investigative Services. I was assisting Det. Justine Harris on an investigation involving Althea Bernstein. I was asked to observe an interview of Bernstein conducted by an FBI Child/Adolescent Interviewer identified verbally as Catherine S. Connell. The interview was to take place at the Midtown district station.

At the appointed time, I met with Connell and granted her access to the station and showed her the room to be used for the interview. I also met with FBI SA Jodi Jewett, FBI Victim Specialist Emily Stephani, DCI SA Jim Pertzborn, DCI Analyst Courtney Ripp and AUSA Meredith Duchemin. We all observed the interview conducted by Connell from the Incident Command room. The interview was audio and video recorded. Please see Det. Justine Harris' supplemental report for further details.

I also met briefly with Bernstein who was accompanied by her mother and family lawyer Andrea Sumpter. Her mother and Sumpter waited in the Community Room during the interview and left with Bernstein after the interview concluded.

Connell had recorded the interview and I was able to download the recordings onto my department issued laptop. I tried to play the files to ensure they copied over correctly but did not have the appropriate software. After I was granted permission to access the correct software to play the files, I was able to burn the copies of the interview onto a CD-R. I placed the CD-R into the Madison Police Department evidence room under property tag number 460982. I secured the item in a plastic disk holder which was sealed in a plastic evidence bag and placed it into locker #40 of the Central District property room.

End of report.

Lt. Diana Nachtigal #2899

**039 - DET HARRIS - INTERVIEW OF YISHI WANG, RN****MADISON POLICE DEPARTMENT**

CASE# 2020-00227434

**CASE REPORT SUPPLEMENT**

REPORTING OFFICER

JUSTINE HARRIS

REPORT DATE

08/31/2020

**SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of Yishi Wang, RN – UW Hospital

**NARRATIVE:**

As part of this ongoing investigation, SA Jewett (FBI) and SA Pertzborn (DCI) met with medical staff that had treated Althea Bernstein for her injuries. On 08/24/20, SA Jewett and SA Pertzborn interviewed Yishi Wang, RN. SA Jewett provided me with the details of this interview.

RN Wang was interviewed at the UW Hospital. Also present was UW Hospital Risk Management Advisor, Brad Wautila. Wang is a registered nurse with UW Hospital's burn unit. She has been employed as such since August, 2018.

Wang stated during the early morning hours of June 24, 2020, she provided patient care for emergency room patient Althea Bernstein. [REDACTED]

[REDACTED] Prior to being seen by Wang, Bernstein was initially treated by UW Hospital emergency room nurses and physicians.

Bernstein arrived at the UW ER with a male friend who stayed with Bernstein throughout Wang's interaction with her. [REDACTED]

Wang had been provided a brief patient history [REDACTED]

Wang explained that [REDACTED]

Bernstein [REDACTED]

When asked to describe Bernstein's injuries, she described them [REDACTED]. Wang [REDACTED]. Wang [REDACTED].



# MADISON POLICE DEPARTMENT

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JUSTINE HARRIS

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### SUPPLEMENTAL NARRATIVE (continuation)

Wang

Wang

NFA

DETECTIVE JUSTINE HARRIS #3790

**040 - DET HARRIS - INTERVIEW OF DR. THADDEUS SCHMITT - UW HOSPITAL****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/31/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of Dr. Thaddeus Schmitt – UW Hospital

**NARRATIVE:**

As part of this ongoing investigation, SA Jewett (FBI) and SA Pertzborn (DCI) met with medical staff that had treated Althea Bernstein for her injuries. On 08/23/20, SA Jewett and SA Pertzborn interviewed Dr. Thaddeus Schmitt. SA Jewett provided me with the details of this interview.

Dr. Schmitt was interviewed at the UW Hospital. Also present was UW Hospital Risk Management Advisor, Jennifer Kooiman. Dr. Schmitt stated that during the early morning hours of June 24, 2020, he was working as a doctor in residence at the UW Hospital Emergency Room. During his shift he treated Althea Bernstein [REDACTED]

Prior to Dr. Schmitt's initial contact with Bernstein, Bernstein [REDACTED] Shortly after the [REDACTED] Dr. Schmitt and the attending physician, Dr. Sharp, made contact with Bernstein. Bernstein [REDACTED]

Bernstein [REDACTED] Dr. Schmitt stated his contact with Bernstein was brief. He did not notice [REDACTED]

Dr. Schmitt [REDACTED] However, Dr. Schmitt [REDACTED] Dr. Schmitt stated that [REDACTED]

NFA

DETECTIVE JUSTINE HARRIS #3790



**041 - DET HARRIS - INTERVIEW WITH THOMAS DIEHL****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/16/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Interview with Thomas M Diehl

**ATTACHMENTS**

- Photos Shown to Diehl

On September 15, 2020, DCI Agent J. Pertzborn and I interviewed Thomas Diehl, a medical resident at the UW Hospital. The interview took place at the UW Hospital. Diehl identified himself verbally and stated he was working in the burn unit on June 24, 2020. Diehl stated he was one of the attending residents who was involved in treating **Althea Bernstein** when she responded to the UW emergency room with injuries. Based on medical records, Diehl saw Bernstein approximately [REDACTED] minutes after she had arrived at the UW Hospital.

Diehl stated he remembered treating Althea Bernstein. Diehl acknowledged that part of what assisted him in remembering this case was that Bernstein's case had received media attention. Diehl also stated that [REDACTED]

Diehl remembers that Bernstein arrived during the middle of the night and that he treated her sometime in the early morning hours. Diehl stated that he was called down to the emergency department and told that there was a patient who had received flash burn injuries to her face.

When Diehl arrived in the emergency department, he met with Althea Bernstein. Diehl [REDACTED]

Bernstein [REDACTED]

Bernstein explained to Diehl [REDACTED]

However, Bernstein [REDACTED]

Bernstein told Diehl [REDACTED]

Bernstein stated [REDACTED]

Bernstein told Diehl [REDACTED]

Bernstein told Diehl [REDACTED]

I asked Diehl if he remembered any of his thoughts after meeting Bernstein and hearing the details of her attack. Diehl [REDACTED]

He stated [REDACTED]

Diehl stated as he recalled the [REDACTED]

Diehl stated [REDACTED]

The focus is on

the treatment of the injury presented.

I asked Diehl if it is possible to tell the difference between types of burns such as a chemical burn or friction



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## SUPPLEMENTAL NARRATIVE (continuation)

burn versus a burn caused by flame. Diehl stated that it is difficult to tell what precisely caused a burn in the first several hours after injury. However, Diehl added one would expect to see rough borders with a friction burn and his recollection of Bernstein's injuries [REDACTED]. Diehl also stated that with a chemical burn, you will often see bubbling of the skin. Diehl stated [REDACTED]

Diehl described Bernstein's wounds [REDACTED]. He stated that a flash burn usually is a very quick burn to the skin and the injury does not penetrate deep into the skin. Diehl stated a flash burn would usually cause singeing to the hair surrounding the site of the injury. Diehl stated that that is not always the case and [REDACTED]

I asked Diehl to explain the difference between first degree, second degree, and third degree burn to me. Diehl stated that a first degree burn causes redness of the skin and does not include blistering. Diehl stated that second degree burn has different degrees within it, including a superficial burn. Diehl stated that a second degree burn includes some loss of tissue and some sloughing of the skin. Diehl stated that a second degree burn does include some blistering. Diehl stated a third degree burn injuries both the epidermis and the dermis layers of the skin.

We asked Diehl if he observed any injuries to Bernstein's hands consistent with her patting the flames out on her face and ceiling of the car. Diehl [REDACTED] Diehl [REDACTED]

We asked Diehl what he remembered about Bernstein [REDACTED]

Diehl stated he remembered her [REDACTED]. Diehl recalled that Bernstein [REDACTED]. Diehl stated that Bernstein [REDACTED]. She stated [REDACTED]

Diehl stated [REDACTED]

Diehl recalls telling Bernstein [REDACTED]. Diehl stated he told her to [REDACTED]

Diehl stated when he was with Bernstein in the emergency department, he observed police officers nearby. Diehl stated he thought they might be there to speak with Bernstein. Diehl stated that hospital staff would have contacted police on Bernstein's behalf if she had requested that.

We thanked Diehl for his time and willingness to speak with us. Diehl had our contact information through the hospital administration.

NFI/kmc

Det Justine Harris 3790

**042 - DET HARRIS - INTERVIEW OF JACIDA KRUEGER, RN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/11/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of Jacinda Krueger, RN

**NARRATIVE:**

As part of this ongoing investigation, SA Jewett (FBI) and I met with medical staff who had treated Althea Bernstein for her injuries. Jacinda Krueger is a nurse in the UW Hospital Emergency Department. She was on duty the night Bernstein received treatment. SA Jewett and I interviewed Krueger in person at UW Hospital on 09/11/20.

Krueger stated she had not interacted with Bernstein directly. Krueger explained she was listed in the medical records because she was responsible for recording Bernstein's movement [REDACTED]

[REDACTED] Krueger stated her name is associated with the computer entry moving Bernstein [REDACTED], however she was not personally present with Bernstein at any time.

Krueger explained that due to riot activity taking place in downtown Madison, the hospital had been placed on a protocol that moved anyone coming in from the downtown Madison area [REDACTED]. Krueger stated this was for the safety of hospital personal as well as the patients, since it was unknown what chemicals the patients had been exposed to.

Krueger stated the decontamination process takes about 15-20 minutes. It consists of the patient undressing and going through 5-6 shower stations. This is done prior to them entering the Emergency Department treatment area.

NFA

DETECTIVE JUSTINE HARRIS #3790

**043 - DET HARRIS - INTERVIEW WITH BRIAN SHARP, MD****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/23/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview with Brian Sharp, MD

**NARRATIVE:**

As part of this ongoing investigation, medical staff who treated Althea Bernstein after her injuries on 06/24/20 were interviewed. On 08/26/20, SA J. Jewett (FBI) and SA J. Pertzborn (DCI) interviewed Dr. Brian Sharp at the University of Wisconsin Hospital. Dr. Sharp is currently employed as an attending physician at the University of Wisconsin Hospital Emergency Department. He has been employed there over 8 years. SA Jewett provided me with the details of this interview.

Dr. Sharp recalled the incident involving Althea Bernstein well because it occurred during a night of aggressive violence and civil unrest in the City of Madison. During the early morning hours of 06/24/20, Dr. Sharp was working in his regular capacity and treated Althea Bernstein [REDACTED]

Prior to Dr. Sharp seeing Bernstein [REDACTED]

[REDACTED] Dr. Sharp and resident physician Dr. Schmitt made contact with Bernstein. Upon examining Bernstein's burn injuries Dr. Sharp [REDACTED] The [REDACTED] Dr. Sharp [REDACTED]

Dr. Sharp [REDACTED]

[REDACTED] Dr. Sharp [REDACTED]

Dr. Sharp stated [REDACTED] He added that it would be highly unusual that medical staff would discourage Bernstein from reporting the incident to police.

Dr. Sharp commented on the male friend that accompanied Bernstein to the hospital that morning. Dr. Sharp told SA Jewett and SA Pertzborn [REDACTED]

NFA

DETECTIVE JUSTINE HARRIS #3790



**044 - DET HARRIS - INTERVIEW WITH ELIZABETH HANSON, RN****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/23/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview with Elizabeth Hanson, RN

**NARRATIVE:**

As part of this ongoing investigation, medical staff who treated Althea Bernstein after her injuries on 06/24/20 were interviewed. On 09/03/20, SA J. Jewett (FBI) and SA J. Pertzborn (DCI) interviewed Elizabeth Hanson, RN at the University of Wisconsin Hospital. Also present was UW Hospital Risk Management Advisor, Brad Wautila. Nurse Hanson is currently employed as a registered nurse at the University of Wisconsin Hospital Emergency Department. She has been employed there approximately 3 years. SA Jewett provided me with the details of this interview.

Nurse Hanson was working in the emergency room during the early morning hours of 06/24/20. Nurse Hanson noted that during this shift she and other staff members discussed the possibility of needing to implement their incident command protocols due to a high volume of patients from the civil unrest in downtown Madison. Hanson stated, even with the issues occurring, the ER remained relatively slow throughout her shift.

Nurse Hanson recalled treating Althea Bernstein that morning. [REDACTED]

Bernstein [REDACTED]

[REDACTED] Bernstein [REDACTED]

[REDACTED] Bernstein [REDACTED]

[REDACTED] Nurse Hanson [REDACTED]

Prior to starting [REDACTED] Nurse Hanson and assisting ER staff [REDACTED] his bag remained with Bernstein throughout her entire visit. Nurse Hanson believed Bernstein [REDACTED] SA Jewett showed Nurse Hanson [REDACTED]

[REDACTED] Nurse Hanson acknowledged that she might have been mistaken about what Bernstein was wearing when she arrived at the UW ER.

Nurse Hanson stated [REDACTED]

[REDACTED] Bernstein [REDACTED]

[REDACTED] Nurse Hanson recalled [REDACTED]

[REDACTED] According to Nurse Hanson [REDACTED]

NFA



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**CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

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**09/23/2020**

**SUPPLEMENTAL NARRATIVE (continuation)**

DETECTIVE JUSTINE HARRIS #3790

**045 - DET HARRIS - INTERVIEW WITH KRISTINE BEYER****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

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**09/18/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Interview with Kristine Beyer

**ATTACHMENTS**

- Photos Shown to Beyer

On September 15, 2020, as a part of this ongoing investigation, Special Agent Jim Pertzborn, DCI, and I interviewed Kristine Beyer a physician's assistant at UW Hospital. The interview was conducted at UW Hospital. Beyer identified herself verbally and stated she is currently a physician's assistant in the burn clinic located at UW Hospital which is part of the UW Health system.

Beyer knew why we were coming to meet with her on this date. Beyer was familiar with the case involving **Althea Bernstein**. Beyer stated that she had treated Bernstein for her injuries in the burn clinic following Bernstein's visit to the emergency department.

Beyer [REDACTED]

Beyer [REDACTED]

Beyer stated [REDACTED]

Beyer [REDACTED]

[REDACTED] Beyer stated that how the injury happened is not that important and that they "treat the burn that's in front of us."

Beyer stated [REDACTED]

Beyer [REDACTED]

Beyer [REDACTED]

Beyer stated [REDACTED]

Beyer instructed [REDACTED]

We asked Beyer [REDACTED]

Beyer stated [REDACTED]

Beyer stated [REDACTED]

Beyer stated [REDACTED]

Beyer [REDACTED]

I asked Beyer to describe the process of "skin scrubbing." I had heard this term from Bernstein during our interviews and noted that it had been mentioned in several media reports. Beyer stated that as part of

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**09/18/2020****SUPPLEMENTAL NARRATIVE (continuation)**

treatment of burns, the area is washed with a washcloth and soap and water. Beyer stated she doesn't advise patients to scrub vigorously at the area but does want the wound to be kept clean and the dead skin to be removed. Beyer stated that this scrubbing is sometimes uncomfortable but should not be incredibly painful to the patient.

We asked Beyer: [REDACTED] Beyer stated: [REDACTED]

We showed Beyer [REDACTED]

We asked Bernstein [REDACTED]

Beyer stated [REDACTED]

We thanked Beyer for her time and willingness to speak with us. Beyer was able to obtain our contact information through UW Hospital administration.

NFA/kmc

Det Justine Harris 3790



**046 - DET HARRIS - RESPOSNE FROM UW HOSPITAL REGARDING LAW ENFORCEMENT NOTIFICATION****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**08/31/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Response from UW Hospital regarding Law Enforcement notification

**NARRATIVE:**

On 07/29/20, as part of this ongoing investigation, I contacted Chris Corrigan, Director of Security Services at UW Hospital and Clinics. I asked Corrigan what types of crimes trigger law enforcement notification by hospital staff. I specifically asked about burn victims. I also asked Corrigan if hospital staff would ask a patient if they would like law enforcement called, and if so if this would be documented.

Corrigan consulted with colleagues and replied with the following information. Corrigan explained that in the case of burns, Wis. Stat. 255.40 applies. This requires hospitals to report second-degree or third-degree burns to at least five percent of the patient's body (or, due to the inhalation of superheated air, swelling of the patient's larynx or a burn to the patient's upper respiratory tract), if the reporter has reasonable cause to believe that the burn occurred as a result of a crime. Burns which do not meet these criteria are not reportable.

Corrigan added that in the absence of a legal mandate to report information to law enforcement, State and Federal privacy laws require confidentiality of patient information.

Corrigan explained there is no mandatory process for asking patients whether they wish to report certain crimes or suspected crimes to law enforcement. No such process is required by law. Corrigan stated a healthcare provider may, at their discretion, ask a patient if they would like to contact the police, and if this were done it may be documented. Corrigan added that if a victim requested law enforcement be contacted on their behalf, hospital staff would facilitate that communication with law enforcement.

I thanked Corrigan for his time and attention to this matter.

NFA

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## 047 - DET HARRIS - INTERVIEW OF [REDACTED]



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## CASE REPORT SUPPLEMENT

REPORTING OFFICER

JUSTINE HARRIS

REPORT DATE

09/04/2020

## SUPPLEMENTAL NARRATIVE

## REPORT CONTENTS:

- Interview of [REDACTED]

## NARRATIVE:

As part of this ongoing investigation, TFO Pertzborn (DCI) met with [REDACTED] on 08/15/20 [REDACTED] had been named as a possible person of interest in this case, due to past criminal acts he was associated with. TFO Pertzborn interviewed [REDACTED] TFO Pertzborn and SA Jewett (FBI) provided me with the details of this interview.

[REDACTED] was familiar with the case being investigated [REDACTED] was also not surprised he was being contacted by law enforcement regarding this case, given the nature of his previous offense, in which he singed a female's hair. This occurred in [REDACTED]

[REDACTED] stated he is employed as a field mechanic. [REDACTED] stated on 06/23/20, he worked from 12:30 pm – 11:00 pm. After work [REDACTED] went to his residence in Westport, WI. [REDACTED] stated he showered, changed clothes and then drove to a friend's home in Waunakee where he hung out until approximately 2:00 am. [REDACTED] was able to access information in his phone (work schedule, photos) that assisted him in recalling and verifying this account of that night.

[REDACTED] stated that he was not near the downtown area of Madison on the June 23, 2020 or on June 24, 2020. [REDACTED] acknowledged that he and a group of his friends are part of a large group of people that "cruise" East Washington Ave on Friday and Saturday evenings. [REDACTED] stated that is the only time he and his friends go into the downtown Madison area. [REDACTED] stated he was not involved in burning or attacking Althea Bernstein.

NFA

DETECTIVE JUSTINE HARRIS #3790

**048 - DET HARRIS - INTERVIEW OF KHANDRA HENDERSON****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

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**JUSTINE HARRIS**

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**08/31/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of Khandra Henderson

**NARRATIVE:**

As part of this ongoing investigation, SA Jewett (FBI) and SA Pertzborn (DCI) met with friends and contacts of Althea Bernstein. Khandra Henderson was contacted due to having seen Bernstein on the day prior to the attack and due to her close relationship with Bernstein. On 07/21/20, SA Jewett and SA Pertzborn interviewed Henderson near her home. SA Jewett provided me with the details of this interview.

Henderson stated she has known Althea Bernstein for approximately 1.5 years. Henderson met Bernstein in a class at Madison Area Technical College (MATC). Henderson described Bernstein as bubbly, friendly, and adventurous.

Henderson noted that Bernstein liked to travel. She stated some of Bernstein's recent trips included a road trip to New Orleans that she took with her father, a trip to visit a friend over spring break and a trip that she had taken to Florida to work with sea turtles. According to Henderson, Bernstein also does a lot of volunteer work.

Henderson stated Bernstein is social and talks to a lot of people. She believes Bernstein has been seeing Nick for one or two months. Henderson considers herself to be Bernstein's closest friend, and the person the Bernstein would confide in regarding any problems she was having.

Henderson first heard what had happened to Bernstein when Bernstein called her on 06/24/20. Bernstein stated she wanted to tell Henderson what happened before Bernstein's mother put it on Facebook. Bernstein told Henderson that four men had attacked her and tried to set her on fire while she was at a stop light in downtown Madison. Bernstein told Henderson the men were dressed all in black but that she couldn't tell who they were.

Henderson expressed concerns about the story of what happened to Bernstein. Henderson stated Bernstein usually shares everything with her, but in this case, Bernstein has been really closed. Bernstein told Henderson that the police can't find any evidence of the attack. However, Bernstein didn't seem very upset about the lack of evidence. Henderson [REDACTED]

During the course of the investigation, Bernstein's phone was examined. Messages from 06/23/20, between Bernstein and her mother, referenced Henderson's father [REDACTED]

[REDACTED] When asked about her parents, Henderson stated that her father had passed away some years ago and that her stepfather had not been sick or needed care recently.

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**08/31/2020****SUPPLEMENTAL NARRATIVE (continuation)**

Henderson did not specifically recall if she spoke to Bernstein on the telephone on the night of 06/23/20 into 06/24/20. Henderson did recall she was down near State Street that evening in order to eat dinner at Los Gemelos with a friend. Henderson sent Bernstein a message stating that she was there because she and Bernstein had previously been to Los Gemelos together.

NFA

DETECTIVE JUSTINE HARRIS #3790



**049 - DET HARRIS - INTERVIEW OF NICK LIVINGSTON****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/09/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of **Nick Livingston**

**NARRATIVE:**

As part of this ongoing investigation, SA Jewett (FBI) and TFO Pertzborn (DCI) met with friends and contacts of Althea Bernstein. Nicholas Livingston was contacted due to Bernstein having come to his residence that night and spent several hours with him just prior to when she reports the attack occurred. On 07/29/20, SA Jewett and TFO Pertzborn interviewed Livingston in person at his residence. TFO Pertzborn and SA Jewett provided me with the details of this interview.

Livingston agreed to talk with SA Jewett and TFO Pertzborn, but seemed annoyed that he was being contacted by law enforcement again. He stated he had already provided all the information he knew regarding his interaction with Althea Bernstein during the evening of June 23rd, and the early morning hours of June 24th, 2020. Livingston stated that he did not understand why he need to be questioned again and suggested that the investigators should obtain the reports from his previous interview.

Livingston stated he did not know where Althea Bernstein parked her vehicle when she visited his residence on the evening of June 23, 2020. He stated he did not walk her to her car when she left his apartment.

When asked what he and Bernstein did during the evening of June 23, 2020, Livingston replied that he did not see why that was important. When pressed further, Livingston stated, "we hung out."

Livingston suggested that investigators on this case should review footage from the City of Madison downtown traffic cameras. SA Jewett and TFO Pertzborn assured Livingston that the camera footage was being reviewed. Livingston asked how long the camera footage is retained. SA Jewett and TFO Pertzborn assured Livingston that the footage has been preserved and is under review.

NFA

DETECTIVE JUSTINE HARRIS #3790

**050 - DET HARRIS - INTERVIEW OF CHIEF LINZMEIER****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/10/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of Chief Glenn Linzmeier

**NARRATIVE:**

As part of this ongoing investigation, agents and detectives met with friends and contacts of Althea Bernstein. Chief Glenn Linzmeier, Fire Chief for the Oregon Area Fire/EMS District (OFED) was contacted due to the victim, Althea Bernstein, being employed by OFED. TFO J. Pertzborn interviewed Chief Linzmeier at the Oregon Village Hall on July 2, 2020. DCI SA J. Jurci assisted TFO Pertzborn with this interview.

Chief Linzmeier stated he heard about the attack on Althea Bernstein through the media. Linzmeier reached out to Bernstein to offer support and see if there was anything she needed. When Bernstein later contacted Chief Linzmeier, [REDACTED]

Chief Linzmeier was asked to discuss Bernstein's employment history. He explained that Althea Bernstein submitted an application to work as a probationary EMT with the Oregon Area Fire /EMS District (OFED) in the fall of 2019. Bernstein received a job offer from OFED and was scheduled to begin her training in early January 2020. [REDACTED]

Bernstein was sworn in as a probationary EMT for OFED on February 6, 2020. [REDACTED]

[REDACTED]. Due to concerns for his other staff and the public they had contact with, Linzmeier immediately reported this information to his management staff and ultimately notified each member and employee of OFED. Chief Linzmeier [REDACTED]

Bernstein was permitted to come back to work in early April, 2020. Shortly after Bernstein returned back to work, several Oregon Fire/EMS employees reported [REDACTED]



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### SUPPLEMENTAL NARRATIVE (continuation)

Chief Linzmeier [REDACTED]

NFA

DETECTIVE JUSTINE HARRIS #3790

**051 - DET HARRIS - INTERVIEW OF IRENE DRAKE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

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**JUSTINE HARRIS**

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**09/04/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Interview of Irene Drake

**NARRATIVE:**

As part of this ongoing investigation, TFO Pertzborn (DCI) contacted Irene Drake [REDACTED] regarding possible suspect identification. Drake had previously reached out to investigators in this case after seeing a request for information on the news. On 07/28/20, TFO Pertzborn interviewed Drake by phone. TFO Pertzborn and SA Jewett (FBI) provided me with the details of this interview.

Drake stated she is a deeply religious person who regularly uses a "prayer ritual" to obtain detailed information about significant crimes in the Green Bay and Appleton area. Drake has successfully used the "awesome power and wisdom of the Holy Spirit" to obtain precise information about drug houses in Green Bay on many occasions over the years.

Drake stated after hearing about the attack on Althea Bernstein, she prayed for information concerning "the four clowns" that set Bernstein on fire in Madison on June 24, 2020. According to Drake, the Holy Spirit provided her with the following information;

- All four of the attackers are white males and all are around 21 years old,
- Three of them share a residence in [REDACTED], with [REDACTED]
- The residence is [REDACTED]
- All three of the suspects that reside in [REDACTED]
- The fourth suspect resides with his mother in [REDACTED]
- The residence is a [REDACTED] with the numbers [REDACTED]
- The vehicle used during the Althea Bernstein incident was borrowed from this subject's mother,
- Neither residence contain firearms.

Drake stated she first learned about the Althea Bernstein incident on the television news. Drake stated she learned all the details she had provided through intensive prayer. Drake stated she does not have access to the internet and didn't receive any information that way.

NFA

DETECTIVE JUSTINE HARRIS #3790



**052 - DET HARRIS - RECORDS REVIEWED THROUGH FBI****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

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**09/28/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Records reviewed through FBI

**NARRATIVE:**

As part of the ongoing investigation into the attack on Althea Bernstein, various records were received and examined. FBI SA Jewett obtained the following records:

- Medical records for Bernstein
- Phone records for Althea Bernstein and Nicholas Livingston
- Financial records for Althea Bernstein
- Google records for Althea Bernstein
- NCIC Offline vehicle check of the vehicles driven by Bernstein

Each of these requested records was reviewed by one or more of the investigators working on this case. They did not yield additional evidence or lead to additional investigative avenues. The details and contents of the records requested and received are contained within the FBI reports related to this case.

**053 - DET HARRIS - ATTEMPT TO LOCATE SURVEILLANCE VIDEO ON [REDACTED]****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

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REPORT DATE

**09/11/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:**

- Attempt to locate surveillance video on [REDACTED]

**NARRATIVE:**

As part of this ongoing investigation, I attempted to locate possible surveillance video that would have captured Althea Bernstein leaving [REDACTED]. On September 4, 2020 I visited the [REDACTED]

I looked at [REDACTED] and the buildings directly around it. I saw no surveillance cameras on any of them or in any windows. I headed approximately ½ block in each direction and about ½ block down [REDACTED] and [REDACTED] I saw no obvious surveillance cameras.

At [REDACTED] I observed a Ring Doorbell on the front door. I am familiar with this type of surveillance camera and know that it is activated by motion within a previously set range and/or ringing of the doorbell. On September 11, 2020, I made contact with the owner of [REDACTED] Ryan [REDACTED]. I asked him to check to see if there was motion detected by his camera between 12:30 -1:00 am on June 24, 2020. [REDACTED] checked the recording history for his doorbell camera and informed me no events were recorded.

I observed that parking in that block is only on the odd (East) side of [REDACTED] Bernstein parked in front of [REDACTED] St., she would have been parked facing toward [REDACTED]

NFA

DETECTIVE JUSTINE HARRIS #3790

**054 - DET HARRIS - INFO FROM ALTHEA BERNSTEIN'S PHONE EXTRACTION NOT IN TIMELINE****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

REPORTING OFFICER

**JUSTINE HARRIS**

REPORT DATE

**09/28/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS**

- Information from Althea Bernstein's phone extraction not included in Timeline

**ATTACHMENTS**

- Conversation Between Althea Bernstein and her Mother
- Steps Recorded by iPhone Health App

As part of the ongoing investigation into the attack on **Althea Bernstein**, Bernstein provided consent to download the contents of her iPhone. An extraction was done by Inv Shaul, and I was provided with a copy. I examined the extraction. Portions of the extraction were included in the timeline developed by C. Ripp of DCI. Only items relevant to this case will be included in this report. The complete extraction was saved as evidence.

**Conversation between Althea Bernstein and her mother, Rebecca Bernstein:**

The conversations included below are excerpts of text message conversations that occurred between Althea Bernstein and Rebecca Bernstein between June 23, 2020 at 2:32:59pm and June 26, 2020, 9:03:59pm. The entirety of their conversation is attached to this report.

**Prior to Attack:**

On June 23, 2020, Althea Bernstein and her mother, Rebecca Bernstein, have significant contact by phone. The majority of their contact is through text messages. Rebecca Bernstein was out of town on this date and much of their conversation focuses on staying connected while she is away.

On the afternoon of June 23, Althea informs her mother [REDACTED]

At 3:11 pm, Althea tells her mother [REDACTED] Althea [REDACTED]

At 9:40 pm, Althea tells her mother [REDACTED]

Althea tells her mother [REDACTED]

Althea replies [REDACTED]. Althea adds that Willy didn't ask to borrow the car before he took it and left. Althea tells her mother that she had been planning all day to go and see her friend Khandra. Althea tells her mother that Khandra's father [REDACTED] and now because Willie has taken the car, she is unable to go and support her friend. [REDACTED]

Althea [REDACTED] Rebecca [REDACTED]



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## SUPPLEMENTAL NARRATIVE (continuation)

[REDACTED]

At 9:58 pm, Althea tells her mother [REDACTED]

At 10:10pm, Rebecca texts Althea and says, [REDACTED]

Rebecca

Rebecca

Rebecca

Rebecca

Rebecca

Rebecca

Althea reminds her mother [REDACTED]

[REDACTED] They arrange for what time she would need to get the car back from Willy.

Starting at approximately 11:00, Rebecca Bernstein tries to coordinate with Althea regarding her getting the car that evening from Willy. She tells Althea that she needs to pick up the vehicle by midnight because Willy wants to go to bed. [REDACTED]

**After Attack:**

During the time that Althea is at the hospital, she and Rebecca communicate regarding what is occurring there. On June 24, 2020 at 2:46 am, Rebecca asks Althea [REDACTED] Althea responds, "Yes they are." After that, Althea and her mother [REDACTED]

At 3:02 am, Althea sends her mother a picture of her injuries. Rebecca responds by asking, "Can I put this on Facebook tomorrow?" She then asks Althea to summarize again what occurred. Althea tells her mother that she was stopped at a stoplight when she heard a group of guys yell a racial slur at her. She goes on to say that they threw lighter fluid and a lighter at her. Althea tells her mother that the hospital confirmed that it was lighter fluid. Rebecca asks Althea, "Where what light?" Rebecca then also asks, "Will hospital get police in to talk to you?" Althea does not respond to those questions.

At 12:31 pm, on June 24, 2020, Rebecca asks Althea if she's up. She then states that she's going to post what occurred to her on Facebook, if Althea thinks it's okay. She tells Althea, "I want to know if the police have been contacted..." She then asks Althea if she can contact the ER or their family physician to find out. Althea does not appear to respond to this message.

At 6:05am, on June 25, 2020, at 1:32 pm, Althea sends her mother a link to the article published by Madison365.com related to her attack. Rebecca responds to Althea [REDACTED]

[REDACTED] She cautions Althea [REDACTED]

[REDACTED] At 1:52pm, on June 25, Rebecca messages Althea,



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**09/28/2020****SUPPLEMENTAL NARRATIVE (continuation)**

[REDACTED]

Over the next couple of days, the conversation between Rebecca and Althea includes references to various media contacts and outreach from community figures and politicians. There is discussion of releasing information regarding the Gofundme project.

At no time during the conversation between Rebecca and Althea does Althea provide any different information regarding the attack that occurred. Althea's statements to her mother are consistent with the statements made to police investigators.

**Phone data related to physical activity:**

Also found in Althea's phone was information regarding steps taken by Althea around the time of the reported attack.

From 9:33 pm - 9:43 pm, on June 23, 2020, Althea Bernstein takes approximately [REDACTED] steps. This is consistent with the time she would have been leaving her house.

From 9:58 pm - 10:07 pm, Bernstein takes [REDACTED] steps. This would be consistent with the time Bernstein was arriving at Nick Livingston's.

from 12:31am - 12:39 am, on June 24, 2020, Althea took [REDACTED] steps. This would be consistent with the time she was leaving Livingston's.

There were [REDACTED] steps shown between 12:42:05am and 12:42:07am. This recording of movement is unexplained.

Between 12:56am and 12:57am, there are [REDACTED] steps recorded. This would be consistent with when Bernstein arrived in Middleton and exchanged vehicles.

Between 1:13am and 1:23am, there are [REDACTED] steps recorded. This would be consistent with Bernstein arriving home to her residence.

Additional activity recorded by the Health application on Bernstein's phone from June 23 and June 24 was included as an attachment to this report.

NFA/kmc

Det Justine Harris 3790

# 055 - DET HARRIS - CONSTRUCTION OF TIMELINE RELATED TO ATTACK ON ALTHEA BERNSTEIN



## MADISON POLICE DEPARTMENT

CASE# 2020-00227434

### CASE REPORT SUPPLEMENT

REPORTING OFFICER

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### SUPPLEMENTAL NARRATIVE

#### REPORT CONTENTS

- Construction of Timeline related to attack on Althea Bernstein

#### ATTACHMENTS

- Timeline related to attack on Bernstein
- Phone Records Taken from Althea Bernstein's Phone

As part of the ongoing investigation into the assault on **Althea Bernstein**, multiple sources were examined. These sources included the extracted contents of Althea Bernstein's phone, the Snapchat records belonging to Althea Bernstein under the username [REDACTED] footage from multiple city cameras, and footage from other private and public cameras. Based on all of these sources, a timeline was created.

The timeline was drafted by Courtney Ripp, an analyst with DCI. This timeline is attached. The extraction of Bernstein's cell phone was completed by Inv Shaul. I have attached relevant portions from the extraction to this report.

#### Timeline of Bernstein's activity late June 23 - early June 24, 2020:

The timeline starts with Bernstein located at [REDACTED]. This is the home address of Nick Livingston. Bernstein was visiting Livingston at his apartment. Bernstein arrived there at approximately 10:00 pm on 06/23/20. Bernstein's phone locations and activity support that Bernstein was there up until approximately 12:40am. During the time Bernstein was at this location, she both sent and received messages and/or phone calls.

At approximately 12:40am, on 06/24/20, Bernstein leaves [REDACTED] and begins heading toward [REDACTED] in Middleton. This is where Bernstein was exchanging cars with her brother, William Bernstein. The Google Map feature estimates the drive time from [REDACTED] to [REDACTED] to be 18 minutes.

Bernstein's vehicle is able to be tracked as it continues inbound on Gorham and then outbound on University Ave. Traffic is light in the areas where Bernstein traveled and often Bernstein's vehicle is one of the only vehicles present; therefore, it is easily identifiable. The city and private camera views reviewed do not show anybody approaching Bernstein's vehicle during this route.

Bernstein appears to take Gorham inbound from [REDACTED] heading toward State St. At 12:41:59 am, Bernstein reads messages she received from her mother related to picking up the car from her brother. At 12:42:04 am, Bernstein messages her mother to tell her that she is driving. Bernstein's vehicle is first seen on city cameras at 12:42:40 am in the James Madison Park area. Bernstein's vehicle is traveling in the right lane inbound on Gorham.

At 12:43 am, Bernstein exchanges messages with Livingston. The Snapchat GPS location associated with when these messages were sent and received, shows Bernstein inbound on Gorham Ave prior to the Gorham and Wisconsin intersection. At 12:43 am, the city cameras capture Bernstein's vehicle at the Gorham and Wisconsin intersection. Bernstein stops at this light and proceeds forward at 12:44:00 am, when the light turns green.

Continuing forward, Bernstein reaches the intersection of Gorham and State St at 12:44:41 am. Bernstein



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## SUPPLEMENTAL NARRATIVE (continuation)

continues through this intersection on a green light. She does not stop at this intersection. As Bernstein continues through the intersection, a camera is able to capture the driver side window. Based on the reflections on the window, the window appears to be closed, not open.

Bernstein continues through the downtown area as captured by city camera. Bernstein's vehicle is shown from various angles on different cameras. Bernstein's vehicle remains in the right traveling lane throughout the entire trip through the downtown area.

Bernstein's vehicle is captured as it moves through the University and Francis intersection. Bernstein does not stop at any lights in this area. Bernstein continues through this corridor, passing by the Double U Bar. People can be seen outside the Double U Bar as noted by Bernstein during interviews with her. Bernstein identified the attack as definitely having occurred prior to her passing the Double U Bar. Bernstein's window still appears to be up as she travels through this area.

At 12:47am, Bernstein sends Livingston a text asking "Do you like kayaking?" Livingston responds that he has only been on a canoe. Based on the Snapchat location and the University and Campus camera, Bernstein is on Campus Dr, heading outbound when this exchange occurs. When Bernstein sends this message, she is well beyond the last point where she stated the attack could have occurred.

Bernstein continues outbound on University Ave toward Middleton. Her vehicle is captured at the University and Shorewood camera, the University and Midvale camera, the University and Segoe camera, and then again on a private camera in Middleton. Based on the times Bernstein's vehicle is captured on these cameras, it does not appear that Bernstein stopped anywhere along the route for any significant amount of time. The camera in Middleton captures Bernstein's vehicle at approximately 12:54am. This is just blocks away from her destination of [REDACTED]

Between 12:57 and 12:58 am, Bernstein's location is captured by Snapchat. These Snapchat GPS locations show an area consistent with [REDACTED]. Bernstein's phone identifies [REDACTED] steps taken by Bernstein between 12:56am and 12:57am. Bernstein reads messages from her mother regarding contacting her when she has picked up the car. At 1am, Bernstein sends three messages to her mother. These messages include one that does not make sense, reading, "Phi long in" and two, that are consistent with telling her mother goodnight.

At 1:01am, Bernstein calls her friend Morgan. This phone call lasts 7:13. Based on Snapchats sent around this time, it appears that Bernstein would have been on N Gammon Rd heading from [REDACTED] toward the Beltline. While Bernstein was on the phone with Morgan, she misses several phone calls from her mother. At 1:08am, Bernstein ends the phone call with Morgan and calls her mother. This phone call lasts for 15 minutes. Once Bernstein has completed that phone call with her mother, she then reads messages that her mother sent while Bernstein was on the phone with Morgan.

Between 1:13 and 1:23am, [REDACTED] steps are captured by Bernstein's health app on her phone. At 1:24:14 am, Bernstein takes a photo of her injuries using her cell phone. This photo was reportedly taken in front of the shower curtain in the Bernstein's bathroom.

At 1:24am, Bernstein sends a Snapchat message to Livingston telling him about what happened. Bernstein

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identifies the place of the attack as being on State St. Bernstein identified the attackers as "white guys." Bernstein stated it was a group. Bernstein identified that there were three or four males involved in the attack. Bernstein did not provide any description of them to Livingston, other than that they were white and on foot. During this exchange, Livingston offers to come to the hospital with Bernstein. Though Bernstein initially refuses, Livingston is insistent and eventually they make a plan to meet at the emergency room.

Bernstein and Livingston are seen arriving at the emergency room. Bernstein arrives in the Honda which she picked up from her brother on [REDACTED]. Bernstein is wearing a black t-shirt with white writing and black shorts. Bernstein is wearing pink crocks. Injuries are visible on Bernstein's face. Bernstein is not wearing a sweatshirt.

Based on the phone locations, Bernstein remains at the UW Hospital until approximately 5:48am. Throughout that time, Bernstein communicates with her mother regarding what is happening, the treatment she is receiving, and her relationship with Livingston. Bernstein also takes a photo of her injuries which she sends to her mother.

The complete timeline is attached to this report.

NFA/kmc

Det Justine Harris 3790

**056 - DET HARRIS - CONTACT WITH ATTOREY ANDREA LOVE SUMPTER****MADISON POLICE DEPARTMENT**CASE# **2020-00227434****CASE REPORT SUPPLEMENT**

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**09/29/2020****SUPPLEMENTAL NARRATIVE****REPORT CONTENTS:****Contact with Attorney Andrea Love Sumpter****NARRATIVE:**

On Wednesday, September 23<sup>rd</sup>, I made contact with **Andrea Sumpter** by phone. Sumpter is the family attorney for **Althea Bernstein** and her family. She has been my primary point of contact during this investigation.

I explained to Attorney Sumpter that we had completed the investigation into the attack on Althea Bernstein. I provided Attorney Sumpter with the investigative efforts that had taken place in this case, including the reviewing of video, the reviewing of medical records and the identification of Bernstein's location based on GPS data from her phone and Snapchat accounts. I also informed Sumpter that we had completed numerous interviews related to Bernstein's activities that evening and her reports of the attack. These interviews included speaking with Bernstein's family and friends, citizens who responded to requests for information, as well as medical personnel, who had treated Bernstein.

I informed Attorney Sumpter that after this exhaustive investigation, we had determined the attack, as Bernstein had described it, had not occurred. I explained to Attorney Sumpter that based on the extensive video footage we had reviewed, combined with the GPS data that identified where Bernstein was at specific points in time, we were confident that we had identified Bernstein's car as it traveled through the downtown Madison area and out to Middleton. I explained that in watching this vehicle travel along its route, there were specific factors that led us to conclude that what Bernstein had described did not occur. I explained to Attorney Sumpter that some of those factors included Bernstein's vehicle traveling in the right traveling lane, Bernstein's driver side window appearing to be rolled up as it came through downtown, the fact that Bernstein's vehicle did not stop at a red light at State St or in the blocks immediately surrounding it. I also told Attorney Sumpter that I had personally reviewed multiple downtown cameras from that evening and had been unable to find anyone matching the description, provided by Bernstein, of her assailants.

I explained to Attorney Sumpter that our department and the FBI had been in contact with both the District Attorney's Office and the US Attorney's Office. I informed her that neither agency had any plan to prosecute Bernstein for any crime. I explained to Attorney Sumpter that we had reviewed Bernstein's phone contents and her Snapchat records. I told Attorney Sumpter that in our review of these, we had found no evidence that Bernstein had colluded with anyone to make a false report or that there was any mal-intent or pre-planning that occurred in regards to Bernstein's statement to police. I also explained to Attorney Sumpter that the evidence supported Bernstein being where she had told investigators she was, before, during and after when she said the attack occurred. There was no evidence Bernstein was involved in the violent and destructive actions that had occurred in downtown Madison that same evening.

I acknowledged to Attorney Sumpter that clearly Bernstein had injuries to her face. I stated that these injuries had been corroborated by medical reports that the investigative team had reviewed. I explained to Attorney Sumpter that our interest at this point was in identifying if there was someone else responsible for causing these injuries to Bernstein. If so, our goal was to hold this person accountable. Attorney Sumpter acknowledged that there can be many reasons why a victim might not want to be forthcoming about who



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caused injuries. Attorney Sumpter stated she had no indication or knowledge from Althea or her family that was the case in this situation.

I also explained to Attorney Sumpter that if these injuries [REDACTED], we wanted to make sure that situation was addressed. As I had explained to Attorney Sumpter previously, we had no indication that there was malicious intent or an effort to defraud the department or the community. [REDACTED]

Attorney Sumpter stated she appreciated receiving this information and would share it with Bernstein and her family. Attorney Sumpter and I communicated later in the day regarding the timing surrounding any new information developed. I explained to Attorney Sumpter that our department was hoping to close the case and release information regarding its conclusion relatively soon. I explained to Attorney Sumpter that if new information developed from her conversation with Bernstein, we wanted to make sure we had adequate time to investigate it. Attorney Sumpter stated she would contact Bernstein and her family. She stated that if any new information was shared in those conversations or if Bernstein wanted to provide additional information to investigators, she would let me know that by Monday, September 28<sup>th</sup>. As of that date, I did not receive notice of additional evidence or investigative avenues that should be explored.

Attorney Sumpter and I discussed a meeting with Althea Bernstein and her family to share the case findings. This meeting is tentatively set for Thursday, October 1<sup>st</sup>. Details of the meeting are still being discussed.

NFA

DET JUSTINE HARRIS 3790

brn



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### SUPPLEMENTAL NARRATIVE

#### REPORT CONTENTS:

- Meeting with Althea Bernstein and family
- Disposition of case

#### NARRATIVE:

On October 1, 2020, I met with Althea Bernstein and her parents, Rebecca and Richard Bernstein. The family Attorney, Andrea Love Sumpter, was present via Zoom. We met at the Midtown District Station. Also present were SA J. Jewett (FBI) and Capt. B. Austin (MPD).

SA Jewett and I explained the investigative efforts that took place in this case. We reviewed the cameras accessed, the interviews completed and data analyzed. SA Jewett and I informed Bernstein and her parents of the findings of the investigative team. Specifically, we explained to Bernstein that we had been unable to find any evidence that the attack she reported occurred in the manner or location she had described. Due to the lack of any additional investigative avenues, the Madison Police Department would be closing the case. I explained that if new evidence or information was gained, the case could be re-opened.

We informed Bernstein and her parents that a release with this information was going to be made the following day. The Bernsteins had questions regarding the information that was going to be released. Capt. Austin and I responded to these regarding what information the Madison Police Department would be releasing. SA Jewett responded regarding what information would be released by the FBI.

We thanked the Bernsteins and Attorney Sumpter for their continued cooperation.

No further action.

Det. J. Harris #3790