

# Tan was tackled filming Green Bay officers

**Doug Schneider** Green Bay Press-Gazette  
USA TODAY NETWORK - WISCONSIN

GREEN BAY — Three Green Bay police officers have been disciplined because of an encounter last winter with a man who was recording video inside and outside of police headquarters.

A fourth officer received a commendation for his role in the incident.

And the department applied a coating to its windows to make it harder to see inside.

Self-described "First Amendment auditor" Scott Kosbab of Oneida was filming from the sidewalk outside the police station at 307 S. Adams St. on Jan. 15 when he was taken to the ground by one of the department's detectives. Kosbab was detained inside the station for about 20 minutes before being released with no charges filed.

Police conducted an internal investigation, interviewing officers who saw or were involved in the incident, according to a 90-page report from the probe.

Police said they asked Kosbab twice to be interviewed for the investigation, but he declined on the advice of an attorney, the report said.

Kosbab posted video of the encounter to a YouTube channel, FoxValley CommunityWatch, with a caption stating that he'd been "tackled, handcuffed, molested and kidnapped" by police. He also alleged "all the footage on my cameras was deleted."

But the report said multiple officers at the scene said Kosbab had no apparent injuries, and he answered "no" when asked if he was hurt.

As a result of the investigation:

**Detective Lt. Jeff Brester**, a 20-year department veteran, was suspended one day without pay. Investigators found he used improper force in bringing Kosbab to the ground, im-



**Brester**

# Force

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properly detained Kosbab while the man was lawfully recording video, and failed to give Kosbab proper instructions.

Brester told investiga-

tors he saw Kosbab move toward an open garage door on the building's north side, and said that constituted "a minimum of trespassing."

"You're not going into that building," Brester says in video of the incident. Moments later, he tells Kosbab: "I don't have

to get my hands off you."

Other officers said they did not think Kosbab had moved toward the door.

**Detective Lt. Richard Belanger**, a 19-year veteran, received a written reprimand. He assisted in improperly detaining Kosbab and failed to give

Kosbab clear instructions.

Belanger told internal investigators he thought Kosbab might have been using his camera to view an autopsy report displayed on Belanger's computer screen. He also said he thought Kosbab, in a hood, heavy coat and

sunglasses, looked like "the Unabomber."

Chief Andrew Smith found Belanger had not used excessive force, and that Belanger was not involved in taking Kosbab to the ground.

**Patrol Capt. Brad Florence**, a 28-year veteran, received an oral

warning.

Florence, who was commanding the patrol shift on Jan. 15, was the first officer to approach Kosbab in the station's lobby after a civilian front-desk worker reported a man acting suspiciously. Florence wrongly told Kosbab that he would have to leave the lobby, and that he wasn't allowed to record video there.

less you are interfering with police business, you can pretty much film whatever you want," Smith said earlier this year.

None of the officers has a previous "sustained complaint" against him, the report says.

**Lt. Jeff Engelbrecht**, who arrived in the lobby shortly after Florence, was given a commendation by Smith. Engelbrecht, smiling in several parts of the video and later offering Kosbab a handshake, seemed to be trying to diffuse tension.

"I realize you are in here to videotape (Florence) and me and the police department and probably post it on YouTube," Engelbrecht says on the video. "That's fine. I have no problem with that. That is the the cost of doing business in law enforcement."

Some people who viewed the video criticized officers for what they saw as a heavy-handed approach. Others took shots at Kosbab, accusing him of baiting police, and inviting suspicion by covering his face.

A phone number for Kosbab could not be immediately found.

In January, he told a USA TODAY NETWORK-Wisconsin reporter he had sought to show police doing good things.

"There is a huge disconnect between how people view the police and how the police view the people and it's upsetting to me," he said then. "I don't want the police to be afraid of everybody and I don't want everybody to be afraid of the police and I think that's where a lot of those bad situations come from."

After the incident, Smith went to department roll calls and reminded officers about the First Amendment and citizens' rights to record officers performing police duties.

The report also said detectives have been told to turn their computer screens away from the windows when viewing sensitive files.

# Police holding of law-abiding cameraman draws threats, debate

**Paul Srubas** Green Bay Press-Gazette  
USA TODAY NETWORK-WISCONSIN

GREEN BAY — A video posted to social media last week of Green Bay police interaction with a First Amendment auditor has launched more than just a spirited debate about the U.S. Constitu-

tion.

It also launched an internal police investigation and threats from around the country.

Scott Kosbab, 45, of Oneida, was briefly detained by police on Jan. 15 as he shot video in and around the Green Bay Police Department building on Ad-

ams Street in downtown Green Bay.

Confronted by a police captain and lieutenant while recording in the lobby, Kosbab declined to directly answer questions or give his name, saying only, "I'm good," and that he was taking pictures, "Just to see how friendly you guys are."

After leaving the lobby, Kosbab drew the attention of other police as he recorded the building's exterior. The video then shows him being questioned by Lt. Jeff Brester, who eventually grabbed Kosbab's sleeve and told him he was be-

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# Camera

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ing detained.

The video shows jostling, then cuts out.

Kosbab was interviewed by officers and released with no charges being filed. But he posted his video on YouTube and Facebook, and the video appeared on the California Guardian YouTube page, where it launched lengthy comments about police use of force and the rights of citizens.

Much of the discussion concerned people's support of police, constitutional rights, police behavior, reasonable or unreasonable suspicion and whether Kosbab was within his rights in public space.

But many of the comments condemned Brester and

urged Kosbab to take legal action. Many were laced with profanity. Some were outright threatening.

"The (captain) needs to be executed and the (lieutenant) needs a curb stomp," one man wrote on the California Guardian site, which Kosbab says he has no affiliation with.

"Wow," wrote another. "This captain appears very unstable, hope he takes a heart attack (or bullet) real soon."

"Looks like some pigs need to get killed," another wrote.

## Under investigation



Smith

Green Bay Police Chief Andrew Smith launched an internal investigation in response to the video.

He declined to say whether his officers, specifically Brester, did anything wrong, though he he acknowledged "some concerns about what happened here."

"As soon as I saw the video, I went to roll calls (pre-shift meetings with officers) personally to remind people it's perfectly legal to take pictures," Smith said.

Smith said the investigation will determine whether Brester overreacted.

"It sounds like a very minor use of force at this point, but if it's improper, it's improper — and there will be consequences," Smith said.

Smith did not give a timeline for the investigation. He said he expects to interview Brester and others involved with the incident over the next week or two. He also has been negotiating an in-person interview with Kosbab.

Police have been getting used to the idea that people will use cellphones to record them at work during traffic stops, but seeing a man in a hood and sunglasses videotaping in their lobby and through windows at the police station may have caught some officers off guard, Smith said.

"That said, the guy has a constitutional right to video outside the police department as long as he

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# Camera

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wants to," Smith said. "But we have every right in the world to ask — to ask if he needed help, if something was wrong, if he needed assistance?"

The department has reissued reminders to officers about the public's First and Fourth amendment rights, Smith said.

## 'A real concern'

Smith said he's spent considerable time since the incident returning calls from people who viewed Kosbab's video on the internet and expressed concern.

Several of the people who viewed the video called for people to mount a campaign to call Smith and in-

cluded the police department phone number.

"I've gotten calls from all over the country," Smith said. "Alaska, Arizona, California, New Mexico, a bunch from Texas, Florida, Indiana, Ohio, Maryland. ... There's apparently a loose network of people looking at First Amendment audits, and whether they email each other or on websites, it's something everybody is jumping on, and I've told everybody to direct all calls to me, because it's not right to have the women at the front window have to take all those."

Fielding calls from concerned people is one thing, but the threats to officers and especially to their families are a major concern, Smith said.

"It starts getting really creepy when they talk about people's families," Smith said. "We've seen people doing what is called 'doxing' — that's where they take an officer's information and do record searches of everything they can from public records: home prices, any college records. ... I've seen pictures of kids, of the

schools the kids go to, the wife's occupation. And it's all posted up on bulletin boards on the internet."

One poster wrote: "So has someone posted the home addresses phone numbers, where these (expletive) kids go to school for everyone to see ... How come these felon kidnappers are not dead or in a jail cell...? How come these worthless excuses for (expletive) aren't dead yet?"

Smith said he complained to YouTube, which has since removed that posting, but Smith called it "a real concern."

One of the posters on Kosbab's video wrote, "Maybe if cops didn't want their families addresses/schools/daycares posted on the darkweb they should stop breaking the law."

Smith said there's little police can do about people who "hide behind their keyboards." His department has been working to have public information concerning its officers scrubbed from internet sites.

# Video incident triggers police investigation

## Officers confronted man who had been filming police station

**Samantha Hernandez**

Green Bay Press-Gazette

USA TODAY NETWORK - WISCONSIN

GREEN BAY - The Green Bay Police Department launched an internal investigation this week following the release of a YouTube video showing several officers confronting, and later detaining, a man who had been video recording the police station.

According to a news release posted Tuesday to Facebook, officers in the station confronted the man about 9:30 a.m. Monday as he recorded the lobby of the police station at 307 S. Adams St.

The man left after speaking to Lt. Jeff Engelbrecht and Capt. Bradley Florence, but then drew the attention of several other officers as he recorded the exterior of the building. After speaking with them briefly, the man was detained by Lt. Jeff Brester.

Following the release of the video, Police Chief Andrew Smith launched an internal investigation of how officers handled the incident, which drew criticism online from First Amendment advocates and others.

Smith said the officers should have known the man had a right to be in the building and to use his camera. All officers within the department will receive a refresher on the First Amendment and the Fourth Amendment, which deals with search and seizure, Smith said.

"Inside the lobby, unless you are interfering with police business, you can pretty much film whatever you want," Smith said.

Police have not released the name of the man involved in the incident. He was released after being interviewed by officers and no charges were filed, Smith said.

The video originally appeared on the California Guardian YouTube page

Smith said the man was recording in the police lobby as part of an "audit" the group does of police department interactions with the public. The Green Bay Press-Gazette was unsuccessful in seeking comment from the California Guardian.

The discussion between Brester and the man began to escalate after the man called to the other officers to identify themselves as they walked back inside the building.

Brester can be heard telling the man "You're not going into that building," as the camera turns to capture the retreating officers.

"Hey, get your hands off me," the man responded. While the first possible contact between the Brester and the man is not shown, Brester is holding the man's sleeve later in the incident.

"I don't have to get my hands off of you," Brester said.

The man asked if he was being detained and Brester told him no. Within seconds the man is being detained and the video gets shaky and then cuts off.

The majority of the video shows the man's interaction with Engelbrecht and Florence, who initially told the man he would need to leave the building. Eventually, he was allowed to stay, but was asked to film away from the main desk and not to block the doorway.

The man declined to identify himself despite repeated requests.

When Engelbrecht asked the man why he was filming he answered, "Just to see how friendly you guys are."

"I realize that you are in here to videotape him (Florence) and me and the police department and probably post it on YouTube and get a rise out of us," Engelbrecht said. "That's fine. I have no problem with that. That is the the cost of doing business in law enforcement nowadays."



**Smith**

## CORRECTION POLICY

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