

Madison Board of Police and Fire Commissioners
Minutes of the Meeting of December 11, 2017

Meeting convened at approximately 5:15 p.m. Commissioners present: Enemuoh-Trammell, Kamperschroer, Findley, Gundlach

Staff also present: Ch. Davis, Asst Chief Stedman, Capt. Schauf; Lt. Chamberlin; Sgt. Marshall; Lt. Radke; Board Counsel Scott Herrick

PUBLISHED AGENDA

- | | | |
|------------|--------------------|----------------------|
| 1. Agenda | 3. Public Comment | 5. Police Department |
| 2. Minutes | 4. Fire Department | 6. Report of Counsel |
| | | 7. Adjourn |

Published agenda items shown in the order considered.

1. Agenda: **Unanimous consent: to approve the agenda, subject to adjustment of sequence by the chair.**
2. Minutes **Motion: to approve the minutes of the special and regular meetings of November 13, 2017, as corrected.** (Kamperschroer/ Findley: unanimous)
3. Public Comment: none
4. Fire Department: AC Stedman noted that recruit graduation will take place Dec. 15, with Pres. Enemuoh-Trammell administering the oath of office and offering remarks. The written report presents demographic analysis comparing the 2016 and 2018 applications. Chief Davis discussed adjustments under consideration for the next hiring cycle, including an "open" or continuous application process, and shortening the term of the cycle (or future cycles) to one year from the two-year cycle common in recent years.
5. Police Department Report: Capt. Schauf noted the completion of promotional probation by several officers and presented the Police Chief's final recommendations. **Motion: to approve the final recommendations of the Police Chief, each effective January 1, 2018, for the promotions of Asst. Chief Victor Wahl; Capt. Cory Nelson; Lt. Erik Fuhremann; Lt. Brian Austin; Sgt. Rose Mansavage; Sgt. Stephanie Drescher; Capt. Jason Freedman; Lt. Tim Patton; Sgt. Dan Perez; and Sgt. Harrison Zanders.** (Kamperschroer/ Findley: unanimous)

In anticipation of promotional recommendations, commissioners have completed reviews of nine personnel files, with four remaining for review, as noted on the worksheet included in the monthly report. Comm. Kamperschroer will conduct the review of those files prior to the January meeting. Consideration of the reviews already conducted was deferred to the end of this meeting.

Capt. Schauf summarized the current recruiting and hiring process, which is leading up to an academy class beginning May 28, 2018, as presented in the written report. She also presented and led discussion of graphics describing the demographic characteristics of applicants from 2006-2007 to the present.

Lt. Amy Chamberlin and Sgt. Ed Marshall presented general information and led discussion regarding operations and practices of the Professional Standards/ Internal Affairs Section which they staff, noting that Lt. Tim Radke will replace Lt. Chamberlin in that rotation in January. They distributed two background papers, attached: "Professional Standards and Internal Affairs Complaint Investigation," and "Professional Standards and Internal Affairs Discipline Matrix."

Capt. Schauf noted that several personnel files have been reviewed by commissioners in anticipation of promotional recommendations, and she invited comments, questions, and concerns. **Motion: to convene in closed session with Capt. Schauf and legal counsel in order to consider employment, promotion, compensation or performance evaluation of public employe, as provided by WS 19.85(1)(c); and in order to consider financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons, as provided by WS19.85 (1)(f); and more specifically, to hear and discuss the reports of recent personnel file reviews by commissioners in anticipation of promotional recommendations.** (Findley/ Gundlach: unanimous) The meeting then reconvened in open session at approximately 6:30 p.m. without taking action, reconvening in open session by unanimous consent at approximately 6:35 p.m.

7. Meeting adjourned at approximately 6:40 p.m.

Minutes prepared for the Board by Scott Herrick



Scott Herrick, for Secretary George Kamperschroer



Police and Fire Commission Meeting

Report from the Fire Department



December 11, 2017

Promotions, Probationary Status, and Reclassifications

- Nothing to Report

2017 Recruit Class Update

- 17 recruits are expected to graduate on Dec. 15th
- 9 will be assigned to the field
- 8 will be re-assigned to the Training Division for EMT class

2018 Firefighter Hiring Process Application Update

- Total Applications: 1616
- Written exam: January 3, 2018

2018
(1616)

GENDER		
F	M	ND
165	1435	16
10.2%	88.8%	1.0%

RACE/ETHNICITY							
AI	A	B	H	PI	O	ND	W
13	13	99	105	6	49	21	1310
0.8%	0.8%	6.1%	6.5%	0.4%	3.0%	1.3%	81.1%

2016
(1752)

GENDER		
F	M	ND
155	1556	41
8.8%	88.8%	2.3%

RACE/ETHNICITY							
AI	A	B	H	PI	O	ND	W
18	14	145	97	6	57	34	1381
1.0%	0.8%	8.3%	5.5%	0.3%	3.3%	1.9%	78.8%

- AI: American Indian or Alaskan Native
- A: Asian
- B: Black or African American
- H: Hispanic or Latino
- PI: Native Hawaiian or Other Pacific Islander
- O: Other/Multi Racial
- W: White or Caucasian
- ND: Not Disclosed

Personnel Investigations

- One internal investigation



Madison Police and Fire Commission Monthly Report

Mary A. Schauf, Captain of Police

December 2017

Promotions

PFC Promotional Process: Final Promotional Approval—Continued Appointment

Name, Promoted Rank	End of Probationary Period
Victor Wahl, Assistant Chief of Police	January 1, 2018
Cory Nelson, Captain of Police	January 1, 2018
Jason Freedman, Captain of Police	January 1, 2018
Erik Fuhremann, Lieutenant of Police	January 1, 2018
Brian Chaney Austin, Lieutenant of Police	January 1, 2018
Timothy Patton, Lieutenant of Police	January 1, 2018
Rosemarie Mansavage, Sergeant of Police	January 1, 2018
Stephanie Drescher, Sergeant of Police	January 1, 2018
Daniel Perez, Sergeant of Police	January 1, 2018
Harrison Zanders, Sergeant of Police	January 1, 2018

Attachments

- Final Letters from Commanders to Chief Koval, Continued Appointment
- Promotional Notices and Resumes
- Promotional Designation Worksheet: PFC Process Dates

Madison Police Department
CORRESPONDENCE / MEMORANDUM

DATE: November 28, 2017

TO: All Personnel

FROM: Michael C. Koval, Chief of Police

RE: **Promotion Announcement**

It is my pleasure to announce to the organization the following designation for promotion, contingent on the approval of the Police and Fire Commission:

Officer Gary Pihlaja to Detective

Officer Pihlaja has a Bachelor's Degree in Criminal Justice/Public Safety from Lake Superior State University. He is currently working on his Master's Degree in Criminal Justice from the University of Wisconsin-Platteville. He also completed the Emergency Medical Technician basic course from Mid-Michigan Community College.

Officer Pihlaja was hired with our Department in 2008 and is currently assigned as a neighborhood officer in the East District. Prior to becoming a neighborhood officer, he was a member of the West Community Policing Team, South District Community Policing Team and a patrol officer in several districts. He has been a member of our Special Events Team since 2010 and a Medic for SET since 2016. Other tasks that Officer Pihlaja has taken on during his tenure with the MPD include being a new recruit mentor, field training officer, criminal intelligence support officer, background investigator and instructor for several topics.

Please join me in congratulating Officer Pihlaja on this well-deserved accomplishment!



Police Officer Gary J. Pihlaja

City of Madison Police Department - East District
809 South Thompson Drive Madison, Wisconsin 53714
Work Cell: (608) 228-1452 Email: gpihlaja@cityofmadison.com

Position Applied For – Detective

Education

University of Wisconsin – Platteville – Platteville, Wisconsin
Currently pursuing Master's degree in Criminal Justice
Grade point average 4.0

Lake Superior State University – Sault Saint Marie, Michigan
Bachelor's degree in Criminal Justice/Public Safety, completed May 2008
Grade point average 3.75

Mid-Michigan Community College – Mount Pleasant, Michigan
Emergency Medical Technician Basic course, completed December 2005
Grade point average 4.0

Employment History

City of Madison Police Department – May 2008 to Present
Supervisor: Lieutenant Tim Peregoy
Current assignment: Darbo/Worthington Neighborhood Officer
Special Events Team member since 2010 and SET Medic since 2016
Previous assignments: Patrol officer on third, fourth, and fifth details
South District Community Policing Team 2014-2015
West District Community Policing Team/Wexford Ridge Neighborhood Officer 2016

Mobile Medical Response – Saginaw, Michigan May 2006 to May 2008
Supervisor: Cathy Suchodolski
Assignment: Emergency medical technician – basic

City of Sault Saint Marie Police Department – October 2006 to May 2008
Supervisor: Sergeant Melvin Sparks
Assignment: Auxiliary police officer

Lake Superior State University Department of Public Safety – August 2006 to May 2008
Supervisor: Kevin Chamberlain
Assignment: Student auxiliary officer

Police Officer Gary J. Pihlaja

Relevant Skills and Trainings

- Problem-oriented policing strategies with South and West CPTs and as Darbo NPO
- Youth and community engagement with South and West CPTs and as Darbo NPO
- Involvement with planning of various community events as Wexford and Darbo NPO
- Board member of the Salvation Army of Dane County
- Regular intelligence gathering for special operations with South and West CPTs
- Regular problem-solving of landlord/tenant issues at various housing complexes
- Conducted regular case follow-up on my own investigations in all positions with MPD
- Volunteered to take additional case follow-up assignments from Detective Lieutenants while in CPT and NPO positions
- Lead officer for triaging and investigating drug intelligence while on South CPT – 2014
- Basic SWAT/Advanced Patrol Tactics course – 2013
- Basic SWAT Negotiator course – 2014
- Criminal Intelligence Section support officer since 2015
- Training and experience with LeadsOnline, CLEAR reports, LERMS, CCAP, Facebook, and other websites and databases
- Background investigator since 2014
- Graduate school research on focused deterrence strategies 2015 – present
- Field training officer since 2015
- Recruiting cadre since 2015
- New recruit mentor since 2010
- Medal of Valor recipient – 2015
- Lifesaving award recipient – 2017
- Numerous job performance commendations since 2008
- Professional communications instructor since 2014
- First aid instructor since 2014
- Vehicle contacts instructor since 2016
- Firearms instructor since 2016
- Advanced training in stalking investigations – 2017
- Advanced training in interpreting body language and identifying signs of deception – 2016
- Advanced training in interview and interrogation – 2011
- Advanced training in drug interdiction and vehicle searches – 2011
- Advanced training in outlaw motorcycle gangs – 2012
- Attained rank of Eagle in Boy Scouts – 2001
- Attended Washington D.C. Leadership Training Institute as state officer for SkillsUSA – 2005

Madison Police Department References

Sergeant Mike Richardson
809 S. Thompson Dr
Madison, WI 53714
(608) 209-8417

Police Officer Adrian Alan
1710 Mckenna Boulevard
Madison, WI 53713
(608) 512-8061

Lieutenant Paige Valenta
1710 Mckenna Boulevard
Madison, WI 53713
(608) 209-9809

Promotional Designation Worksheet: PFC Process Dates

Name	Rank	Designated Rank	Rank/Position Vacancy	Actual	Intro	File Review	PFC Interim Approval	Effective Date	End Probationary Period*	PFC Final Approval
Gregory S Esser	Detective Sergeant	Lieutenant	31-Dec-17	31-Dec-17	9-Oct-17	11-Dec-17	8-Jan-18	31-Dec-17	30-Dec-18	
Mindy M Winter	Detective Sergeant	Lieutenant	11-Mar-18	28-Jan-18	9-Oct-17		12-Mar-18	11-Mar-18	30-Dec-18	
Paige E Valenta	Lieutenant	Captain	TBD	TBD	7-Sep-17	9-Oct-17	TBD	TBD	TBD	
Daniel J Hamilton	Police Officer	Detective	31-Dec-17	31-Dec-17	9-Oct-17	11-Dec-17	8-Jan-18	31-Dec-17	4-Nov-18	
Theresa F Magyera	Police Officer	Sergeant	31-Dec-17	31-Dec-17	9-Oct-17	11-Dec-17	12-Feb-18	31-Dec-17	31-Dec-18	
Matthew R Wentzel	Police Officer	Detective	14-Jan-18	14-Jan-18	9-Oct-17	11-Dec-17	12-Feb-18	14-Jan-18	13-Jan-19	
Meg Hamilton	Police Officer	Sergeant	14-Jan-18	14-Jan-18	13-Nov-17	11-Dec-17	12-Feb-18	14-Jan-18	13-Jan-19	
Glenn Davis	Police Officer	Detective	14-Jan-18	14-Jan-18	13-Nov-17	11-Dec-17	12-Feb-18	14-Jan-18	13-Jan-19	
Shawn Kelly	Police Officer	Detective	14-Jan-18	14-Jan-18	13-Nov-17	11-Dec-17	12-Feb-18	14-Jan-18	13-Jan-19	
Chark Vang	Police Officer	Detective	28-Jan-18	28-Jan-18	13-Nov-17		12-Feb-18	28-Jan-18	28-Jan-19	
Jason D Ostrenga	Sergeant	Lieutenant	31-Dec-17	31-Dec-17	7-Sep-17	9-Oct-17	8-Jan-18	31-Dec-17	30-Dec-18	
Jamar J Gary	Sergeant	Lieutenant	TBD	TBD	9-Oct-17		TBD	TBD	TBD	
Gary Philaja	Police Officer	Detective	11-Mar-18	11-Mar-18	11-Dec-17		12-Mar-18	11-Mar-18	10-Mar-19	

*This date sets the probationary period. Official date that this becomes a promotion.

PFC Review Process Steps

Introduction The Chief's designated appointment for promotion is provided to the PFC, along with a resume for the designee.

File Review

The PFC is provided an opportunity to review the personnel and disciplinary files of the designee. The Training Captain will be prepared to discuss any issues in closed session.

Interim Approval

The Chief, through his/her designee requests approval for the preliminary promotional designation. The position must be vacated or created in order for this to occur.

Final Approval

Prior to the end of a 12-month probationary period of satisfactory performance, the Chief through his/her designee will request the continuing appointment to the promoted rank, subject to final PFC approval.



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 2, 2017

TO: Police and Fire Commission
FROM: Michael C. Koval, Chief of Police
SUBJECT: **Final Recommendation for Victor S. Wahl, Assistant Chief of Police**

It is my belief that Victor Wahl has successfully performed his duties as an Assistant Chief during his interim promotional period. The interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Assistant Chief of Police.


Michael C. Koval, Chief of Police

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 2, 2017

TO: Michael C. Koval, Chief of Police
FROM: Randall J. Gaber, Assistant Chief of Police
SUBJECT: **Final Recommendation for Cory S. Nelson, Captain of Police**

It is my belief that Cory Nelson has successfully performed his duties as a captain during his interim promotional period. His interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Captain of Police.

A handwritten signature in cursive script, appearing to read "R. J. Gaber".

Randall J. Gaber, Assistant Chief of Police
Field Services

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 2, 2017

TO: Michael C. Koval, Chief of Police
FROM: Randall J. Gaber, Assistant Chief of Police
SUBJECT: **Final Recommendation for Jason E. Freedman, Captain of Police**

It is my belief that Jason Freedman has successfully performed his duties as a captain during his interim promotional period. His interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Captain of Police.

A handwritten signature in cursive script that reads "R. J. Gaber".

Randall J. Gaber, Assistant Chief of Police
Field Services

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



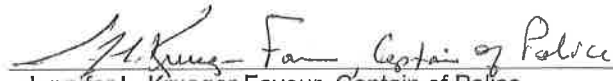
INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 7, 2017

TO: Michael C. Koval, Chief of Police
FROM: Jennifer L. Krueger Favour, Captain of Police
SUBJECT: **Final Recommendation for Erik T. Fuhremann, Lieutenant of Police**

It is my belief that Erik Fuhremann has successfully performed his duties as a lieutenant during his interim promotional period. His interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Lieutenant of Police.



Jennifer L. Krueger Favour, Captain of Police
Investigative Services

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 7, 2017

TO: Michael C. Koval, Chief of Police
FROM: Jason E. Freedman, Captain of Police
SUBJECT: **Final Recommendation for Brian M. Chaney Austin, Lieutenant of Police**

It is my belief that Brian Chaney Austin has successfully performed his duties as a lieutenant during his interim promotional period. His interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Lieutenant of Police.

A handwritten signature in black ink, appearing to read "Jason E. Freedman", written over a horizontal line.

Jason E. Freedman, Captain of Police
Central District

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



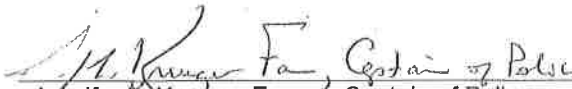
INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 7, 2017

TO: Michael C. Koval, Chief of Police
FROM: Jennifer L. Krueger Favour, Captain of Police
SUBJECT: **Final Recommendation for Timothy J. Patton, Lieutenant of Police**

It is my belief that Timothy Patton has successfully performed his duties as a lieutenant during his interim promotional period. His interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Lieutenant of Police.


Jennifer L. Krueger Favour, Captain of Police
Investigative Services

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



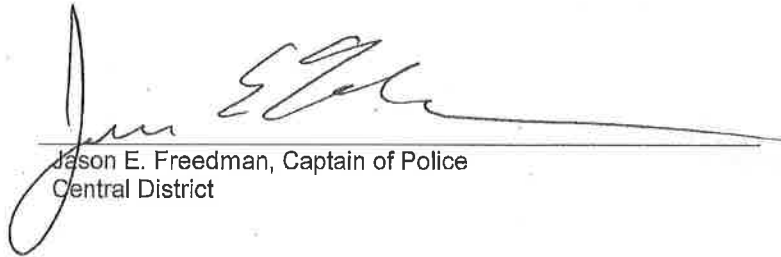
INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 7, 2017

TO: Michael C. Koval, Chief of Police
FROM: Jason E. Freedman, Captain of Police
SUBJECT: **Final Recommendation for Rosemarie A. Mansavage, Sergeant of Police**

It is my belief that Rosemarie Mansavage has successfully performed her duties as a sergeant during her interim promotional period. The interim period will be completed on January 1, 2018.

I strongly recommend her for final appointment to the rank of Sergeant of Police.



Jason E. Freedman, Captain of Police
Central District

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 3, 2017

TO: Michael C. Koval, Chief of Police
FROM: Cory S. Nelson, Captain of Police
SUBJECT: **Final Recommendation for Stephanie B. Drescher, Sergeant of Police**

It is my belief that Stephanie Drescher has successfully performed her duties as a sergeant during her interim promotional period. The interim period will be completed on January 1, 2018.

I strongly recommend her for final appointment to the rank of Sergeant of Police.

Cpt. Cory Nelson 2257

Cory S. Nelson, Captain of Police
West District

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



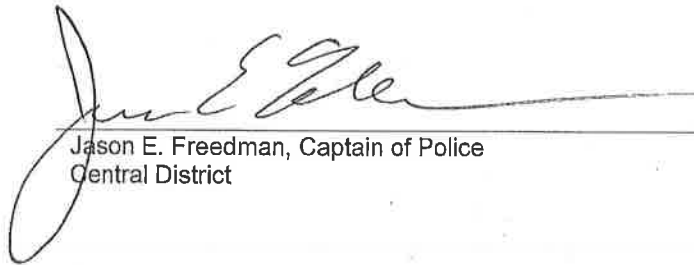
INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 7, 2017

TO: Michael C. Koval, Chief of Police
FROM: Jason E. Freedman, Captain of Police
SUBJECT: **Final Recommendation for Daniel Perez, Sergeant of Police**

It is my belief that Daniel Perez has successfully performed his duties as a sergeant during his interim promotional period. The interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Sergeant of Police.



Jason E. Freedman, Captain of Police
Central District

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: November 6, 2017

TO: Michael C. Koval, Chief of Police
FROM: Jay J. Lengfeld, Captain of Police
SUBJECT: **Final Recommendation for Harrison D. Zanders, Sergeant of Police**

It is my belief that Harrison Zanders has successfully performed his duties as a sergeant during his interim promotional period. The interim period will be completed on January 1, 2018.

I strongly recommend him for final appointment to the rank of Sergeant of Police.


Jay J. Lengfeld, Captain of Police
North District

11/6/17

cc: Mary A. Schauf, Captain of Police, Training Team
MPD Payroll/Finance Section
Personnel Folder

Recruiting and Hiring

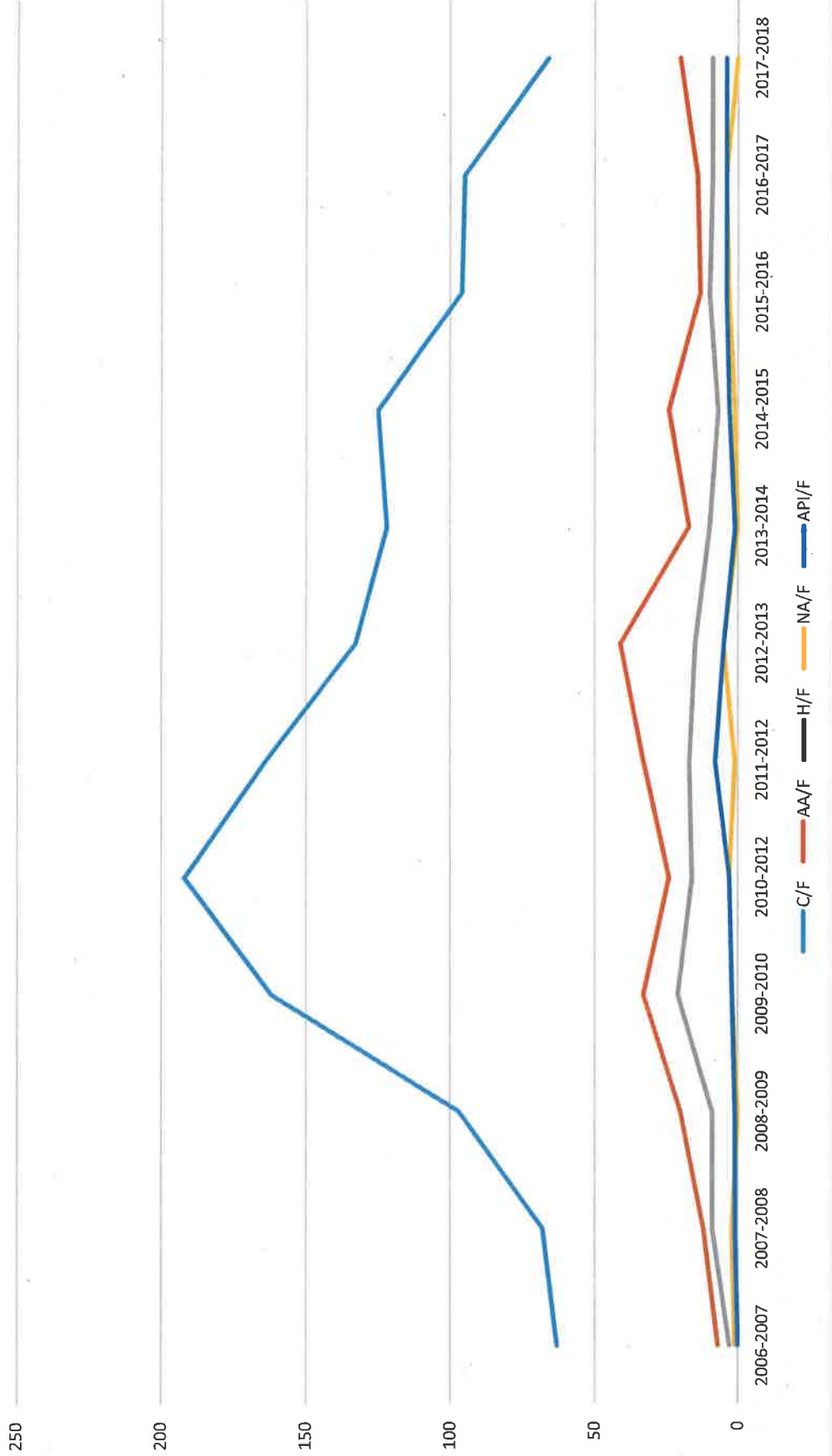
2018 Pre-Service Academy Hiring Process Timeline

- **Application Deadline: October 20, 2017**
- **Written & Physical Agility Testing: April 30, 2018 through January 7, 2018**
- **Oral Board Interviews: May-June, October-January 2018**
- **Background Investigations: May begin immediately after an Oral Board interview, but must be complete by February 7, 2018.**
- **Consolidated Testing for Distant Candidates (those living more than 6 hours from Madison) - January 7, 2018**
- **Seek PFC Approval of Eligibility List - February 12, 2018 (Regular Business Meeting)**
- **Trilogy: Chief's Interview, Personality Assessment and Ride-Along with a Field Training Officer - February 26, 2018 through March 20, 2018.**
- **Special Meeting—Seek PFC Approval of Hiring List of Candidates and Contingency List - Date to be determined between, March, 26-28, 2018**
- **Tentative Job Offers: March 29, 2018**
- **Medical Clearance: April 9-20, 2018**
- **Final Job Offers: May 7, 2018**
- **Academy begins: May 29, 2018**

Attachments

- **Recruiting: Application Summary with Charts**

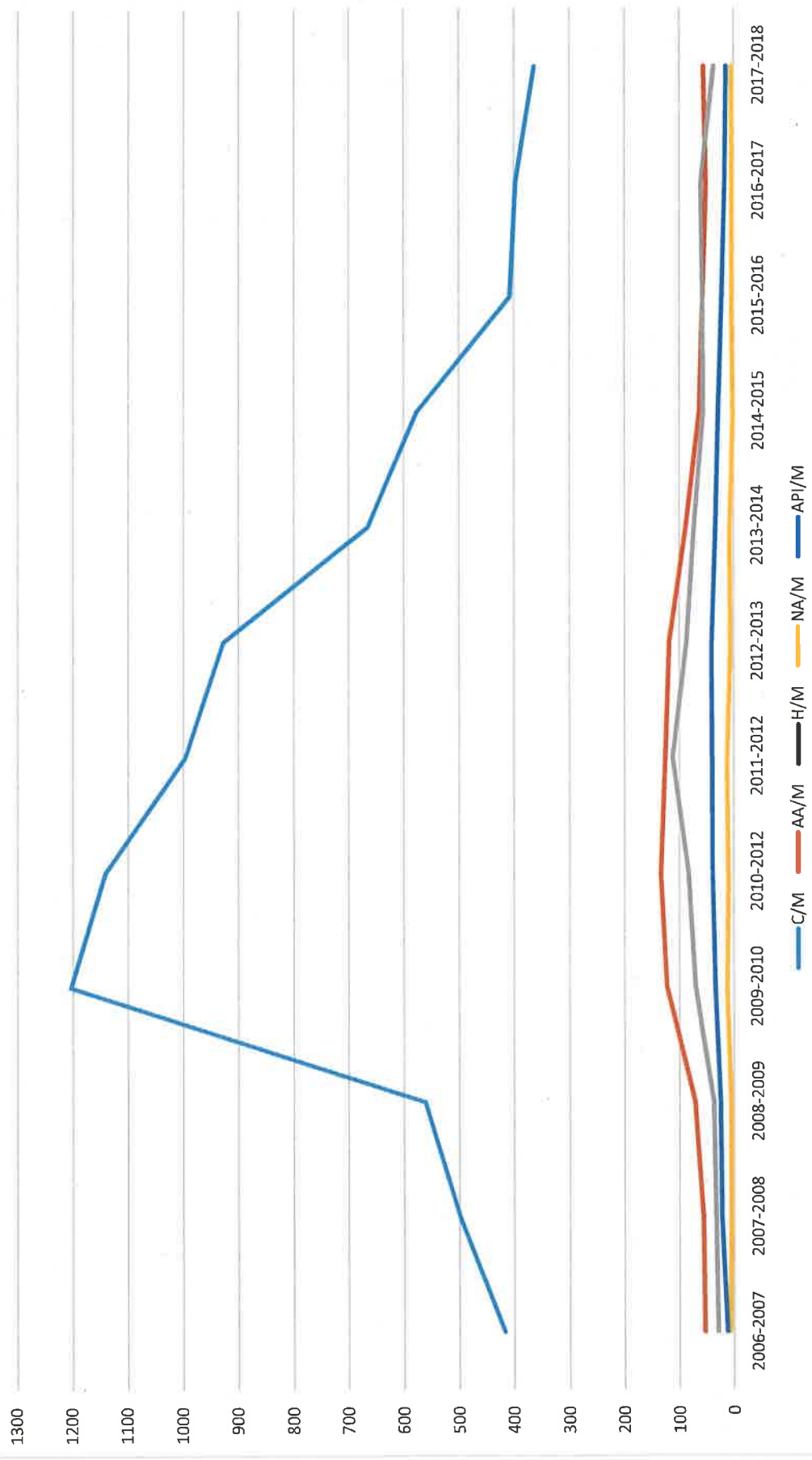
Female Candidates by Race/Ethnicity



Hiring Data Trends 2006 - 2017

Year	Male	%	Female	%	C/M	CM%	C/F	CF%	AA/M	AA/M%	AA/F	AA/F%	H/M	H/M%	H/F	HF%	NA/M	NA%	NA/F	NA/F%	API/M	API/M%	API/F	API/F%	TOTAL
2006-2007	519	87.67%	74	12.50%	417	70.44%	63	10.64%	53	8.95%	7	1.18%	29	4.90%	3	0.51%	7	1.18%	1	0.17%	12	2.03%	0	0.00%	592
2007-2008	614	86.97%	92	13.03%	498	70.54%	68	9.63%	56	7.93%	12	1.70%	33	4.67%	9	1.27%	5	0.71%	2	0.28%	22	3.12%	1	0.14%	706
2008-2009	700	84.54%	127	15.36%	562	67.96%	97	11.73%	71	8.59%	20	2.42%	37	4.47%	9	1.09%	5	0.60%	0	0.00%	25	3.02%	1	0.12%	827
2009-2010	1441	86.70%	220	13.24%	1204	72.44%	162	9.75%	122	7.34%	33	1.99%	70	4.21%	21	1.26%	12	0.72%	2	0.12%	34	2.05%	2	0.12%	1662
2010-2012	1406	85.52%	238	14.48%	1141	69.40%	192	11.68%	133	8.09%	24	1.46%	83	5.05%	16	0.97%	10	0.61%	3	0.18%	39	2.37%	3	0.18%	1644
2011-2012	1285	85.21%	223	14.79%	996	66.05%	164	10.88%	125	8.29%	33	2.19%	112	7.43%	17	1.13%	12	0.80%	1	0.07%	40	2.65%	8	0.53%	1508
2012-2013	1180	85.57%	198	14.36%	928	67.30%	133	9.64%	118	8.56%	41	2.97%	87	6.31%	15	1.09%	6	0.44%	5	0.36%	41	2.97%	5	0.36%	1379
2013-2014	867	85.17%	150	14.73%	666	65.42%	122	11.98%	88	8.64%	17	1.67%	73	7.17%	10	0.98%	7	0.69%	0	0.00%	34	3.34%	1	0.10%	1018
2014-2015	727	82.05%	160	18.06%	577	65.12%	125	14.11%	63	7.11%	24	2.71%	56	6.32%	7	0.79%	1	0.11%	1	0.11%	29	3.27%	3	0.34%	886
2015-2016	546	81.25%	126	18.75%	407	60.57%	96	14.29%	57	8.48%	13	1.93%	57	8.48%	10	1.49%	3	0.45%	3	0.45%	22	3.27%	4	0.60%	672
2016-2017	527	80.70%	126	19.30%	397	60.80%	95	14.55%	50	7.66%	14	2.14%	60	9.19%	9	1.38%	3	0.46%	4	0.61%	17	2.60%	4	0.61%	653
2017-2018	473	82.69%	99	17.31%	363	63.46%	66	11.54%	55	9.62%	20	3.50%	37	6.47%	9	1.57%	4	0.70%	0	0.00%	14	2.45%	4	0.70%	572

Male Candidates by Race/Ethnicity



PSIA Report/Discipline Attachments and Notices

- Professional Standards Open Case Memo
- There was one suspension with required notification sent to the PFC

CC

Scott Herrick, Attorney for PFC
Marci Paulsen, Assistant City Attorney
Michael C. Koval, Chief of Police



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: December 6, 2017

TO: Mary Schauf, Captain of Police
FROM: Edward Marshall, Sergeant of Police
SUBJECT: **PS&IA Open Cases**

Good Afternoon Captain,

As of 12/06/2017, PS&IA has the following open cases concerning sworn MPD employees:

1. Unlawful Conduct 06/01/2017
2. Overtime Guidelines, Truthfulness 09/08/2017
3. Use of Force, Search and Seizure, Courtesy Respect and Professional Conduct 10/07/2017
4. Interviews of Crime Victims 10/11/2017
5. Absence from Duty 10/24/2017
6. Handling of Evidence Contraband Found or Lost Property, Courtesy Respect and Professional Conduct 11/06/2017
7. Unlawful Conduct 11/06/2017
8. Courtesy Respect and Professional Conduct, Prohibited Workplace Harassment 11/08/2017

Please contact me if you have any questions.

Sincerely,
Sgt. Ed Marshall, #3689
Professional Standards and Internal Affairs



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Professional Standards and Internal Affairs Complaint Investigation

Eff. Date 12/06/2017

Complaint Acceptance and Investigation

1. General Purpose

It is essential that public and employee confidence be maintained in the ability of the Madison Police Department (MPD) to investigate and properly resolve complaints against its employees, policies or procedures. It is also essential that the rights of the employee, as well as those of the public, be preserved. Therefore, the MPD is committed to investigating complaints in a fair manner with the truth as the primary objective.

Citizen complaints of code of conduct or procedural violations or alleged officer misconduct will be entered into the Professional Standards & Internal Affairs (PSIA) records system, including service complaints. All complaints will be given a PSIA investigation number.

2. Employee's Responsibility

When involved in an investigation, employees are required to cooperate fully, answer questions truthfully, and to provide material and relevant statements to the investigating officer.

3. Supervisory Responsibility

Supervisors assigned to investigate a complaint against an employee are responsible for conducting a thorough and fair investigation, and for respecting the dignity of all persons involved.

4. Guideline for Complaint Acceptance

As a general rule, citizen complaints will not be investigated if the complaint is received more than 90 days after the alleged incident. If such a complaint is brought forth, it will be limited to a supervisory review of the available information, unless the complaint involves an alleged criminal violation, a significant rule violation (such as excessive use of force), or the complainant can show good cause for not making the complaint within the specified time limit.

5. Prompt Disposition of Complaints

Investigations of complaints against employees will be prompt. The disposition of CRs will be within 60 days of the assignment of the complaint. The disposition of PSIA investigations will be within 90 days of the assignment of the complaint. An extension of these time limits may be granted by the Chief of Police.

6. False Complaints of Police Misconduct

Per WI Statute 946.66(2), whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.

Responsibility For Accepting/Referring Complaints

Every employee has the responsibility to insure that a citizen complaint is received and referred to the appropriate unit or supervisor.

Methods Available For Receiving Citizen Complaints

The methods available for receiving complaints from citizens are listed below:

1. Verbal complaints can be tendered by a complainant either personally or by telephone.
2. A complainant may tender a complaint in writing or online on the MPD's website. Citizens will not be required to submit a complaint in writing.
3. A citizen may file a complaint against a commissioned employee with the Board of Police and Fire Commissioners, as provided in Wis. Statute Section 62.13.
4. Citizens who have complaints against any MPD code of conduct or procedure of MPD will be directed to submit their complaint in writing to the office of the Chief of Police.

Responsibility of Supervisor Receiving Citizen Complaints

1. Supervisors receiving citizen complaints will obtain the nature of the complaint and a description of the events in question.
2. If the incident in question can be readily resolved because there are no disputed facts, and there is not an allegation of a significant code of conduct violation (i.e., alleged criminal conduct, excessive use of force, or other violations that if sustained would result in a letter of reprimand or more severe disciplinary action), the supervisor may make a preliminary finding on the complaint. A written record of the complaint and predetermined disposition will then be forwarded to PSIA for review.
3. A supervisor taking a complaint with an allegation of significant misconduct shall document the nature and description of the allegation, as well as the contact information for witnesses. This will be submitted to PSIA by entering it into the PSIA records system. The supervisor should then follow the appropriate command notification protocol.

Allegations of Criminal Activity, Serious Misconduct and Critical Incidents

1. In all cases where a felony or other serious misconduct is alleged, the following individuals will be contacted as soon as possible:
 - a. The Chief of Police.
 - b. The PSIA Lieutenant.
 - c. The employee's commanding officer.
2. The investigation into significant allegations will begin as soon as possible upon receipt of the complaint.
3. Employee statements will generally not be compelled until after review by the District Attorney's Office in any case with the potential for criminal liability.
4. If the investigating supervisor determines that there may be probable cause for a criminal violation, the case shall be forwarded to the District Attorney's Office for review. This does not preclude an immediate physical arrest if there is a threat to public safety.
5. Allegations of criminal conduct that are unclear may be taken to the District Attorney's Office for informal review at the investigator's discretion.
6. The same legal standards regarding Miranda warnings shall be applied to employees as would be applied to individuals not employed by the MPD.
7. Employees involved in significant misconduct, which could result in discipline, termination or criminal charges, shall be offered services from the City's Employee Assistance Program (EAP). This does not preclude offering employee assistance services in other disciplinary matters.

Investigative Responsibility

1. PSIA will review, document and assign complaints.
2. PSIA will ensure that the Chief of Police and the employee's commanding officer have been notified of significant complaints.
3. **Category A** (as listed in PSIA Discipline Matrix (Matrix)) allegation investigations will be assigned to the employee's assigned work group supervisor or district command for investigation. Upon completion of the investigation, the investigating supervisor will contact PSIA to ensure consistency with similar investigations and that matrix guidelines have been followed.
4. **Category B** (as listed in the Matrix) allegation investigations **may** be sent to the assigned employee's work group supervisor or district command for investigation. PSIA will confer with the employee's commanding officer or supervisor to determine the most appropriate venue for investigation.
5. PSIA will typically investigate all **Category C, D and E** (as listed in the Matrix) allegations.
6. When the PSIA investigator is unavailable or unable to conduct an investigation, a commanding officer assigned by the Chief of Police or his/her designee will be responsible for the investigation.
7. The Chief of Police reserves the right to request PSIA investigate allegations at any category level when circumstances merit.
8. Notification of the involved employee will be completed at the discretion of the investigating supervisor in order to protect the integrity of the investigation.
9. In cases where citizen complaints are filed against arresting officers, the investigation of an allegation will generally be conducted promptly. However, the investigation may be suspended, only at the discretion of the Chief of Police, until the court proceedings are completed. In these cases, a notice will be placed in the case file and the involved employee and their commanding officer shall be notified.
10. In cases of potential criminal conduct when it is necessary to assign additional investigators, the PSIA unit will be kept informed as to the progress and details of the investigation and assigned investigators.
11. When there are allegations of insubordinate or disrespectful behavior towards a supervisor, the commanding officer of the involved employee will designate someone other than the directly involved supervisor to investigate. In other instances when the appearance of an interpersonal conflict exists, the commanding officer of the involved employee may designate a non-involved supervisor to conduct the investigation.
12. The investigating supervisor will forward the file to the employee's commander for review. PSIA will review all complaint investigations/dispositions, and brief the Chief (or designee) of final disposition.
13. For all internal investigations, PSIA will ensure that:
 - a. The investigation was conducted in a fair, dignified and thorough manner in accordance with Chapter 164 and Sec. 62.13, Wis. Stat.
 - b. All documents of a completed investigation shall be forwarded through the chain of command to the PSIA office for review and entry into the PSIA records system.
 - c. The investigation was completed within the allowable time period.

Steps in a Complaint Investigation

1. Complaint received.

2. Complaint entered into the PSIA records system. Contact PSIA to discuss the case and determine investigative venue.
3. Conduct investigation. Interview witnesses, review police reports, etc.
 - a. In all cases, the investigator shall review available information to determine if a code of conduct violation occurred. When a complainant or witness fails to follow through with the investigating supervisor, the attempts to contact the complainant/witness shall be documented in the record.
 - b. Interview notice should be sent to the employee(s) alleged to have committed the violation with at least 48 hours notice, when appropriate. An employee must be allowed to contact a representative in any interview if desired. Interview notice is not required for coaching, mentoring, training, feedback, interviews of employee witnesses or basic fact finding.
 - c. In cases where the allegations, if proven true, would likely result in discipline, interviews with the officer(s) alleged to have committed the violation will be audio recorded. This does not apply to instances where the factual circumstances of the incident are clear and undisputed, or if recording the interview is impractical.
 - d. The decision to audio record interviews with victims, witnesses or complainants will take the following factors into account:
 - The severity of the allegation.
 - The complexity of the allegation.
 - The location of the interview.
 - The relevance of the interview to the investigation/allegation.
 - The willingness of the interviewee to have the interview recorded.
 - e. Interviews of key witnesses in significant investigations should be recorded when possible.
 - f. Employees should be informed and referred to the City's EAP.
 - g. Employees may be ordered to not discuss their involvement in an investigation with others. Such an order should only be imposed for the length of time reasonably necessary. It is not the MPD's intent to restrict employee rights to prepare a defense to a complaint filed against them.
 - h. If the case does not reach the level of "**discipline**" (i.e., a Letter of Reprimand or higher), then the case may be resolved with verbal counseling or documented counseling if deemed appropriate by the employee's district/section Captain. PSIA must review the investigation and proposed disposition and receive approval from the Chief (or designee) prior to final resolution/disposition.
 - i. Once the investigation is completed, a pre-determination notice will be sent out if there is a preliminary finding of a code of conduct violation that meets the level of "**discipline.**" The notice should be sent to employee (and representative if a representative has previously been involved) one (1) week before the hearing.
 - j. Pre-determination hearing / pre-determination response from employee: In lieu of a hearing, the employee can opt to submit a written response. The employee is allowed to have a representative present during the hearing if so desired.
 - k. Pre-determination findings should document any mitigating or aggravating factors that employee discussed in pre-determination response.
 - l. The commander of the employee shall conduct a command review.

- m. Prior to making disciplinary action, the recommendation will be forwarded through the chain of command to the PSIA unit to ensure consistency and uniformity of discipline within the MPD.
- n. A discipline meeting will be held with the employee's command staff and the Chief of Police.
- o. The Chief of Police has final authority on all discipline decisions.
- p. The employee will be notified in writing of any discipline. The complainant will be notified of the final outcome of the case as well (in the manner in which they prefer to be contacted).
- q. If a complainant is not satisfied with the outcome of the investigation, they should be advised that they have the option to pursue their complaint to the Police and Fire Commission.

Complaint Disposition

Upon completion of an investigation, the investigating supervisor will make a conclusion for each allegation from among the following dispositions:

- 1. Exonerated: The alleged incident occurred, but was lawful and in accordance with code of conduct.
- 2. Unfounded: The evidence shows that the alleged conduct did not occur.
- 3. Not Sustained: The allegation is not supported by a preponderance of evidence.
- 4. Sustained: A preponderance of evidence shows that the action of the employee was not consistent with MPD code of conduct, standard operating procedure or Administrative Procedure Memoranda (APM).

Seven Tests For Just Cause

The Chief of Police must show "Just Cause" when issuing discipline to a sworn employee. In any internal investigation resulting in discipline, per Wis. Stat. Sec. 62.13, there are seven "Just Causes" that must be met:

- 1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
- 2. Whether the rule or order that the subordinate allegedly violated is reasonable.
- 3. Whether the Chief of Police, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did, in fact, violate a rule or order.
- 4. Whether the effort described under sub. 3 was fair and objective.
- 5. Whether the Chief of Police discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
- 6. Whether the Chief of Police is applying the rule or order fairly and without discrimination against the subordinate.
- 7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Chief of Police's department.

Police Bill of Rights

Wis. Stat. Sec. 164.02 provides guidance on police interviews as it relates to the Police Bill of Rights.

- (1) *If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:*
 - (a) *The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.*
 - (b) *At the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice who, at the discretion of the officer, may be present at all times during the interrogation.*
- (2) *Evidence obtained during the course of any interrogation not conducted in accordance with sub. (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.*

Civilian Employees

All employees are expected to adhere to MPD policies and procedures and City APMs. This SOP describes the complaint investigation process for all employees; however, discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

Cooperation With Investigations Required Notice

In some cases where there is a possibility of criminal liability, and an employee is interviewed, the employee shall be given an MPD memo called "**Cooperation with Investigation Required.**"

This memo advises that although employees are required to cooperate in an internal investigation (Code of Conduct #20), that the employee's statement cannot be used against the employee in any subsequent criminal proceedings. If a statement is going to be ordered from an employee, the following procedure will be adhered to:

1. PSIA will order the officer(s) to provide a statement. The order will be documented in writing.
2. The interview will be audio recorded and transcribed.

Suspension

Should an employee be suspended without pay, the order shall be issued by the Chief of Police. Disciplinary actions against commissioned personnel requesting demotion or dismissal will be filed by the Chief of Police with the PFC, pursuant to Wis. Stat. Sec. 62.13.

Disciplinary actions against civilian employees will be in accordance with the relevant City Ordinances.

Notification/Documentation

After the imposition of a sanction or discipline, the imposing supervisor will direct a memorandum to the employee with a copy to PSIA indicating the complaint number, employee involved, policies violated, date and the type of sanction or discipline imposed. A copy of this memorandum will be placed in the employee's PSIA file, in accordance with the Complaint Acceptance and Investigation Code of Conduct.

Notification of Decision

Following completion of a complaint investigation, the employee who is the subject of the complaint, and the complainant(s), shall be informed in writing of the disposition by PSIA or the Commander/Manager of the employee. This notification should be made as soon as possible, but not later than 10 days following

completion of the investigation and command review procedure. Notification to the complainant shall be documented and attached to the PSIA case file.

The Police and Fire Commission will be notified of any dispositions involving suspension of a sworn employee. Such notification will be made immediately upon issuing the suspension to the employee.

Professional Standards & Internal Affairs Records

1. PSIA will maintain secure, electronic records of:
 - a. All complaints investigated as CRs which are cases that are considered lower level conduct violations. These are cases in that if a violation is found to be sustained, the sanctions typically do not result in discipline.
 - b. Complaints that are assigned PSIA investigation numbers. PSIA cases are typically cases that if a violation is found to be sustained, the sanctions may result in discipline.
 - c. All received complaints, including dispositions.
 - d. Complaints against civilian employees.
 - e. Expired work rules/performance improvement plans.
 - f. Documentation of verbal and documented counseling.
2. A record of dispositions of investigations finding a sustained violation of code of conduct resulting in a letter of reprimand or greater sanction will be maintained in an employee's personnel file.
3. No records of complaints resulting in the dispositions of unfounded, exonerated or not sustained will be maintained in an employee's personnel file.
4. PSIA records will not be released from the MPD without approval from the Chief of Police.

Administration of Sanctions/Discipline

Methods of correcting inappropriate behavior may range from counseling, where the immediate effect is on the individual, to corrective sanctions, or termination of employment, where the positive effect is in the reassurance to other employees and the community that unacceptable conduct will not be tolerated. In each case, care must be exercised to obtain a desired and just result and the uniform application of corrective action, including discipline, department-wide.

Role of the EAP

MPD recognizes that problems in the workplace may be related to alcoholism, other drug dependency, emotional disorders, or other personal problems. In order to address problems such as these, MPD has an EAP. Employees are encouraged to use the program as a prevention measure, as well as, a parallel system to the disciplinary process.

PSIA Summaries

Quarterly summaries will be sent out to all MPD personnel, as well as, to the local media on all PSIA cases regarding sustained complaints that result in discipline. Employees will not be named in these summaries. The summaries will include the PSIA case number, allegation, description, disposition and discipline.

PSIA cases are typically allegations that are more serious in nature and could potentially result in discipline to an employee if an allegation is sustained.

CRs are typically allegations of "minor" internal rule violations. These are violations that are unlikely to result in discipline, even if the allegation is sustained. In some cases, allegations may be initially labeled a "Conduct Review," however, further investigation may reveal more serious allegations. In these cases, if the allegation is

substantiated and the employee could be disciplined, the case will then be amended and assigned a PSIA case number. CRs will not be included in the quarterly media summaries.

An individual summary may be sent out in cases that are deemed to be significant in nature. If an employee's alleged conduct is serious and "public" in nature, and it is determined to be a sustained violation, the MPD may release the employee's name in a separate, individual summary. The Madison City Attorney's office will be consulted and will review the summary. This will be weighed on a case-by-case basis in determining the public's right to know about the conduct.

Rules of Wis. Stat. Sec. 19.356 "Notice to Record Subject" will be followed if employee's name is to be released. This statute requires that an employee be notified in writing if the employee's name is to be released. A copy of the record released will be provided at the time of the notification to the employee. The notification may occur in person or by certified mail. This statute also allows for an employee to challenge the records release in circuit court. The notice will be served on the employee according to statutory time requirements.

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CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Professional Standards and Internal Affairs Discipline Matrix

Eff. Date 12/06/2017

Purpose

This procedure outlines the guidelines and expectations for the Madison Police Department's (MPD) response to complaints and the steps involved in the investigation of complaints. Investigatory responsibilities, the Police Bill of Rights and the Seven Steps for Just Cause are also detailed. This procedure begins with a description of the Discipline Matrix. A police discipline matrix aims to achieve consistency in discipline and to eliminate the appearance of disparity. This matrix does not remove discretion; it provides a range of possible sanctions, thus providing clarity.

Procedure

The matrix lists both code of conduct violations and Standard Operating Procedural (SOP) violations. It then provides sanction categories A through E. The least punitive sanctions are category A, with sanctions becoming more severe as the categories progress to category E.

In each category, there is a recommended guideline of sanctions. These guidelines are based on comparable sanctions for each violation from Professional Standards & Internal Affairs (PSIA) cases in years past.

This matrix captures most violation sanctions that have occurred in the past 25 years. There are code of conduct/procedural categories that are not covered in this matrix. There is the expectation that all policies and procedures will be followed. MPD understands that as times change, policies and expectations will change, and there will be violations that are not covered on the matrix. These violations shall be added to the matrix as deemed appropriate. For code of conduct violations not specified on the matrix, the sanction will be determined by the Chief of Police.

Sanction Categories

Category A	Category B	Category C	Category D	Category E
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or reputation of the MPD. Sanctions listed in the below categories are not considered discipline. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Verbal Counseling • Mediation • Documented Counseling <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have more than minimal impact on the operations or reputation of the MPD or that negatively impacts relationships with other officers, agencies or the public. This includes repeated acts from Category A within time frames listed below. Sanction guidelines may include thereof:</p> <ul style="list-style-type: none"> • Verbal Counseling • Mediation • Documented Counseling • Letter of Reprimand (First Level of Discipline) <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have a pronounced negative impact on the operations or reputation of the MPD or on relationships with employees, other agencies or the public. This includes repeated acts from Category B within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Letter of Reprimand • Suspension without pay for one to five days <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD or that involve a substantial risk of officer or public safety. This includes repeated acts from Category C within the time frames listed below. Sanctions guidelines may include:</p> <ul style="list-style-type: none"> • Suspension without pay for five to fifteen days <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify an employee from continued employment as a law enforcement officer. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Suspension without pay for fifteen days or more • Reduction in rank • Separation from service <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>

Repeated Acts

Repeated acts of category **A** violations within **one year** will increase the repeated violation into category **B**.

Repeated acts of category **B** within **two years** will increase the violation to category **C**.

Repeated acts of category **C** within **three years** will increase the violation to category **D**.

Repeated acts of category **D** within **five years** will result in **separation of service**.

This matrix does not apply to employees with a last chance agreement.

The matrix categories may not be sequentially followed in cases where there may be a number of violations or in cases where there are particularly egregious circumstances. The matrix is considered a guideline only and it is within the Chief of Police's discretion to deviate from the matrix based on the individual case.

Discipline Matrix

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
2.	Truthfulness					
	Failure to be truthful.					X
	Employees shall not make false reports or knowingly enter false information into any record.					X
3.	Performance of Duties					
	Failure to respond to dispatch.		X			
	Failure to properly perform duties assigned.		X			
	Failure to respond to subpoena or scheduled training.	X				
	Failure to comply with SOPs (excludes property handling code of conduct).	X				
	Failure to meet expectations of special initiatives.	X				
	Failure to notify supervisor of custodial arrest.	X				
	Failure to obtain supervisor approval for strip search.			X		
	Failure to assist backup officers.			X		
	Failure to make an effort to check email and mailbox once per shift and respond accordingly.		X			
	Failure to pursue flagrant law violations that they are aware of.		X			
	Engaging in activity on duty that does not pertain to MPD business.		X			
	Employees shall not sleep, idle or loaf while on duty.		X			
	Supervisors shall not knowingly allow employees to violate any law, code of conduct or procedure.			X		
	All employees shall report fit for duty.				X	
All MPD members shall not be impaired as a result of any drug usage or alcohol. All employees are prohibited from having any measurable amount of alcohol in their system while on-duty. No MPD member shall consume or purchase any intoxicants while in uniform. No MPD member shall consume intoxicants while armed except with the approval of the Chief of Police. It is the responsibility of the employee to consult with their physician to determine their fitness for duty based on their medical condition and/or prescribed treatment.				X		
4.	Absence from Duty					
	Employees shall not be late or absent from duty without prior permission from a supervisor or the Officer in Charge (OIC).		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
5.	Unlawful Conduct				X	
	Employees shall not engage in conduct that constitutes a violation of criminal law, or ordinance corresponding to a state statute that constitutes a crime.				X	
	Employees convicted of first offense OWI.			X		
6.	Failure to immediately notify a supervisor whenever investigating an incident involving a law enforcement officer who is a suspect in any criminal activity or OMVWI.			X		
	Notification Required of Law Enforcement Contact					
7.	Failure to notify of contact by any law enforcement agency regarding their involvement as a suspect, witness, victim or contact in criminal conduct, violation of municipal ordinance for which a corresponding state statute exists (ex. OWI or Hit and Run). The employee SHALL report the incident to their commanding officer or the OIC within 24 hours of the contact, or their return to duty, whichever comes first. This must be done in person or via telephone.		X			
	Equal Protection					
9.	Employees shall not show bias based on relationships in investigative decisions, or assist in investigations or enforcement decisions.		X			
	Employees are prohibited from interfering in the normal processing of traffic/parking citations or otherwise disrupting enforcement of the law by other members of the MPD. If a supervisor orders a change in an enforcement decision and a subordinate feels it is wrong, it should be reported to a commanding officer.		X			
	Harassment					
10.	Employees shall not engage in harassment or to retaliate against an employee who reports such harassment. (For definition of harassment, see APM 3-5.)			X		
	Supervisors shall not allow employees under their command to engage in harassment or permit retaliation against an employee who reports such harassment.			X		
	Employees shall not engage in sexual harassment, this includes unwanted sexual advances.			X		
11.	Courtesy, Respect and Professional Conduct					
	Failure to be courteous to the public and to coworkers and shall avoid the use of profane language or gestures. Employees shall also avoid actions that would cause disrespect to the MPD.		X			
	Employees shall not act so as to exhibit disrespect for a supervisor.		X			
	Employees shall not speak derogatorily to others about orders or instructions issued by supervisors.		X			
12.	Employees shall use police communications systems, email, radio only for official police business and shall exhibit courtesy during the transmission of all messages.		X			
	Public Criticism					
13.	Employees shall not publicly criticize the operations or personnel of the MPD if such criticism undermines the discipline, morale or efficiency of the MPD. This applies both on duty and off duty.		X			
	Use of Force					
	9A Employees shall not use deadly force when a lesser degree of force was reasonable.					X
13.	9B Employees shall not use excessive force when a lesser degree of force was objectively reasonable.			X		
	Vehicle Operation					
	Employees shall operate city vehicles with due regard for safety.			X		

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
14.	Insubordination					
	Failure to promptly obey lawful orders from any supervisor. This includes violations of work rules. If these orders conflict with code of conduct or procedure, the ordered member shall call attention to this conflict. Any unlawful orders shall be promptly reported to the Chief of Police.			X		
16.	Criminal Association					
	Failure to avoid regular or continuous associations or dealings with persons known to be engaged in ongoing criminal activity, under indictment, on probation, parole, house arrest or Huber. Association consists of more than a single occurrence.			X		
20.	Cooperation with Investigations Required					
	Failure to cooperate in internal investigations of alleged misconduct, illegal activity or code of conduct violations. This includes failure to answer questions or submit to proper investigative techniques.					X
21.	Access to Police Records					
	Employees shall not access MPD official records for any reason inconsistent with their professional duties.			X		
	Employees shall not release official records of the MPD for reasons inconsistent with their professional duties.			X		
	Employees shall not tamper with any MPD records system.			X		
STANDARD OPERATING PROCEDURES						
SOP	Transportation and Treatment of Prisoners					
	Failure to take all reasonable precautions necessary to secure and safely transport prisoners in accordance with SOP.		X			
SOP	Status Changes					
	Failure to report changes in address or telephone number within 24 hours after making such changes by submitting in writing the changes to the Chief of Police's Office, their commanding officer and the shift OIC. All employees shall maintain a working telephone number. Officers shall promptly notify their commanding officer if their drivers license status changes.	X				
SOP	Search and Seizure					
	Failure to obtain Command Approval for search warrants for any building or dwelling. This does not include search warrants for property or vehicles that are already in MPD custody. Tactical execution of warrants will only be performed by personnel with appropriate training and who are in uniform or otherwise clearly identifiable as police officers.		X			
SOP	Police Weaponry					
	Failure to adhere to the specifics of this procedure as described in the SOP.		X			
SOP	Firearms Safety					
	Employees who have been trained in MPD firearms safety shall strictly adhere to all safety guidelines when handling firearms to prevent unintentional discharges. This applies both on and off duty.			X		
	Unintentional discharge on the range line (no injury or horseplay).		X			
	Failure to ensure the security and safe storage of MPD approved weapons. This applies both on and off duty.		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
SOP	Use and Care of City-Owned Property		X			
	Failure to adhere to prescribed procedures for check out and use of any MPD owned property. Members of the MPD are responsible for the good care of MPD property and shall promptly report to their supervisor in writing the loss of, damage to or unserviceable condition of such property.		X			
	Unintentional discharge of electronic control device if it occurs in the armory during the check out process and no injuries (documented counseling).	X				
	Failure to drive city owned vehicles with due regard for safety at all times.			X		
	Employees shall not use any MPD property for private purposes unless permission is first obtained from the Chief of Police.		X			
SOP	Property Handling		X			
	Failure to take all precautions necessary to guarantee proper handling of evidence and any property seized, received or found and shall conform to MPD procedure for handling and disposition; a written record of the property disposition shall be included in the employee's report.		X			
	Destruction of property without following normal tagging procedures.			X		
	Failure to adhere to the specifics listed in detail in this SOP.		X			
SOP	Personal Appearance					
	Failure to adhere to personal appearance code of conduct described in the SOP.	X				
SOP	Identification of Employees					
	Failure to identify with name, rank and employee number when requested to do so. Plain clothes officers will ID themselves with badge and ID card.		X			
SOP	Reporting					
	Failure to write accurate and complete reports and reports shall be completed promptly.		X			
	Failure to complete reports in all arrests, use of force, stops, frisks, criminal investigations, property/evidence handling and other cases outlined in SOPs.		X			
SOP	TIME System Access					
	TIME system access will be in strict compliance with their procedures and information gleaned shall be disseminated in accordance with the SOP.		X			
SOP	Stop and Frisk					
	Failure to adhere to the specifics listed in this SOP.	X				
SOP	Searches					
	Failure to adhere to the specifics listed in this SOP.		X			
SOP	Handling of Evidence, Contraband, Found or Lost Property					
	Failure to adhere to the specifics listed in this SOP.	X				
SOP	Use of Mobile Data Computers					
	Failure to adhere to the specifics listed in this SOP.		X			
SOP	Off-Duty Officer Responsibilities					
	Failure to adhere to the specifics found in the SOP.		X			
SOP	Traffic/Parking Enforcement and Crash Investigation					
	Failure to promptly report to an on-duty supervisor any accident with damage to any city owned motor vehicle operated by them or in their charge. An employee shall request a field supervisor be dispatched to supervise any accident investigation.		X			
SOP	Outside Employment					
	Failure to adhere to the specifics as described in the SOP.	X				
SOP	In-Car Video System					
	Failure to log into squad video system		X			
	Failure to sync in-car video microphone		X			
	Failure to wear microphone		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
SOP	Social Media – Off Duty		X			
	Failure of personnel to appropriately represent MPD honestly, respectfully, and/or legally while on- or off-duty through the use of social media. Personnel are expected to represent the Core Values of the MPD at all times even when using the internet for personal purposes.					
SOP	Emergency Vehicle Operation					
	Unauthorized Pursuit.		X			
	Improper Use of Warning Devices and Other Safety Equipment.		X			
	Failure to Operate With Due Regard.			X		
SOP	Police Vehicle Parking					
	Failure to adhere to the specifics listed in this SOP.		X			
SOP	Domestic Abuse					
	Failure to Complete a Required Report Where No Arrest.		X			

See Code of Conduct manual and SOPs for detailed description of code of conduct/procedures. The above-described policies/procedures are general summaries and are not meant to be all inclusive.

Not all policies are listed in the matrix, however, all code of conduct/procedural violations will be enforced.

Sanction Options in Internal Investigations

These levels are not considered formal discipline:

1. Verbal Counseling.
2. Training.
3. Mediation - in minor complaints, if both parties are MPD employees and mutually agree, mediation will be arranged through Employee Assistance Program (EAP) using a professional mediator.
4. Work Rules.
5. Documented Counseling.

The levels covered below are considered formal discipline and are placed in the employee's personnel file:

1. Letter of Reprimand.
2. Suspension without Pay.
3. Reduction in Rank.
4. Separation of Service.

Restorative Performance Initiative

MPD employees who have received a Letter of Reprimand (considered discipline) may be eligible for Restorative Performance if they have not received documented sanctions in the past. This is based on the Chief of Police's discretion. By taking part in Restorative Performance, the Letter of Discipline may be reduced to Documented Counseling (not considered discipline).

The following are requirements for successful completion of the Restorative Performance Initiative:

- No prior sustained cases.
- Offered at the Letter of Reprimand level of discipline.
- Officer will attend training in a field related to what Code of Conduct, Standard Operating Procedure, or City APM was violated.
- Officer will provide a written summary of the training attended and demonstrate knowledge learned.
- No additional Code of Conduct, Standard Operating Procedure, or City APM violations that result in discipline within one year from date of agreement.

An employee who is participating in the Restorative Performance Initiative will have the PSIA case held in "open" status for one year. If the above listed requirements are met after one year, the Letter of Reprimand is amended to Documented Counseling and the case status will be removed from the employee's personnel file.

If the employee is unsuccessful in completing the program, the discipline will be maintained as a "Letter of Reprimand."

Multiple Violations

In cases where there may be multiple code of conduct/procedural violations involved with a single investigation, each violation may receive a separate and distinct sanction.

Police and Fire Commission (PFC)

The PFC is established by Wis. Stats. Sec. 62.13. The PFC appoints all commissioned officers and establishes hiring guidelines. Charges may be filed against an officer by the Chief of Police, member of the PFC or by any aggrieved party. These charges may request that an officer be reduced in rank, suspended or removed. Under the statute, the PFC shall hold a hearing on the charges and evidence shall be presented. After the presentation of evidence, the PFC must determine that the seven just causes (outlined in Wis. Stats. Sec. 62.13(5)(3m)) have been met. If the PFC determines there is just cause to sustain the charges, the PFC may suspend, reduce in rank, suspend and reduce in rank or remove the officer.

Rights of the Chief of Police/Right of Deviation

The Chief of Police reserves the right of suspension, transfer of assignment and extension of probation, counseling, alcohol/drug assessment, psychiatric evaluation, fitness for duty evaluation, or any other training, treatment or evaluation reasonably deemed necessary by the Chief of Police, in certain cases. The Chief of Police also reserves the right to file charges with the PFC as outlined above. The Chief of Police also reserves the right to terminate civilian employees for just cause.

The Chief of Police or designee will approve all discipline.

The Chief of Police reserves the right to hold suspension days in abeyance.

The Chief of Police reserves the right to deviate outside the recommended Matrix guidelines. If a deviation occurs, the factors leading to the deviation shall be addressed in the discipline notice to the employee. Deviation may be based on mitigating or aggravating factors.

The Chief of Police will make the final determination of disposition.

EXAMPLES OF MITIGATING AND AGGRAVATING FACTORS

Mitigating factors include but are not limited to:

- Ordered by supervisor.
- Mistake of facts.
- Necessity.
- Unintentional.

Aggravating Factors include but are not limited to:

- Inappropriate use of force.
- Personal motive.
- Intoxication.
- Conspiracy.

- Criminal conduct.
- Deception.
- Intentional act.

Nothing in this code of conduct shall be construed to limit the management prerogative of the Chief of Police, nor any other supervisory officer, to take corrective action whenever appropriate.

The Chief of Police may file formal charges against an employee, with the appropriate authorities, irrespective of an internal investigation.

Civilian Employees

All employees are expected to adhere to the MPD code of conduct, SOPs, city administrative procedural memoranda (APMs) and the City of Madison Employee Benefits Handbooks. This discipline matrix is not meant to cover civilian employees of the MPD. Discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

In situations where there is a conflict between the MPD Code of Conduct, SOP, APM or the Employee Benefit Handbook the most stringent rule, code, guideline shall apply.

Probationary Police Officers

This matrix SOP may not apply to probationary police officers whose employment status is subject to their probationary performance.

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