



City of Madison
MINUTES - APPROVED
CCOC Subcommittee on
Police & Community Relations

City of Madison
Madison, WI 53703
www.cityofmadison.com

Monday, October 17, 2016

6:30 pm

Urban League of Greater Madison
2222 S. Park Street
Evjue Room

Meeting Video: <http://media.cityofmadison.com/Mediasite/Play/ca9ac988c7b24573a74cc96c91cf6c321d>

Website: <http://www.cityofmadison.com/Council/meetings/ccocPCR.cfm>

Handouts at Meetings: [Legislative File No. 44674](#)

Meeting Minutes: [Legislative File No. 44675](#)

Members Present: Ald. Shiva Bidar-Sielaff, Ald. Marsha Rummel, Ald. Denise DeMarb, Ald. Sheri Carter
(arrived at 7:30 pm)

Members Excused: Ald. Rebecca Kemble

Staff Present: Heather Allen, Council Legislative Analyst, Capt James Wheeler, MPD Representative, Lisa Veldran, Council Administrative Assistant

Others Present: Greg Gelembiuk, Scott Herrick, ACA Patricia Lawton, David Glomp, Paula Fitzsimmons, Sgt. Erik Fuhreman

Call to Order

Chair, Ald. Marsha Rummel, called the meeting to order at 6:36 p.m.

Public Comment

Gregory Gelembiuk, Community Response Team | Spoke

Mr. Gelembiuk commented on the MPD Policy & Procedure Ad Hoc Committee vendor selection process, specifically involving his concerns with the Hillier-Hinsey team.

Paula Fitzsimmons | Spoke

Ms. Fitzsimmons expressed her frustration and confusion with the number of city committees reviewing police procedures and policies. Ald. Rummel explained what this subcommittee, the ad hoc committee and the Public Safety Review Committee had different charges and goals. Ms. Fitzsimmons expressed concern that there were too many committees that appeared to be one-sided (against the police).

David Glomp | Spoke

Mr. Glomp stated that he was from the Meadowood neighborhood. Felt that this subcommittee was "overkill" and was duplicating work that the ad hoc committee would be doing.

Disclosures & Recusals

There were no disclosures or recusals from members of the subcommittee present.

Approval of September 26, 2016 and October 6, 2016 minutes

Ald. Denise DeMarb moved approval of the minutes from the September 26 and October 6, 2016 CCOC Subcommittee on Police & Community Relations meetings, seconded by Ald. Shiva Bidar-Sielaff. Motion was approved unanimously.

Adoption of Roberts Rules of Order and Additional Ground Rules (example: the use of suspending the rules for meeting flexibility)

Subcommittee members discussed the desire to allow for more flexibility in public discourse by suspending the rules and engaging in conversation on specific agenda items. It was agreed that the chair would explain at the beginning of meetings what would be happening and that the agenda be organized in such a way that the subcommittee business items would be at the beginning of the agenda and the more public portion of the agenda be at the end.

Ald. DeMarb requested that the City Attorney be contacted to develop language around this engagement process. This will be an item on the next agenda.

Report from Subcommittee member (s): 10/6/16 and 10/13/16 MPD Policy & Procedure Ad Hoc Committee meetings

Ald. Rummel reported that the ad hoc committee had selected a vendor (OIR). Ald. DeMarb expressed the desire to not duplicate efforts of the ad hoc committee. It was agreed that a member of the subcommittee would attend future MPD Policy & Procedure Ad Hoc Committee meetings.

Community Engagement Plan – Heather Allen, Council Legislative Analyst

The final draft of the Community Engagement Plan developed by Heather Allen was reviewed. Ms. Allen noted that she added a #9 that would need further subcommittee discussion:

9. *The Subcommittee will explore the opportunity to create a large community wide forum where all individuals and groups interested in policing and community relations can gather, discuss, and connect in a welcoming and safe environment. The intent is to create a space for discussion where the public can discuss with one another and the Subcommittee can engage and listen to the dialogues.*

She also noted that this was a living document to be amended as the subcommittee continues its process and goals.

Presentation: Madison Police Department Investigation & Discipline Process – Capt. James Wheeler & Sgt. Erik Fuhreman (MPD Professional Standards and Internal Affairs or PSIA)

Gregory Gelembiuk, Community Response Team | Spoke

Excessive force complaints have been similar to other large cities but recent data was low and that raised concerns for him regarding police data collection.

Sgt. Erik Fuhreman presented information on the Madison Police Department's investigation and discipline process. He noted that it is part of a team that included Lt. Amy Chamberlain. Service on the PSIA is limited to 2-year assignments.

Sgt. Fuhreman reviewed the new electronic file management system (2016), the standards and internal affairs discipline matrix and the complaint investigation process. Complaints that are believed to be lower level policy violations are sent to the district command.

Ald. Bidar-Sielaff asked if the new system has historical data. Sgt. Fuhreman stated that it does not. He noted that the department ran two systems (electronic and paper) from 2005 – 2015 and the data was less reliable. With the new system they can pull aggregate data on the number of complaints, types of complaints and who generates the complaints.

Ald. DeMarb asked what the protocol was when a district captain received a complaint. Sgt. Fuhreman indicated that Internal Affairs investigated anything related to codes of conduct or standard operating procedures. He noted that State Statutes outlined the police officer bill of rights, ensuring a fair investigation and that there were seven standards that must be met if a police chief will issue discipline to an employee.

Sgt. Fuhreman stated that the discipline matrix was created in 2014 in order to formalize fair, just and reasonable treatment. The matrix ranges from Category A (non-disciplinary) to Category E (severe sanction).

Ald. Bidar-Sielaff asked if there are repeated complaints about a specific officer does that bump it to another level. Sgt. Fuhreman indicated that it did and that repeated acts resulted in discipline.

Sgt. Fuhreman noted that early intervention is intended to look at different indicator for potential concerns with an officer. The new software could also be used to track ALL use of force incidents (with or without complaints), vehicles pursuits and squad crashes. This data is shared with the Chief and Assistant Chiefs so they can review the data and direct commanders to do any officer follow-up if needed.

Discussion: Meeting agenda for next meeting – Wednesday, October 26, 2016 at 6:30 pm, Goodman Community Center *(note: this meeting was later canceled due to a lack of quorum)*

Scheduled Presentation: United Way/MPD Task Force Report by Captain James Wheeler & Captain Kristen Roman, MPD

November: City Attorney Michael May to discuss the legal role of the Council & MPD

Adjournment

Ald. Shiva Bidar-Sielaff moved, seconded by Ald. Denise DeMarb, to adjourn. Motion passed unanimously. Meeting adjourned at 8:30 p.m.

Community Engagement Plan for the Common Council Organizational Committee Subcommittee on Police and Community Relations

The Common Council Organizational Committee Subcommittee on Police and Community Relations (the Subcommittee) held its first meeting on September 14, 2016 and confirmed the following objectives:

- a) Provide a forum for residents and members of the Council to discuss police and community goals, priorities and interactions. Build a deeper understanding of policing for elected officials and members of the public; and,
- b) Explore models and options from other communities related to policing and other police policies; and,
- c) Provide a forum for information sharing regarding police training, policies, data and trends including detailed presentations from the MPD related to policing; and,
- d) Make recommendations to the Council on short-term policy, procedure and training while waiting for the results of the Ad Hoc Review of Police Policies and Procedures.

The Subcommittee reaffirmed a commitment to an effective public process with robust public dialogue. In particular the Subcommittee hopes to support community members in shaping city priorities and plans. (See attached community engagement continuum). This plan is a framework intended to be as a living document and a resource for the Subcommittee.

Background

People of color, especially young people of color get their media and information via the web and particularly social media more than other groups. People of color and low-income people are less likely to attend public meetings held in government buildings downtown on weekday evenings than higher income white people. Some members of the public especially those in leadership roles express fatigue at the idea of yet another focus group or stakeholder meeting without a clear plan to utilize the input. Residents have voiced concerns that this Subcommittee, which complements the Police and Fire Commission, the Public Safety Review Committee and the Ad Hoc Police Policy and Procedures Committee, is not separate and distinct in the eyes of the members of the public.

Reports from the Madison Police Department illustrate that arrests of African Americans are significantly higher African Americans in the City population. In 2015, 41% of adults arrested were African American, while African Americans represented less than 8% of the population in 2010. National statistics demonstrate that more frequent contact with police can be result in negative consequences for residents. There are a number of individuals and organizations who are dedicated to issues pertaining to policing in Madison and that this work and information may be useful to the Subcommittee.

Serving as a police officer is a difficult and dangerous job, one that has come under increased pressure in recent years. Madison residents and elected officials want to be safe and support Madison Police Officers in their effort to do their jobs. It will be essential to learn from officers and others about serving as an officer in uniform.

Proposed Steps to Improve Public Engagement:

1. The Subcommittee will utilize websites, videos and social media strategies to communicate information about the Subcommittee. It will provide opportunities for the public to engage through a

web contact form/email. The planned website on the Common Council page will allow for input from members of the public to share their views. The Subcommittee meetings will also be videotaped to allow for convenient viewing of the content.

The Common Council Legislative Analyst will provide information about the Subcommittee meetings through an official twitter account dedicated to the work of the committee. The twitter account will also allow for dynamic feedback from the public.

2. The Subcommittee will suspend Roberts Rules as needed during meetings to allow for greater flexibility and a more welcoming dialogue.
3. The Subcommittee will coordinate regularly with the Ad Hoc Committee on Police Procedures and Training to ensure that the work of the two bodies is complementary rather than duplicative. The Chair and Vice Chair of the Subcommittee will reach out directly to the Ad Hoc Committee Chairs to express this desire for close coordination. One member of the Subcommittee will attend each meeting of the Ad Hoc Committee. In addition the Subcommittee will include a regular update on each meeting agenda for information about the Ad Hoc Committee and it will request the same of the Ad Hoc Committee.
4. The Subcommittee will learn as much as possible from police officers, trainers and legal authorities about the day-to-day operations of the police department as well as the framework of laws and policies which govern MPD. Seek to understand the goals and the limitations of police work. This information will be communicated through presentations to the committees.
5. Clarify the purpose of the Subcommittee and its relationship with the other police related committees in Madison, especially the on-going work of the Ad Hoc Review Committee on Police Policies and Procedures. The role of the Subcommittee should be

clearly communicated on the website, as well as verbally whenever the Subcommittee is discussed.

The Subcommittee will develop a visual image, like a Venn Diagram, to illustrate how the various committees overlap and how they are different. This image will be posted on the website. A short description of the subcommittee will also be posted on the website.

6. Resident engagement and input is crucial to the work of the Subcommittee. Some details are not yet finalized. The Subcommittee will reiterate that this process is a new structure and that the Subcommittee will seek to keep participants informed about how their input will be utilized to the extent possible.
7. The Subcommittee will schedule meeting times and locations to provide maximal access to low-income communities young adults and people of color.
8. The Subcommittee will endeavor to reduce the potential for participation fatigue by focusing on relationship building and dynamic conversations rather than traditional focus groups or listening sessions. Instead, it will gather information from materials released by local groups related to Subcommittee issues and analyze that material. Subcommittee members and staff will participate in local meetings hosted by community organizations related to policing, listen and gather feedback there. The Subcommittee will identify themes and priorities that are repeated, though do not fail to notice rarely mentioned but important concerns. The Subcommittee will record the information shared through this participation. Finally, the Subcommittee will identify individuals and organizations discussing and working on policing in the community. Members of the Subcommittee will seek to deepen or build authentic

relationships with these groups. The Subcommittee will encourage a committee or staff member to connect with the each group and report back to the committee about their concerns.

9. The Subcommittee will explore the opportunity to create a large community wide forum where all individuals and groups interested in policing and community relations can gather, discuss, and connect in a welcoming and safe environment. The intent is to create a space for discussion where the public can discuss with one another and the Subcommittee can engage and listen to the dialogues.

Conclusion:

The Subcommittee Community Engagement Plan will serve as a living document with regular updates and amendments. The Community Engagement Plan will serve as a reference for the Subcommittee, reminding members of their commitment to transparent and authentic engagement with the public (without creating an undue burden on those most impacted by policing). The Community Engagement Plan is a recognition that the Subcommittee is here to learn and committed to listening.



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE
Professional Standards & Internal Affairs
Electronic Complaint File Management System



Eff. Date 07/30/2015

General Purpose

This Standard Operating Procedure establishes operational protocols for Professional Standards & Internal Affairs (PS&IA) to become a paperless unit, eliminating the need to create and maintain paper files except in unusual circumstances.

File Creation and Maintenance

All administrative and investigatory documents may be submitted in either electronic or paper format. PS&IA personnel will electronically convert all necessary documents into a PDF. Documents should be appropriately titled (see below) and placed within both the F:\ drive and the official Records Management System (RMS, presently the AIM database). Once a document is placed into the relevant PS&IA electronic filing systems, the original paper documents can be destroyed as outlined below. It is unnecessary to retain a paper copy of electronically submitted original documents.

When a document is submitted in paper format (i.e., written complaint), PS&IA personnel will scan the document into the PS&IA folder in order to convert it into a PDF file. That PDF file should then be appropriately titled (see below) and placed within the F:\ drive, as well as within the RMS.

All paper documents should be maintained for a minimum of 48 hours in order to ensure that the document has not been lost due to a server malfunction. After 48 hours, a document can be destroyed, regardless if the document has an original signature. This process applies to all finalized documents submitted throughout the complaint process, including written complaints from the public and original signed discipline letters. The only paper documents which shall be maintained are handwritten documents considered to be evidence (i.e., a handwritten note by an employee). All other documents can be destroyed following the aforementioned guidelines; however, if there is an open records request pending on any document, this document may not be destroyed until after the request has been granted or until at least sixty days after the date that the request is denied. If any document is the subject of a pending legal action, it may not be destroyed without the express consent of the City Attorney.

Signed Documents

In most circumstances, it is not necessary to sign the majority of administrative forms. Legal documents drafted by the Office of City Attorney and discipline letters for individual cases require a signature, although once scanned into a PDF, these original signed documents can be destroyed following the guidelines noted above. As noted above, all documents submitted in paper format should be retained for a minimum of 48 hours once the document has been converted into a PDF and stored within both the F:drive and the official RMS.

Document Titling

Each document should be appropriately titled. The titling systems for conduct reviews versus PS&IA cases are slightly different.

For conduct reviews (2014-CR-0001), documents should be titled in the following manner:

ABBREVIATED CASE NO. DOCUMENT TYPE
14-CR-01 Written Complaint
14-CR-01 Investigation
14-CR-01 Documented Counseling

For PS&IA cases (2014-PSIA-0001), documents should be titled in the following manner:

<i>ABBREVIATED CASE NO.</i>	<i>DOCUMENT TYPE</i>
14-PSIA-01	Written Complaint
14-PSIA-01	Interview Notification
14-PSIA-01	Interview Transcript
14-PSIA-01	Investigation
14-PSIA-01	Memo
14-PSIA-01	PreD Notice
14-PSIA-01	PreD Response
14-PSIA-01	PreD+Findings
14-PSIA-01	Command Review
14-PSIA-01	Letter of Reprimand
14-PSIA-01	Discipline
14-PSIA-01	Restorative Performance
14-PSIA-01	Media Summary

For civilian conduct reviews (2014-CCR-0001), documents should be titled in the following manner:

<i>ABBREVIATED CASE NO.</i>	<i>DOCUMENT TYPE</i>
14-CCR-01	Written Complaint

For civilian PS&IA cases (2014-CPSIA-0001), documents should be titled in the following manner:

<i>ABBREVIATED CASE NO.</i>	<i>DOCUMENT TYPE</i>
14-CPSIA-01	Interview Notification

Video Footage

PS&IA personnel will instruct the administrator for squad video to save any pertinent squad video onto the evidence server. Once saved onto the server, PS&IA personnel do not need to retain a hard copy for the file. This procedure does not apply to any video or audio footage obtained from an external source (e.g., a business security camera). In cases where external video is located, PS&IA shall maintain a hard copy to be placed within the file. External video can also be provided to the administrator of squad video in order to upload the video to the server as evidence. The program utilized by the administrator, Panasonic Arbitrator, has the ability to index and track pertinent video, in addition to restricting access as prescribed by PS&IA on a case-by-case basis. PS&IA personnel will also make a notation within the official RMS whenever there is video available in a case.

Creating a Paper File

PS&IA will create an official paper file whenever circumstances dictate the need to do so: evidence, external video, etc. Whenever PS&IA creates a paper file, personnel shall also make a notation within the official RMS advising of the creation of a paper file and its contents. The paper file in such circumstances will only contain the necessary documents or evidence, and is not intended to mirror the entire official electronic case file.

Closing Cases

PS&IA personnel are responsible for officially closing all types of internal investigations (PSIA, CPSIA, CR and CCR). Prior to closing the case, PS&IA personnel will ensure that all finalized documents are located within the official RMS, unless otherwise noted.

(Reviewed Only: 02/15/2016)



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Professional Standards and Internal Affairs Complaint Investigation

Eff. Date 03/24/2016

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. Service complaints may be entered into the PSIA records system. Allegations of unlawful conduct or significant rule violations will be given a PSIA investigation number. Complaints that are considered lower level conduct violations and are unlikely to result in discipline will be entered as a Conduct Review (CR). At any time during a CR, when discipline is anticipated a PSIA investigation number shall be assigned.

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

Citizen complaints will not be investigated if the complaint is received more than 90 days after the alleged incident 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 shall 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 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 command 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. When the PSIA investigator is unavailable or unable to conduct an investigation, a command officer assigned by the Chief of Police or his/her designee will be responsible for the investigation.
11. 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.
12. When a complaint is sustained, the investigating supervisor shall confer with PSIA and the district/section commander to determine if the complaint will be sent to the Chief of Police for a potential disciplinary action.
13. 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.
14. The investigating supervisor will forward the file to the employee's commander for review; the Chief of Police will make the final determination as to disposition.

15. 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 with at least 48 hours notice, when appropriate. An employee must be allowed to contact a representative in any interview if desired. This does not pertain to situations involving coaching, mentoring, training, feedback 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.
 - 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 document taking into account 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. Notify the employee in writing of discipline and notify complainant of finding.
- 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, 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 subordinates 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.

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 discipline 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 discipline cases.
- Offered at the Letter of Reprimand level of discipline.
- Officer will attend training in a field related to what code of conduct was violated.
- Officer will provide a written summary of the training attended and demonstrate knowledge learned.
- No additional code of conduct violations 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 changed to "closed." The Letter of Reprimand 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."

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 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.

Original SOP: 02/25/2015
(Reviewed Only: 02/15/2016)
(Revised: 03/21/2016, 03/24/2016)



**CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**



Professional Standards and Internal Affairs Discipline Matrix

Eff. Date 03/21/2016

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 sync Arbitrator microphone.		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		
	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		
6.	Notification Required of Law Enforcement Contact		X			
	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			
7.	Equal Protection		X			
	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			
9.	Harassment			X		
	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		
10.	Courtesy, Respect and Professional Conduct		X			
	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			
	Employees shall use police communications systems, email, radio only for official police business and shall exhibit courtesy during the transmission of all messages.		X			
11.	Public Criticism		X			
	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			
12.	Use of Force					X
	9A Employees shall not use deadly force when a lesser degree of force was reasonable.					X
	9B Employees shall not use excessive force when a lesser degree of force was objectively reasonable.			X		
13.	Vehicle Operation		X			
	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			X		
	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			X		
	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					X
	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			X		
	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		X			
	Failure to take all reasonable precautions necessary to secure and safely transport prisoners in accordance with SOP.		X			
SOP	Status Changes	X				
	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		X			
	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		X			
	Failure to adhere to the specifics of this procedure as described in the SOP.		X			
SOP	Firearms Safety			X		
	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				

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.

For code of conduct violations not listed in the matrix, sanction levels will be determined by the Chief of Police.

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.

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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