



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



**Professional Standards and Internal Affairs Discipline Matrix**

Eff. Date 10/26/2020

**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**

<b>Category A</b>	<b>Category B</b>	<b>Category C</b>	<b>Category D</b>	<b>Category E</b>
<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"> <li>• Verbal Counseling</li> <li>• Mediation</li> <li>• Documented Counseling</li> </ul> <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate.</p> <p><b>Training and/or Work Rules</b> 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:</p> <ul style="list-style-type: none"> <li>• Verbal Counseling</li> <li>• Mediation</li> <li>• Documented Counseling</li> <li>• Letter of Reprimand (First Level of Discipline)</li> </ul> <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate.</p> <p><b>Training and/or Work Rules</b> 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"> <li>• Letter of Reprimand</li> <li>• Suspension without pay for one to five days</li> </ul> <p><b>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules</b> 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"> <li>• Suspension without pay for five to fifteen days</li> </ul> <p><b>Training and/or Work Rules</b> 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"> <li>• Suspension without pay for fifteen days or more</li> <li>• Reduction in rank</li> <li>• Separation from service</li> </ul> <p><b>Training and/or Work Rules</b> 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.	<b>Truthfulness</b>					
	Failure to be truthful.					X
	Employees shall not make false reports or knowingly enter false information into any record.					X
3.	<b>Performance of Duties</b>					
	Failure to respond to dispatch.		X			
	Failure to properly perform duties assigned.		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 as backup officer(s).			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.	<b>Absence from Duty</b>					
	Employees shall not be late or absent from duty without prior permission from a supervisor or the Officer in Charge (OIC).		X			
	Failure to respond to subpoena or scheduled training.		X			
5.	<b>Unlawful Conduct</b>					
	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	

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
	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		
<b>6.</b>	<b>Notification Required of Law Enforcement Contact</b>					
	Failure to notify of contact by any law enforcement agency regarding their involvement as a suspect, witness, victim, or contact in criminal conduct, or 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			
<b>7.</b>	<b>Equal Protection</b>					
	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			
<b>9.</b>	<b>Harassment</b>					
	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		
<b>10.</b>	<b>Courtesy, Respect and Professional Conduct</b>					
	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, and radios only for official police business and shall exhibit courtesy during the transmission of all messages.		X			
<b>11.</b>	<b>Public Criticism</b>					
	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			
<b>12.</b>	<b>Use of Force</b>					
	<b>9A</b> Employees shall not use deadly force when a lesser degree of force was reasonable.					X
	<b>9B</b> Employees shall not use excessive force when a lesser degree of force was objectively reasonable.				X	
<b>13.</b>	<b>Vehicle Operation</b>					
	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.	<b>Insubordination</b>			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.	<b>Criminal Association</b>			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.	<b>Cooperation with Investigations Required</b>					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.	<b>Access to Police Records</b>			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		
<b>STANDARD OPERATING PROCEDURES</b>						
SOP	<b>Transportation and Treatment of Prisoners</b>		X			
	Failure to take all reasonable precautions necessary to secure and safely transport prisoners in accordance with SOP.		X			
SOP	<b>Status Changes</b>	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	<b>Search and Seizure</b>		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	<b>Police Weaponry</b>		X			
	Failure to adhere to the specifics of this procedure as described in the SOP.		X			
SOP	<b>Firearms Safety</b>			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
<b>SOP</b>	<b>Use and Care of City-Owned Property</b>		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.	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			
<b>SOP</b>	<b>Property Handling</b>		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			
<b>SOP</b>	<b>Personal Appearance</b>					
	Failure to adhere to personal appearance code of conduct described in the SOP.	X				
<b>SOP</b>	<b>Identification of Employees</b>					
	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			
<b>SOP</b>	<b>Reporting</b>					
	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			
<b>SOP</b>	<b>TIME System Access</b>					
	TIME system access will be in strict compliance with their procedures and information gleaned shall be disseminated in accordance with the SOP.		X			
<b>SOP</b>	<b>Stop and Frisk</b>					
	Failure to adhere to the specifics listed in this SOP.	X				
<b>SOP</b>	<b>Searches</b>					
	Failure to adhere to the specifics listed in this SOP.		X			
<b>SOP</b>	<b>Handling of Evidence, Contraband, Found or Lost Property</b>					
	Failure to adhere to the specifics listed in this SOP.	X				
<b>SOP</b>	<b>Use of Mobile Data Computers</b>					
	Failure to adhere to the specifics listed in this SOP.		X			
<b>SOP</b>	<b>Off-Duty Officer Responsibilities</b>					
	Failure to adhere to the specifics found in the SOP.		X			
<b>SOP</b>	<b>Traffic/Parking Enforcement and Crash Investigation</b>					
	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			
<b>SOP</b>	<b>Outside Employment</b>					
	Failure to adhere to the specifics as described in the SOP.	X				
<b>SOP</b>	<b>In-Car Video System</b>					
	Failure to log into squad video system		X			
	Failure to sync in-car video microphone		X			
	Failure to wear microphone		X			

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		A	B	C	D	E
<b>SOP</b>	<b>Social Media – Off Duty</b> 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.		X			
<b>SOP</b>	<b>Emergency Vehicle Operation</b>					
	Unauthorized Pursuit.		X			
	Improper Use of Warning Devices and Other Safety Equipment.		X			
	Failure to Operate With Due Regard.			X		
	Improper or unsafe routine vehicle operation maneuver.		X			
<b>SOP</b>	<b>Police Vehicle Parking</b>					
	Failure to adhere to the specifics listed in this SOP.		X			
<b>SOP</b>	<b>Domestic Abuse</b>					
	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.

Employees receiving formal discipline are not eligible for promotion or selection to a closed position for a period of one year from the date of the incident leading to discipline.

### Restorative Performance Initiative

MPD employees who have received a Letter of Reprimand (considered discipline) may be eligible for Restorative Performance 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 resulting in discipline and no recent (last five years) sustained violations
- 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 with 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.

Original SOP: 02/27/2015

(Revised: 02/29/2016, 03/21/2016, 01/06/2017, 06/15/2017, 07/06/2017, 12/06/2017, 06/08/2018, 05/31/2019, 01/03/2020, 01/09/2020, 10/26/2020)

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