



Police and Fire Commission

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Regular Meeting

Agenda

Tuesday, December 3, 2024

8:00 AM

De Pere City Hall Nicolet Conference Room

Pursuant to Wisconsin Statute 19.84, Notice is hereby given to the public that a meeting of the **Police and Fire Commission** of the City of De Pere will be held on **December 3, 2024** at **8:00 AM** in the **De Pere City Hall Nicolet Conference Room, 335 S. Broadway, De Pere, WI 54115**.

I. Call to Order

1. Roll Call.
2. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Police and Fire Commission. §6-3(f) DPMC
3. Approval of the minutes of the September 5, 2024, Police and Fire Commission Meeting.
4. Confirmation of appointment to position of Fire Mechanic.

PLEASE TAKE NOTICE, that pursuant to Sections 19.85(1)(c) and (e), Wisconsin Statutes, the Commission may convene in closed session to discuss employment of any public person over which the Commission has jurisdiction or exercises responsibility.

The Commission may then reconvene in open session to announce any action taken in closed session or for such other matters as are authorized by law.

5. Possible Discussion and Action on Hearing in the Matter of Charges filed against Detective Sergeant Steven A. Yedica by Police Chief Jeremy Muraski.

PLEASE TAKE NOTICE, that pursuant to Wis. Stats. §19.85(1)(c) and (g), the Commission may convene in closed session for the purpose of considering employment or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and for conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Commission with respect to litigation in which it is or is likely to become involved. The Commission may then reconvene in open session to take action on any matter discussed in closed session or for such other purposes as are allowed by law.

6. Future agenda items.
7. Adjournment.

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Agenda Sent To:
Police and Fire Commission
Mayor
Common Council

Human Resources Director
Chief of Police
Fire Chief
City Administrator
City Attorney
Bulletin Boards
Library/News Media

II. Action Items

City of De Pere, Wisconsin

Request For Police and Fire Commission Action

MEETING DATE: December 3, 2024

DEPARTMENT: Human Resources

FROM: Kay Lenzen

SUBJECT: Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Police and Fire Commission. §6-3(f)
DPMC

City of De Pere, Wisconsin**Request For Police and Fire Commission Action**

MEETING DATE: December 3, 2024

DEPARTMENT: Human Resources

FROM: Kay Lenzen

SUBJECT: Approval of the minutes of the September 5, 2024, Police and Fire Commission Meeting.

ATTACHMENTS:

- 2024-09-05 Police and Fire Commission - Draft Minutes (PDF)



Police and Fire Commission

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Regular Meeting

Draft Minutes

Thursday, September 5, 2024

8:00 AM

De Pere City Hall Riverview Room

I. Call to Order

The meeting was called to order at 8:00 AM by Commission President Ted Penn

| Attendee Name | Title | Status | Arrived |
|-----------------|----------------------|---------|---------|
| Erin Bongers | Commissioner | Present | |
| Eric Dunning | Commissioner | Present | |
| Kristen Johnson | Commissioner | Present | |
| Ted Penn | Commission President | Present | |
| Jayme Sellen | Commissioner | Excused | |

Also present were: Police Chief Jeremy Muraski, Police Captain Nathan Mrstik, and Talent Acquisition Specialist Stephanie O'Brien.

- Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Police and Fire Commission. §6-3(f) DPMC

None.

- Introduction of new Police and Fire Commissioner Kristen Johnson.
- Approval of the minutes of the June 27, 2024, Police and Fire Commission Meeting.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Eric Dunning, Commissioner |
| SECONDER: | Erin Bongers, Commissioner |
| AYES: | Erin Bongers, Eric Dunning, Kristen Johnson, Ted Penn |
| EXCUSED: | Jayme Sellen |

- Creation of Police Officer Eligibility List.

PLEASE TAKE NOTICE, that pursuant to Sections 19.85(1)(c) and (e), Wisconsin Statutes, the Commission may convene in closed session to discuss employment of any public person over which the Commission has jurisdiction or exercises responsibility.

The Commission may then reconvene in open session to announce any action taken in closed session or for such other matters as are authorized by law.

Moved by Commissioner Kristen Johnson to go into closed session. Motion seconded by Commissioner Erin Bongers. Motion carried on a roll call vote.

Moved by Commissioner Erin Bongers to resume in open session. Motion seconded by Commissioner Kristen Johnson. Motion carried on a roll call vote.

Moved by Commissioner Erin Bongers to approve two (2) candidates for the eligibility list. Motion seconded by Commissioner Eric Dunning. Motion carried.

- Future agenda items.

None.

7. Adjournment.

Moved by Commissioner Kristen Johnson to adjourn the meeting at 8:25 a.m. Motion seconded by Commissioner Erin Bongers. Motion carried.

Respectfully submitted,
Kay Lenzen

City of De Pere, Wisconsin

Request For Police and Fire Commission Action

MEETING DATE: December 3, 2024

DEPARTMENT: Human Resources

FROM: Kay Lenzen

SUBJECT: Confirmation of appointment to position of Fire Mechanic.

City of De Pere, Wisconsin

Request For Police and Fire Commission Action

MEETING DATE: December 3, 2024

DEPARTMENT: Human Resources

FROM: Kay Lenzen

SUBJECT: Possible Discussion and Action on Hearing in the Matter of Charges filed against Detective Sergeant Steven A. Yedica by Police Chief Jeremy Muraski.

ATTACHMENTS:

- 2024-12-03 PFC Meeting-SAY Combined Charges_Apdx 1-2 (PDF)

**POLICE AND FIRE COMMISSION
CITY OF DE PERE**

COMPLAINT

**Filed against a commissioned officer of the City of De Pere
Police Department by Chief Jeremy A. Muraski pursuant
to Wisconsin Statute Section 62.13 (5),**

JEREMY MURASKI,

Complainant,

v.

STEVEN A. YEDICA,

Respondent.

STATEMENT OF CHARGES

I, City of De Pere Police Chief Jeremy Muraski, do hereby state the following charges as a Complaint against Steven A. Yedica, of the City of De Pere Police Department ("Department"):

Steven A. Yedica ("Yedica") engaged in seriously deficient job performance during a fatal drug overdose investigation that he was assigned to while employed by the Department. Yedica also has record of progressive discipline with the Department and has been repeatedly warned about his conduct, the importance of policy and procedure, and the consequences of violating those core responsibilities and duties of a sworn law enforcement officer. Despite those warnings, Yedica has engaged in seriously deficient job performance as described herein, which warrants Yedica's

removal for the good of the police service because of the seriousness of his deficient job performance and the impact to him and the Department.

In Section II of these Charges, Chief Muraski contends that Yedica failed to thoroughly and properly investigate the fatal drug overdose case that he was assigned despite the presence of several clear, viable and potential leads and, in doing so, violated at least three department policies multiple times over the course of thirteen (13) months. Despite being entrusted to investigate this possible homicide, Yedica closed the case out without any discussion with his direct supervisor after his continued failures to investigate.

By engaging in the deficient conduct as described below in these Charges, Yedica demonstrated a grave lack of judgment as to investigative conduct, which included, without limitation, his failure to follow multiple investigative leads and failure to document his actions or lack thereof through further report-writing. Further, Yedica made decisions at numerous points during the investigation that demonstrated a lack of good judgment. For these reasons, Yedica undermined Chief Muraski's confidence in Yedica's ability to effectively serve the community as a sworn law enforcement officer. Because of the serious nature of Yedica's deficient job conduct, his progressive disciplinary history, and that Yedica is subject to a *Last Chance* letter, the serious acts of deficient conduct as alleged in these charges warrants Yedica's removal from the Department for the "good of the service."

I. DEPARTMENTAL RULES ALLEGED TO HAVE BEEN VIOLATED

The following indicated sections of the Rules, Procedures, and Policies of the De Pere Police Department including, without limitation, Department Policies 200-3 Crime Scene Investigation, 300-9 Employee Conduct, and 300-39 Report Writing, were applicable to and governed the conduct of Yedica at all times stated herein and read in relevant part more specifically:

- A. DPPD Policy 200-3.II "Crime Scene Investigation Policy"
- B. DPPD Policy 200-3.III.C.2 "Collection of Evidence"
- C. DPPD Policy 200-3.III.D "Interviewing Witnesses"
- D. DPPD Policy 300-9.II "Law Enforcement Code of Ethics"
- E. DPPD Policy 300-9.IV.A.2 "Conduct Unbecoming"
- F. DPPD Policy 300-9.IV.G "Unsatisfactory Performance"
- G. DPPD Policy 300-39.II "Report Writing Policy"
- H. DPPD Policy 300-39.IV.1 "Incident Reports"

II. CHARGES

A. Overview.

Yedica is a law enforcement officer with the Department and has been a Detective Sergeant since August 9, 2010.

Yedica is a law enforcement officer sworn to uphold the laws of the United States, State of Wisconsin, and Brown County, and ordinances of the City of De Pere. He must faithfully discharge the duties of a sworn law enforcement officer.

Yedica is subject to the rules, procedures, and policies of the Department and the City of De Pere and is required to abide by those rules, procedures, and policies. The Department maintains rules, procedures, and policies that set forth the Codes of Conduct for Department personnel, which include, but are not limited to, Department Policies 200-3 Crime Scene Investigation, 300-9 Employee Conduct, and 300-39 Report Writing. These policies are incorporated herein as Appendix 1.

The State of Wisconsin maintains, through the Law Enforcement Standards Board, a Law Enforcement Code of Ethics that is required to be administered as an oath, which is incorporated into Department Policy 300-9 Employee Conduct and was signed by Officer Yedica as set forth and incorporated herein in Appendix 2.

B. Summary

On August 22, 2021, De Pere Police Officers were dispatched to a residence in the City of De Pere for an unresponsive male party. The male was found deceased by his family when they returned home from being out of town over the weekend. De Pere Police Officers spoke with the deceased victim's mother, his stepfather, as well as two neighbors and processed the death scene and collected several pieces of evidence. Yedica was assigned the case on August 23, 2021.

Upon being assigned the case, Yedica reviewed the evidence submitted by officers, watched their bodycam footage, and focused his investigation on the cellphones belonging to the victim and the drug evidence that was on scene. Yedica also spoke with the victim's mother on the phone. Yedica did not respond or go to the scene of the overdose/homicide at any point during his investigation. Yedica did not process the scene or and failed to speak with any of the witnesses that were mentioned in the initial officer's reports.

On August 23, 2021, the Department received a tip from Crime Stoppers from an anonymous person stating that the victim had overdosed on fentanyl laced oxycodone pills, which were supplied by J.M. in Green Bay. Captain Chad Opicka turned the tip over to Yedica the next day on August 24, 2021. Yedica did not conduct an investigation into this tip nor did he document any action he took regarding this tip.

On September 10, 2021, Yedica completed a report titled "Physical Phone Examinations." In that report, Yedica attempted to conduct a physical evaluation and examination of only one of four of the cellular phones from the victim's

bedroom. Yedica did not follow through with various potential actions to extract data from the phones nor did he document his actions or inactions including those related to evidentiary logging and chain of custody.

Yedica also failed to take action or follow through with contacting various witnesses, such as the potential suspect that may have provided the lethal drugs or multiple individuals that were in contact with the victim prior to his death, along with other evidentiary leads such as ring doorbell video footage. Nevertheless, Yedica acknowledged that he was aware that the person who gave the deceased victim the lethal drugs could have been criminally charged thus making the death a homicide. Additionally, Yedica did not ask for any assistance from the Brown County Drug Task Force or any member of the Department during the investigation.

Finally, Yedica, on his own, closed the case out in September of 2022 without notifying his supervisor Captain Chad Opicka that he closed or inactivated the case.

Yedica's conduct during the course of and closing out of the investigation violates applicable rules, policies, procedures, and expectations of conduct. Yedica's conduct brings disrepute and reflects adversely upon the City of De Pere Police Department and City of De Pere. The community rightly expects that police take all possible action to investigate fully any death or potential homicide and bring traffickers of lethal drugs to justice. The minimal efforts made in this case negatively impact the department's reputation and the community's level of trust in the Department.

Yedica was grossly deficient in the performance of his duties - he exerted minimal investigative effort, despite the loss of life, and the obvious danger to the community. Yedica did not investigate leads into suspects or witnesses that were provided to him, not even a specifically named suspect in a Crime Stoppers tip. Yedica was the only officer involved that had this knowledge. Yedica's only method in trying to speak with people of importance was over the phone and he failed to document phone conversations or attempted phone contact in a report. At no point during the investigation did Yedica attempt to locate anyone or speak with anyone in person (besides when the victim's mother came to police department in December 2021). Yedica did not request any assistance from De Pere Police Officers or any other law enforcement entity with attempting to locate suspects.

Moreover, Yedica failed to document any of the names of suspects, witnesses, or persons of interest to this case. Again, Yedica failed to document investigative steps he took along the way.

Yedica was also careless in his documentation of the chain of evidence in this case. Yedica failed to scan and attach documents from the Wisconsin Crime Lab for

evidence that was submitted to them and failed to document a complete chain of custody for items of case evidence.

As a result, the foregoing described conduct by Yedica violates, at a minimum, the following policies, rules, and expectations of conduct:

- A. DPPD Policy 300-9.II “Law Enforcement Code of Ethics”
- B. DPPD Policy 300-9.IV.A.2 “Conduct Unbecoming”
- C. DPPD Policy 300-9.IV.G “Unsatisfactory Performance”
- D. DPPD Policy 300-39.II “Report Writing Policy”
- E. DPPD Policy 300-39.IV.1 “Incident Reports”
- F. DPPD Policy 200-3.II “Crime Scene Investigation Policy”
- G. DPPD Policy 200-3.III.C.2 “Collection of Evidence”
- H. DPPD Policy 200-3.III.D “Interviewing Witnesses”

C. Just Cause.

Pursuant to Wisconsin Statute Section 62.13(5)(em)1-7, the Police and Fire Commission of the City of De Pere must determine whether the Seven Tests of Just Cause as described in the statute have been met. Chief Muraski hereby further alleges as follows:

1. Test 1. Whether Yedica could reasonably be expected to have knowledge of the possible consequences of the alleged conduct?

Yedica has received the Department’s policies containing rules and expectations of conduct and has acknowledged that he was issued the De Pere Police Department Policy Manual and knew that he was responsible for adhering to it. Further, Yedica was issued and signed a disciplinary letter on June 24, 2020, that contained Last Chance language stating, “The situation you created is unacceptable and this case is your last chance. Future disciplinary actions taken against you for substantial violation of department policy or work rule will result in your termination from the department.” This Last Chance letter is incorporated herein as Appendix 4.

2. Test 2. Whether the rule or order Yedica allegedly violated is reasonable?

The rules expressed herein and the expectation that a law enforcement officer statements are necessary to further the public's fundamental expectation that a law enforcement officer's conduct, effort, ethics, report writing, and interviewing of witnesses meets a baseline minimum standard of performance.

Yedica was asked if he believed each Policy was a reasonable Policy. He answered in the affirmative for each Policy.

3. Test 3. Whether Chief Muraski, before filing these charges against Yedica, made a reasonable effort to discover whether Yedica did, in fact, violate a rule or order?

In conducting the investigation, Captain Jake Nowak relied on information gathered from various sources, including without limitation Yedica's personnel file, a thorough review of the case in the GERP case report management system, and internal investigatory interview of Yedica.

4. Test 4. Whether the effort described in Standard 3 was fair and objective?

Yedica received notice and the opportunity for representation at the investigatory interview and had both the Union President Aaron Hanson and Union Attorney Sucevic present during the interview on November 6, 2024. Further, Yedica was provided the opportunity to present his side of the story prior to the determination of discipline or the filing of this Statement of Charges at a pre-determination (Loudermill) meeting on Thursday, November 14, 2024.

5. Test 5. Whether Chief Muraski discovered substantial evidence that Yedica violated the rule or order as described in the charges?

All of the above-detailed factual information in these Charges was gathered during the investigation and, when presented to the Commission, will meet the substantial evidence test required to support removal from the Department based upon Yedica's violations of multiple policies.

6. Test 6. Whether Chief Muraski is applying the rule or order fairly and without discrimination against Yedica?

The Department is unaware of other employees of the Department who have engaged in the type of conduct as described in these Charges and as engaged in by Yedica. Regardless, Yedica is also subject to the Last Chance provision in his disciplinary letter from June 24, 2020.

7. Test 7. Whether the proposed Discipline reasonably relates to the seriousness of the alleged violation and to Yedica's record of service with the De Pere Police Department?

A single violation of the conduct alleged in these charges warrants Yedica's removal from the Department for the good of the police service. Yedica's

APPENDIX 1



Title: Crime Scene Investigation

NO: 200-3

Effective Date April 4, 2003

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I. PURPOSE

The purpose of this procedure is to establish guidelines to Officers responding to and conducting investigations at crime scenes.

II. POLICY

It is the policy of the De Pere Police Department (DPPD) that all Officers understand and follow established procedures to effectively protect, collect and preserve evidence of a crime and conduct initial investigative and other essential tasks at crime scenes. The Supervisor is responsible for determining the scope of the investigation and determining when additional resources and investigative assistance is required. The seriousness of the offense and complexity of the crime scene should be considered when determining the need for resources and investigative assistance.

III. PROCEDURES

A. Initial Response.

Initial responding Officers shall initiate the preliminary investigation and perform tasks as designated below until otherwise directed by a Supervisor or Investigator.

1. While responding to crime scenes, Officers should be aware of suspects/vehicles that may be leaving the scene.
2. Upon arrival, verify that a crime has been committed and relay relevant information to the Communications Center.
3. Administer first aid and summon emergency medical assistance if required and take action necessary to protect victims or others at the scene.
4. Provide communications with such information as:
 - a. Nature of the crime committed;
 - b. Description of the suspect(s) and mode/direction of flight;
 - c. Description of any vehicle used by the suspect(s) and any accomplices;
 - d. Use of firearms or other deadly weapons; and



Title: Crime Scene Investigation

NO: 200-3

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- e. Any support at the crime scene.
5. Identification of Persons and Vehicles.
- a. Identify any witnesses to the crime, obtain their identities and request that they remain at a location determined by the Officer until they can be interviewed.
 - b. Keep witnesses separated to prevent them from comparing details of what they observed.
 - c. Whenever possible, obtain the identities of any other persons who were present upon your arrival at the crime scene.
 - d. Document the registration plates of vehicles parked near the crime scene and be aware of suspicious persons at or near the crime scene.
6. Provide any Supervisors and investigative personnel arriving on the scene with complete information on the offense and the measures taken by Officers.
- B. Preservation of the Crime Scene.
- 1. Responding Officers shall enter crime scenes only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending suspect(s) or securing the area. Other entries shall be permitted only under the direction of a Supervisor.
 - 2. Officers making initial entries will, when possible, avoid touching, walking upon, moving objects or otherwise altering or contaminating the crime scene.
 - 3. Define the boundaries of the crime scene to include all areas that may reasonably be searched for evidence. Depending upon the nature and seriousness of the crime, Officers should:
 - a. Request backup assistance to restrict access to the crime scene and control any onlookers.
 - b. Erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters; and



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- c. Record any alterations made at the crime scene due to emergency assistance to victims, or changes made by others at the crime scene (victim, witness, bystander).
4. Restrict all persons from the crime scene who are not directly involved in the investigation.

In the case of major crimes the Supervisor shall ensure that the identity of all persons entering the crime scene is recorded.

5. Major crime scenes should be approached only as needed in a single defined line to avoid destruction of footprints and other impressions and the contamination of scent trails that may be useful in canine searches. The "place last seen" of kidnapped or missing persons should also be protected as a crime scene where foul play is suspected.

C. Collection of Evidence.

Unless exigent circumstances exist or authorization of a Supervisory Officer is received, initial responding Officers at major crime scenes shall not engage in collection of items of potential evidentiary value. Officers may engage in the following tasks as directed by the Supervisor or Investigator:

1. Officers shall search the crime scene in a manner or method determined by the Supervisor or Investigator for any items that may establish how the crime was committed or who committed the crime.
2. The chain of possession of all evidence shall be clearly and completely documented in accordance with DPPD policy beginning with initial collection, packaging and labeling at the crime scene. See *Evidence Collection and Handling of Property Procedure*.

This may include, but is not limited to, the following:

- a. Unusual objects or objects found in unexpected or unusual locations; and
- b. Weapons, tools, clothing, stains, blood spatters, fingerprints, footprints, tire or tool mark impressions, broken glass, fibers, soil or other items or substances.
3. Officers shall comply with DPPD policy and procedures for purposes of properly photographing, preserving, packaging, and labeling criminal evidence.



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D. Interviewing Witnesses.

Preliminary interview of witnesses should be conducted as soon as possible. The neighborhood surrounding the crime scene should be canvassed to identify additional witnesses or others who may have some knowledge of the crime. The purpose and scope of these interview is to gather as much basic information as possible about the crime at the earliest point possible to identify the suspect(s) and establish the basis for the follow-up investigation.

E. Crime Scene Reporting

Officers conducting the preliminary and follow-up investigations shall complete appropriate reports in accordance with *DPPD Resource Manual*.



Title: Employee Conduct

NO: 300-9

Effective Date April 4, 2003 Revised Date March 27, 2009

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I. POLICY

The purpose of this procedure is to establish appropriate conduct for all De Pere Police Department (DPPD) employees, both Sworn and Non-Sworn, on and off duty.

II. CODE OF ETHICS: SWORN OFFICER

LAW ENFORCEMENT CODE OF ETHICS

“ As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....law enforcement.”

III. DEFINITION

Accountability - The duty of all Employees to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without deception.

IV. PROCEDURES

A. General Conduct.



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NO: 300-9

Effective Date April 4, 2003 Revised Date March 27, 2009

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1. Obedience to Criminal, Traffic Law, Regulations, Orders.
 - a. Employees shall not violate any law or any Department policy, rule, or procedure.
 - b. Employees shall obey all lawful orders.
2. Conduct Unbecoming.

Employees shall not engage in any conduct or activities on- or off-duty that reflect discredit on the officers, tend to bring this Department into dispute, or impair its efficient and effective operation.
3. Accountability, Responsibility, and Discipline.
 - a. Employees are directly accountable for their actions through the chain of command, to the Chief of Police.
 - b. Employees shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
 - c. Employees shall be accurate, complete, and truthful in all matters.
 - d. Employees shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability with an internal criminal investigation.
 - e. Employees who are arrested, cited, or come under investigation for any criminal offense or municipal violation in this or another jurisdiction shall report this fact to a superior as soon as possible.
4. Conduct Toward Fellow Employees.
 - a. Employees shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
 - b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person.



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NO: 300-9

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5. Sexual Harassment Prohibited.

It is the policy of the City of De Pere to foster an environment of respect for the dignity and worth of all its employees, and because incidents of sexual harassment are demeaning to all persons involved and impair the ability of the City to function properly, the City has adopted the guidelines established by the Equal Employment Opportunity Commission. Employees who experience, or are aware of, a situation, which constitutes sexual harassment, should contact his/her Supervisor or the Human Resources Manager.

It is in this policy of the City that all complaints, (including those which are made anonymously), will be investigated by the Human Resources Department promptly and thoroughly and that appropriate records will be maintained of each occurrence. Employees who have engaged in sexual harassment will have appropriate action imposed if allegations can be proven. These actions may include immediate dismissal.

6. Conduct Toward the Public.

Illegal Profiling: the unequal treatment of any person, including stopping, questioning, detaining, searching, or arresting on the basis of one's racial or ethnic characteristics, religion, gender, or sexual orientation.

- a. Employees shall conduct themselves in a dignified and respectful manner at all times when dealing with the public
- b. Employees will not stop, detain, search, or arrest anyone on the basis of illegal profiling. Traffic stops and field interviews will be made on the basis of reasonable suspicion or of a specific suspect description, and arrests will be made on the basis of probable cause.

Note: This section does not preclude employees from engaging in community care-taker functions, such as observing a substance leaking from a vehicle, or a flat tire; checking on a person who appears lost, ill, confused; or considering a person's apparent age when investigating curfew regulations, graduated driver license provisions, or liquor law violations, etc.



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NO: 300-9

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April 4, 2003

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March 27, 2009

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- c. Employees shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.
- d. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, Officers shall adhere to this Department's use-of-force policy and shall observe the civil rights and protect the well being of those in their custody.

7. Use of Alcohol and Drugs.

- a. Employees shall not consume any intoxicating beverage while on duty unless authorized by a Supervisor.
- b. Intoxicating beverages shall not be served or consumed on police premises or in vehicles owned by this Department unless authorized by a Supervisor for a law enforcement purpose.
- c. Employees, while off duty, should refrain from consuming intoxicating beverages to the extent that it results in behavior, which discredits the Department, or renders the employee unfit to report for the next regular tour or duty.
- d. No employee shall report for duty with the odor of alcoholic beverages on his/her breath.
- e. No employee shall report to work when alcohol, medication, or other substances have impaired his or her judgment or physical condition.
- f. Employees must report the use of any substance, prior to reporting for duty that impairs his/her ability to perform as a Law Enforcement Officer.
- g. Supervisors may order a drug or alcohol screening test when he/she has reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to the City of De Pere employee drug/alcohol screening and testing policy.



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8. Use of Tobacco Products While on Duty.

An employee shall not use tobacco products on duty unless in a designated area or out of public view and not conducting police business, nor in a vehicle owned or maintained by the City of De Pere.

9. Abuse of Law Enforcement Powers or Position.

- a. Employees shall report any unsolicited gifts, gratuities, or other items of value that they receive to their Supervisor immediately.
- b. Employees should not use their authority, position, or information gained from within this position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services.
- c. Employees shall not purchase or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
- d. Employees shall not solicit or accept contributions for this agency or for any other agency, organization, event or cause without the express consent of the Chief of Police, or his or her designee.
- e. Employees who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform his/her Supervisor.

10. Off-Duty Police Action.

- a. Officers shall not use their police powers to resolve personal grievances (those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers should summon on-duty police personnel and a Supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.



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- b. Unless operating a marked police vehicle, off-duty officers should not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action within their jurisdiction.
- c. Officers of this agency have liability protection for the on- and off-duty performance of official duties. However, this protection does not extend to acts intended to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this Department.
- d. When off-duty and within jurisdiction of this law enforcement agency, an officer may make an arrest only when:
 - 1. There is an immediate need to prevent a crime or apprehend a suspect.
 - 2. The crime would require a full custodial arrest.
 - 3. The arresting officer possesses appropriate police identification.
 - 4. There is a danger to others.
- e. Off-Duty Responsibilities.
 - 1. While off-duty, the officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities.
 - 2. Except as allowed by this procedure, off-duty officers shall not enforce minor violations such as harassment, disorderly conduct, or other nuisance offenses. On-duty personnel shall be contacted to respond to the situation where an off-duty officer becomes aware of such violations.
 - 3. Where an arrest is necessary, the off-duty arresting officer shall abide by all Departmental policies and procedures.



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10. Prohibited Associations and Establishments.

- a. Arresting, investigating, or custodial officers shall not commence social relationships with the spouse, immediate family member, relatives, or romantic companion of persons in the custody of this agency.
- b. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community, except as necessary to the performance of official duties, or where unavoidable because of familial relationships.
- c. No member of the DPPD should post bond or sign a *Responsible Adult Release Form* for anyone with the exception of family members.
- d. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
- e. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

B. Public Statements, Appearances, and Endorsements.

1. Officers shall not, under color of authority,
 - a. Make any public statement that could be reasonably interpreted as having an adverse effect upon Department morale, discipline, operation of the agency, or perception of the public.
 - b. Divulge or willingly permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or
 - c. Unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.



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2. Endorsements.

Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

C. Political Activity.

1. Officers should be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during work hours, while in uniform, or otherwise serving as a representative of this agency:
 - a. Engage in any political activity.
 - b. Place or affix any campaign literature on city/county-owned property.
 - c. Solicit political funds from any member of this agency or other governmental agency of this jurisdiction.
 - d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction.
 - e. Use official authority to interfere with any election or interfere with political actions of other employees or the general public.
 - f. Favor or discriminate against any person seeking employment because of political opinions or affiliations.
 - g. Participate in any type of political activity while in uniform.

D. Expectations of Privacy.

1. Employees should not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, Departmentally owed vehicles, filing cabinets, computers, or similar areas



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that are under control and management of this agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers shall be aware that these and similar places may be inspected or otherwise entered – to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Chief of Police/designee.

2. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residency or in other locations outside the confines of this agency without express written permission.

E. Telephone/Address Changes.

Employees shall report immediately any changes in telephone numbers, addresses, marital status, dependants, or beneficiaries to the City of De Pere Human Resources department. Employee address and telephone information shall be treated as confidential information and will not be disclosed except as required by law or court order.

F. Departmental and Injury Reports.

Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete, and no employee shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information. An employee should report any personal injury received in the line of duty.

G. Unsatisfactory Performance.

Employees shall maintain sufficient competency to properly perform their duties and responsibilities. Employees shall perform their duties in a manner that will retain high standards of efficiency. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; a lack of knowledge regarding Departmental policy, procedures or application thereof; the unwillingness or inability to perform assigned tasks; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance; repeated poor evaluations or a written record of repeated infractions of rules, regulations, procedures, directives, or Departmental orders.



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H. Insubordination.

Employees shall not be insubordinate. Insubordination is disrespect toward a Supervisor, open defiance, or the refusal to obey any lawful order or directive of a Supervisor in a timely and satisfactory manner. This will include orders and directives relayed from a Supervisor by an officer of the same or lesser rank.

1. Disrespect toward a Supervisor includes but is not limited to disrespectful conduct or language, which impairs a Supervisor's ability to carry out his/her Departmental duties.
2. Open defiance includes, but is not limited to deliberate or willful refusal to carry out or disregard an order/directive, direct refusal, and/or outright or blatant verbal indication or actions that clearly defy an order, rule, regulation, or directive.

I. Identification.

Employees shall carry identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and their badge number to any person requesting that information, when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

J. Off Duty Employment.

Employees should not hold outside employment that will result in a conflict of interest, give the impression of involving a conflict of interest, work long hours that may affect their work while on duty, or affect their ability to report for regular duty.

K. Reporting For Duty.

Employees should report for duty at the time and place required by assignment or orders and should be physically and mentally fit to perform their duties. They should be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas constitute an order to report for duty under this section.



I. PURPOSE

The purpose of this procedure is to provide guidance to De Pere Police Department (DPPD) personnel when documenting incidents coming to their attention.

II. POLICY

It is the policy of the DPPD that a report generated by DPPD personnel will be accurate and complete, and will be completed in a timely manner. Reports are required for calls for service in DPPD jurisdiction that meet reporting requirements set forth below, or when assisting an outside agency. Reports are also required for those incidents whether criminal or non-criminal in nature that may pose a risk of liability to the DPPD, result in a loss or damage to City of De Pere property, injury or harm to citizens, employees or visitors, or are of other importance.

III. GENERAL

- A. Reports shall be completed in a timely manner. All reports will be as thorough as possible and completed prior to the end of the reporting officer's shift. In cases where a physical arrest of an adult, an emergency detention, or detention of a juvenile has been made (including all process and release incidents), the officer will complete all required paperwork prior to the end of his/her shift.
- B. If an officer is unable to complete a report prior to the end of his/her shift, he/she must have a supervisor's approval to leave the report incomplete. All incomplete reports must be completed the following day. If an officer is not scheduled to work the following day, all reports will be completed and approved prior to the officer's departure the day the report is received. All incomplete reports must be placed in the "Incomplete Report" file to ensure awareness a report is forthcoming.

IV. REPORTS

Incident Reports

1. The incident report is designed to accomplish the following:
 - a. To provide a means for documenting officers' actions and record a preliminary investigation of a criminal or ordinance offense, or a non-criminal event.
 - b. To provide complete and accurate information for follow-up investigation and prosecution.



- c. To provide the officer, supervisors and others with certain decision-making points that enable identification of follow-up investigative needs.
 - d. To aid in the collection of data relating to crime types, patterns, suspect information, method of operation, etc.
 - e. A permanent and public record that will be scrutinized at times by law enforcement administrative personnel, attorneys, judges, the media, and may be used in court proceedings.
2. Incident reports shall be written regarding incidents occurring in the City of De Pere police jurisdiction, or concerning matters that are of a sensitive nature that the department or city administration, or command staff should be informed.
3. Supervisors may direct an incident report or supplement be written to document incidents that occur outside of the jurisdiction of De Pere that may pose a risk of liability to the City or the police department, result in loss or damage to City of De Pere property, injury or harm to citizens, employees or visitors, or are of other importance.
4. Supervisors may direct an incident report be written to document actions taken by off-duty personnel.
5. Written reports or short summaries, on appropriate paper and/or computer generated formats, will be required in all of the following:
 - a. Complaint or report of a crime or ordinance violation including a traffic crash meeting state requirements even if a citation is not issued.
 - b. Criminal and ordinance cases initiated by officers.
 - c. Officer involvement at a scene (collecting or consulting on evidence, tracking, assist with arrest, etc.).*
 - d. Incidents involving arrests, detentions or citations.
 - e. All situations where an officer is assigned to take action at a later time (follow-up).
 - f. Unsafe or hazardous conditions requiring documentation.

**Per the Brown County District Attorney: Officers are responsible for documenting their own actions at a scene/investigation. If an officer is just present at a scene, there may not be a need for a report supplement and he/she can be mentioned in the originating officer's report. If the officer participates in any way in the investigation a report supplement is required.*



6. The following are common errors in report writing:

Incorrect spelling
 Poor grammar and/or punctuation
 Incorrect addresses and/or telephone numbers
 Failure to identify the names of witnesses
 Exaggerated value of property
 Incorrect offense classification
 Incompleteness. IE: Not communicating the probable cause for an arrest or the elements of a crime in the body of the report.

7. The following are suggested headings to be used. The list may not be appropriate for every report. Add or modify a heading as needed.

Information or Source of Activity
 Observations
 Officer Actions
 Victim, Witness or Suspect Statements
 Stolen Items, Recovered Items, Property or Property Damage
 Evidence Collected
 Vehicle information/Towed Vehicle
 Modus Operandi or M.O.
 Probable Cause or Elements of the Crime
 Arrest, Citation, Emergency Detention or Juvenile Detention
 Transport/Jail
 Status

V. SUPERVISOR RESPONSIBILITIES

1. Supervisors are responsible for the accuracy and completeness of all reports. The initiating officer's immediate supervisor will review the report for accuracy, completeness, legibility, etc., and, after his/her review and approval, will "sign off" on the report in the designated format.
2. If the report needs corrections or further information added, it shall be referred back to the originating officer and will not be approved until the necessary changes/additions are made.
3. Supervisors may refer reports back to the originating officer for investigative follow-up when necessary.
4. No additions or modifications will be made to original reports once they are submitted for charge review and prosecution. Changes to a submitted report will need to be completed on supplemental reports.

APPENDIX 2

LAW ENFORCEMENT CODE OF ETHICS

“As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....law enforcement."

The above is an excerpt of De Pere Police Department Policy 300-9. It is also found in the Law Enforcement Standards Board Administrative Code §LES 3.01(1)(d), Minimum standards for preparatory training. It is mandated that this shall be administered as an oath to all trainees during Wisconsin's preparatory course for law enforcement officers.