

**BOARD OF POLICE AND FIRE COMMISSIONERS
OF THE CITY OF MADISON**

COMPLAINT

Filed against a commissioned officer of the City of Madison
Police Department by the City of Madison Police Chief pursuant
to § 62.13(5), Wis. Stats., and Rule 6 of the Board.

POLICE CHIEF NOBLE L. WRAY,

Complainant, V.

POLICE OFFICER STEPHEN HEIMSNESS,

Respondent.

STATEMENT OF CHARGES

I, Noble L. Wray, Chief of the Police Department of the City of Madison, Wisconsin do hereby state the following charges as a Complaint against Police Officer Stephen Heimsness, a subordinate, commissioned officer of the City of Madison Police Department:

I. DEPARTMENTAL RULES ALLEGED TO HAVE BEEN VIOLATED

The following rules, contained in the indicated sections of the Manual of Policy, Regulations and Procedures of the Madison Police Department (MPD Rules), were applicable to and governed the conduct of Police Officer Heitsness at all times stated herein and relevant hereto, and read in relevant part as follows:

2-203 EQUAL PROTECTION

Members of the department shall not act in such a manner as to deprive any member of the community of the equal protection of the laws, and shall not evidence bias in the performance of their duties.

This regulation is intended to prohibit omissions, as well as specific actions which are based on citizens' race, color, sex, age, handicap, national origin, sexual orientation, political or fraternal affiliation, or economic status. Equality of treatment requires uniform, and fair treatment of all individuals.

This regulation is also intended to prohibit officers from being involved in enforcement decisions, follow-up investigations, assisting in prosecutions or any other law enforcement functions that involve a family member, relative, friend or important relationship. The purpose of this regulation is to prevent even the appearance of bias on the part of the officer.

2-205 INSULTING, DEFAMATORY, OR OBSCENE LANGUAGE

Members of the department shall not use insulting, defamatory or obscene language in the performance of their duties.

2-209 ON-DUTY BUSINESS

Members of the department shall properly respond to radio/MDT calls or suspicious circumstances, without unreasonable delay.

Proper response to a radio/MDT call dictates that initial response be carried out with necessary and reasonable dispatch. Any member who fails to take appropriate action on matters brought to his/her attention is guilty of dereliction of duty if the failure consists of willful neglect in the face of obvious conditions warranting investigation or other police action.

2-216 UNTRUTHFULNESS

Members of the department are required to speak the truth at all times and under all circumstances, whether under oath or otherwise.

This regulation prohibits perjury, withholding of evidence from a judicial proceeding, false public statements, untruthful statements made within the department, and any other misrepresentations.

This regulation does not require divulgence of police records where otherwise prohibited by policy and does not apply to untruthfulness as part of legitimate investigative activity or negotiation techniques undertaken in the course of duty (i.e., undercover work, hostage negotiations).

2-225 FIREARMS SAFETY

Members of the department shall strictly adhere to all safety guidelines when handling any firearm to prevent an unintentional discharge of that firearm. Members shall not engage in any behavior with a firearm that may pose an unnecessary danger to any other person. Officers shall take reasonable measures to ensure the security and safe storage of department approved weapons. This policy applies to all members of the department while on duty and to the handling of any department approved weapon while off duty.

2-228 DISRESPECT FOR A SUPERVISOR

Members shall not act as to exhibit disrespect for a supervisor.

2-241 USE AND CARE OF CITY-OWNED PROPERTY

Members of the department shall adhere to the prescribed procedures for check out and use of any department owned or issued equipment.

Members off the department are responsible for the good care of departmental property, assigned to their use or keeping, and shall promptly report to their supervisor in writing, the loss of, damage to, or unserviceable condition of such property.

Any member found responsible for the destruction or loss of city property, through willfulness or gross negligence, may be subject to disciplinary action.

2-242 COMMUNICATIONS SYSTEMS

Members of the department shall use police communications systems only for official police business, and shall exhibit courtesy during the transmission of all messages. Complaints or disagreements should be handled through the shift Officer-in-Charge.

This regulation includes all uses of any part of the police communications system.

2-248 IMMORAL OR OFFENSIVE CONDUCT

Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any incident which impairs their ability to perform as law enforcement officers or causes them or the department to be brought into disrepute.

Examples of immoral or offensive conduct are making sexual solicitations, or engaging in offensive or indecent behavior in the presence of a minor and are illustrative and not meant to be all inclusive.

2-263 HARASSMENT

Any employee who engages in harassment on the basis of race, sex, religion, color, age, handicap, national origin, or sexual orientation; or who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct. (see APM 3-5 listed below)

12-200 USE OF MOBILE DATA TERMINALS/MOBILE DATA COMPUTERS

Mobile Data Terminals (MDT's) and Mobile Data Computers (Laptops) will be operated and utilized in accordance with this policy. Officers are expected to use MDT's/laptops properly, and it is mandatory that certain functions be performed with the MDT/laptop.

All commissioned personnel expected to use MDT's or laptops in the court of their duties will be provide training in the proper usage.

RULES FOR MDT USE

1. Inappropriate or unprofessional messages will not be sent via MDT/laptop.
2. When operating a motor vehicle, officers will use due caution in using a MDT/laptop.

APM 3-5 PROHIBITED HARRASMENT AND/OR DISCRIMINATION POLICY

The City of Madison is committed to providing equal employment opportunities for all persons and to providing a work environment free from harassment and discrimination. The goal is to achieve and maintain a respectffil and welcoming workplace for all members of the community. To that end, this policy will be liberally construed and strictly enforced so as to achieve these goals. Harassment, discrimination and retaliation are prohibited conduct and violations of this policy will not be tolerated.

This policy applies to the delivery of City services/goods and to the official interactions of City employees with other members of our community. This policy also applies to conduct that occurs at the workplace and at any location that can be reasonably regarded as an extension of the workplace.

Managerial and supervisory employees are expected to serve as role models and to demonstrate their commitment to this policy in their everyday conduct. Any such employee who fails to take appropriate action upon observing an act prohibited by this policy, or who fails to take appropriate action upon receiving a complaint of a violation of this policy, is guilty of misconduct. Managerial employees are required to promptly notify their Department/Division Head, in writing, of all instances of known, observed and/or reported discrimination, harassment and/or retaliation.

All employees are required to Cooperate fully with any investigation into alleged violations of this APM. Although a pattern of conduct is usually required for purposes of civil liability, the City does not condone any act of harassment, discrimination or retaliation. Engaging in any such prohibited conduct could result in disciplinary action being taken against the offender, up to and including discharge from City employment.

Definitions

"Complainant" is any person that reports a violation of or who files a complaint under this policy.

"Discrimination" occurs when any employment decision that affects the conditions of employment, such as recruitment/hiring, lay-offs/firings, pay, promotions/demotions, training, transfers/assignments, or leave/benefits is motivated, at least in part, by the employee's membership in a protected class.

"Harassment" includes verbal abuse, epithets, and vulgar or derogatory language, display of offensive cartoons or materials, mimicry, lewd or offensive gestures and telling of offensive jokes motivated by a person's membership in a protected class. The behavior can be any of the three following subcategories: "**quid pro quo**" the request for sexual favors in exchange for some other favorable employment action or in exchange for the promise to refrain from taking negative employment action; "**hostile environment**" coworker to coworker behavior composed of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or creates an offensive and hostile work environment, and finally, "**respondeat superior**" which occurs when a Department/Division Head, manager or supervisor, engages in any act of harassment. Harassment becomes a violation of this policy whenever an

employee engages in any of the activities described above or in any similar behavior based upon a person's membership in a protected class.

"Protected Class" means a person's race, sex (gender), religion, creed, color, age, disability/handicap, marital status, HIV status, source of income, familial status, ancestry or national origin, sexual orientation, arrest records, conviction record, current or past military service, less than honorable discharge, use or non-use or lawful products off the employer's premises during non-work hours (notwithstanding the exceptions noted in Sec. 111.35, Wis. Stats.), physical appearance, political beliefs, or the fact that a person is a student.

"Respondent" is any person alleged to have violated this policy.

"Retaliation" is any adverse employment action and/or any adverse action to include any act of revenge, reprisal, intimidation or coercion directed at any employee and motivated by the belief that the employee has either opposed a violation of this policy, has filed a complaint under this policy, has participated in an investigation of a complaint filed under this policy, or has exercised any other right under this policy.

APM 2-25 WORKPLACE VIOLENCE PREVENTION AND RESPONSE POLICY

The City of Madison is committed to a safe work environment and to the safety and security of its employees. City managers and supervisors will work to the extent reasonably possible to ensure that employees are free from intimidating, threatening, and violent behavior while on duty. The City will not tolerate any on-duty intimidating, threatening or violent behavior on any City site against any City employee by: any employee; any customer participating in a City service or program; any vendor while engaged in City business; or any person who has a personal relationship with a City employee.

City of Madison employees found to have engaged in intimidating, threatening or violent behavior while on duty will be subject to discipline, up to and including discharge for the first offense. Vendors or participants in City programs found to have engaged in intimidating, threatening or violent behavior may have their contracts canceled or eligibility for funding or loans revoked or called or be barred from further participation in City services or programs.

It is the responsibility of City employees to report incidents of intimidating, threatening or violent behavior to their supervisors, their department or division head, the Human Resources Director or the City Attorney. It is the responsibility of City managers to investigate any such reports thoroughly and to take appropriate action according to this policy. There will be no retaliation against an employee who makes a good faith report of such behavior.

"Intimidating or threatening" behavior is defined as words or actions which cause a person to avoid social contact or to do or refrain from doing an act, including supervisory discipline, by inducing fear. That behavior includes words or actions which directly or indirectly show an apparent intent to cause physical or emotional harm to another person. That behavior includes words or actions that a reasonable person would believe to create a danger to a person's safety or property or to the property of the City.

IL CHARGES

A.

Equal**Protect****ion (2-****203)**Count I

On September 7, 2012, at approximately 1:57 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer (MDC) that indicated evidence that Officer Heimsness had bias in the performance of his duties and that his actions were based on a citizen's race and national origin, in violation of MPD Rules 2-203, Equal Protection.

FACTS:

- A. Police Officer Stephen Hehnsness (hereafter Police Officer Heimsness or Officer Heimsness) was hired by the City of Madison as a police officer on September 8, 1997.
- A. As a police officer, Officer Heimsness was given a copy of the Manual of Policy, Regulations and Procedures and is, and has, at all times relevant to this complaint, responsible for familiarizing himself with its contents, including additions and modifications, and for performing his duties in accordance with its policies, standards, guidelines and regulations. Included in the Manual are Section 2-203, Equal Protection; Section 2-205, Insulting, Defamatory or Obscene Language; Section 2-209, On-duty Business; Section 2-216, Untruthfulness; Section 2-225, Firearms Safety; Section 2-228, Disrespect for a Supervisor; Section 2-241, Use and Care of City-Owned Property; Section 2-242, Communications Systems; Section 2-248, Immoral or Offensive Conduct; Section 2-263, Harassment and Section 12-200, Use of Mobile Data Computers (MDC).
- B. As a employee of the City of Madison, Officer Heimsness was provided access to Administrative Procedure Memorandum (APM) issued by the Office of the Mayor, and was at all time relevant to this complaint responsible for familiarizing himself with the APMs contents, including additions and modifications, and for performing his duties in accordance with all City issued APMs. Included in the APMs were APM 3-5 Prohibited Harassment and/or Discrimination Policy and APM 2-25 Workplace Violence Prevention and Response Policy.
- B. While on duty Officer Heitsnsness signed into his Mobile Data Computer (MDC) utilizing his personal identification number

(MA2792). When Officer Heimsness signed into his MDC it also provided him access to the Mobile Data Chat Communication System.

- C. Officer Heimsness is the only individual who was assigned the identification number MA2792.
- D. There is no evidence that anyone other than Officer Heimsness had access to his MDC on the dates and times listed below.
- C. On March 3, 2013, at approximately 7:10 a.m., Officer Heimsness was interviewed by Sergeant Phil Moore, Lieutenant Groehler and Lieutenant McCaw as part of the investigation involving 2012-PSIA-58. During this investigation Officer Heimsness was questioned regarding his MDC communications and what specific words or abbreviations meant.
- E. During this interview Officer Heimsness was asked what "Dull" means Officer Heimsness responded "Duh, something that would be probably obvious or apparent."

1. Officer Heimsness was also asked what "Ugh" means and Officer Heimsness responded "like a ugh or like something that's unpleasant or just irritating. Same with the other one above that ARGH."
- J. During the interview Officer Heimsness was also asked what "wtf" means. Officer Heimsness stated "well that's shorthand for like, well the shorthand is for what the fuck like something that's I don't know irritating or, or I don't know the right, I don't know quite how to, to put it for. Something that's just you're questioning it. It's like, like an unbelievable thing like seriously, you know, what the fuck, what the hell, whatever. It's a question."
- K. During the interview Officer Heimsness was also asked what "fml" means. Officer Heimsness stated "oh that's just a shorthand thing when you're frustrated with how the things are going at the time. It's a, it's like a, it's shorthand for fuck my life, you know."
- L. Officer Heimsness was also asked what does it mean if the typed letters had been switched from standard print to all capital letters. Officer Heimsness answered by stating "um, either like for emphasis like simulating like you would be yelling or that you're just emphasizing it as something more, you're putting some emotion to it rather than just a straight comment."
- M. On September 7, 2012, at approximately 1:57 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:
- "sometimes they forget they are not in africa anymore"
"the social mores are not the same"
- N. As part of 2012-PS&IA-58 Sergeant Phil Moore interviewed Officer Heimsness on March 2, 2013 at approximately 7:10 a.m. During this interview Sgt. Moore questioned Officer Heimsness about the above mentioned statements, Officer Heimsness stated:
- "Oh okay. It was my call I see. The girl, the woman was complaining to inc about this guy wasn't gonna leave her alone and didn't want, didn't want to do anything about it just tell him to leave inc alone. She was American as I remember and he was from I can't remember where, he was literally an African. He's literally from Africa and I can't remember if he was from it wasn't Nigeria. I can't remember what country he was from and now there's, the United States is not like you can't act like you do maybe in your home country."
- O. Further into the interview Officer Heimsness stated:
- "As I remember the guy was from a Muslim country, and clearly the approach to women are not the same as our approaches here so that's what what's all referring to."

B. Insulting, Defamatory or Obscene Language (2-205)

Count 2

On August 2, 2012, beginning approximately at 5:21 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 3

On August 20, 2012, beginning approximately at 1:13 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 4

On September 7, 2012, beginning approximately at 3:52 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 5

On September 7, 2012, beginning approximately at 11:40 p.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 6

On September 8, 2012, beginning approximately at 12:19 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 7

On September 8, 2012, beginning approximately at 1:05 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 8

On September 8, 2012, beginning approximately at 11: 28 p.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 9

On September 9, 2012, beginning approximately at 5:14 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 10

On September 14, 2012, beginning approximately at 1:39 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting,

defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 11

On September 15, 2012, at approximately 12:48 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 12

On September 15, 2012, at approximately 12:48 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 13

On September 15, 2012, at approximately 12:51 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 14

On September 15, 2012, at approximately 12:51 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 15:

On September 15, 2012, at approximately 12:51 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 16

On September 15, 2012, at approximately 12:55 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 17

On September 15, 2012, at approximately 1:03 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 18

On September 17, 2012, beginning approximately at 4:12 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 19

On September 18, 2012, beginning approximately at 2:16 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 20

On September 22, 2012, beginning approximately at 5:54 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 21

On September 23, 2012, beginning approximately at 2:57 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 22

On September 25, 2012, beginning approximately at 11:51 p.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MF'D Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 23

On September 25, 2012, beginning approximately at 11:51 p.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 24

On September 27, 2012, beginning approximately at 4:54 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 25

On October 5, 2012, beginning approximately at 12:04 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting,

defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 26

On October 5, 2012, beginning approximately at 3:06 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MED Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 27

On October 5, 2012, at approximately 1:49 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 28

On October 20, 2012, beginning approximately at 1:59 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 29

On October 22, 2012, beginning approximately at 12:45 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 30

On October 23, 2012, beginning approximately at 4:45 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 31

On October 23, 2012, beginning approximately at 4:57 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 32

On October 23, 2012, beginning approximately at 5:05 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 33

On October 24, 2012, beginning approximately at 1:48 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 34

On November 8, 2012, beginning approximately at 1:47 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

Count 35

On November 8, 2012, beginning approximately at 1:49 a.m., while on duty Officer Heimsness engaged communications on his Mobile Data Computer that included language that was insulting, defamatory or obscene, in violation of MPD Rules 2-205, Insulting, Defamatory or Obscene Language.

FACTS:

- A. Paragraphs A through L of Section II, A are reasserted here.
- B. On August 2, 2012, beginning approximately at 5:21 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch:
- "I want the "I guess" dispatcher to be abducted by aliens and taken to their planet"
"forever"
jesus"
she sucks"
- C. On August 20, 2012, beginning approximately at 1:13 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to Madison Police Officer Alison Radzicki:
- "the best part of update was radzicki telling us about it"
"like she's this topnotch fto" [field training officer]
"Mammy told me she was so unpredictable and unstable he would rather [go] to USMC boot camp over again than ride a week with her"
- D. On September 7, 2012 beginning approximately at 3:52 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:
- "that's been a hipster party house for the last couple years" "i hate those guys"
"dickholes"

- E. On September 7, 2012, beginning approximately at 11:40 p.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch:

"I'm confused or dispatch is" "this
is going to be a bad night"
"dispatcher"
"drama queen brat"
"ugh"
"wtr"

- F. On September 8, 2012, beginning approximately at 12:19 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"meanwhile that knob D50 remains in service"

- E. On March 2, 2013, at approximately 7:10 a.m. Officer Heimsness was interviewed by Sergeant Phil Moore regarding this statement. Officer Heimsness acknowledged that in the above MDC message on September 8, 2012, when he said "D50" he was referring to Police Officer Bernie Albright.

- G. On September 8, 2012, beginning approximately at 1:05 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to a dispatcher named "Todd":

"todd...ugh"
"hey man, like the Dude says: "P** it"

- I. On September 8, 2012, beginning approximately at 11:28 p.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch:

"i don't know if i'm coming or go with the crappy dispatching, no info,
dli telling me to disregard, sgt telling me to go, AND YOUR SMACK
TALK, SUCKPUMP"
"she's one of the worst and that's no mean feat"

- J. On September 9, 2012, beginning approximately at 5:14 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"Ugh and the Ironclowns are starting to roll in down here too" "I
hate these aholes"

- J. On March 2, 2013, at approximately 10:20 a.m. Officer Heimsness was interviewed by Sergeant Phil Moore regarding this statement. Officer Heimsness indicated that he was referring to Ironman participants and that they are "just tying up the city in a knot for an entire day."

- K. On September 14, 2012, beginning approximately at 1:39 a.m., while on duty and referencing a dispatcher, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch:

"cows can dance?"
"unbelievable"

- M. On September 14, 2012, beginning approximately at 2:14 a.m., while on duty when he was asked if he was listening to a specific dispatcher, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"no, just the boob on ch 1" "i
hate these idiots"
"completely incompetent"

- N. On September 15, 2012, beginning approximately at 12:47 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to training staff and officers who attend training:

"and you know what kind of knobs those guys are"
"a room full of erv marks and ed marshall"
"Ouch"
"you should go to glock armorers or colt amorer school... there you have
it"
"know-it-ails and goobs that can't shut up"
"ok, how about this: a room full of adrian alans, humerichouses, and
Solons"
"it's rough"
"i was hying to think of someone who is completely uninterested in stuff
for the complete picture"
"you know, someone who doesn't care but signs up for everything so they
don't have to work"
"Ah, throw in a tom grosse or two and you'll have the flavor of what it will
be like when we become a popular training center just a cash generator" "the
pueschner effect"
"just roll with it"
"Yeah, you trade in lofty goals for a lunch pail"
"come in, take care of your business, go home on time whole and wait for death"

- O. The individuals listed above are Madison Police Officers Erv Marks, Ed Marshall, Adrian Alan, Grant Hummerickhouse, Solon McGill, Tom Grosse and Shane Pueschner.
- P. On September 17, 2012, beginning approximately at 4:12 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer regarding a Wikipedia entry on Andre the Giant where he drank 199 beers:

"that man is an inspiration"
"someday i will be a 500 lb drunk passed out in a bar"
"only 330# to go"
"I could be a detective then too"

On September 18, 2012, at approximately 2:16 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"go back to your speed trap D13"

- R. "D13" is the call sign for Madison Police Officer Bernie Albright.

- S. On September 22, 2012, at approximately 5:54 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer regarding an unknown person:

"idiot is on carton"

- T. On September 23, 2012, at approximately 2:57 a.m., while on duty and referencing dispatch, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch:

"they hate when i say bullshit on the air"

- S. On September 25, 2012, beginning at approximately 11:51 p.m. while on duty and referencing dispatch, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to a dispatcher and how a specific dispatcher started a sentence with "I guess":

"I guess"
 "I guess"
 "I guess"
 "jesus I work with morons"

- V On September 25, 2012, beginning at approximately 11:51 p.m., while on duty and referencing dispatch, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch and how a specific dispatcher started a sentence with "I guess":

"I guess" "I
 guess" "I
 guess" "I
 guess"
 "CALL ME WREN YOU KNOW SOMETHING MORAN"

- W. On September 27, 2012, beginning at approximately 4:57 a.m., while on duty and referencing a Madison Fire Department Fire Investigator, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"if it's the same FT [Fire Inspector] from last night, he's insufferable"
 "he wants to tell you the most obvious stuff"
 "I think he watches too much first 48"
 "last night he told me "this is more of a domestic than an arson"
 oh, really, Sherlock? THANKS FOR THE TIP"
 "he was all pointing things out like he was my fto" [field training officer]
 "there's a knife over here"
 "ah, yea, i saw that.. .30 minutes ago"
 "and a hammer on the floor"
 "ah, yeah, that's what she busted up the remotes with"
 "these clothes are cut up"
 "ah, yeah, i noticed they were in ribbons"

- X. On October 5, 2012, beginning at approximately 12:04 a.m., while on duty and referencing dispatch, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch and another Madison Police Officer:

"Pin stewing"

"dispatch is too stupid to find her and she's too stupid to take her own call"

"I've totally given up on dispatch"

- Y. On October 5, 2012, beginning at approximately 3:06 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to another Madison Police Officer:

"puts herself on the fight call, gets all the way south"

"shots reported on fordem"

"if you want to be a relief car, take a district relief beat"

"when 1246 suggested to her to look at the dayton call we were going to... ss

"she said nothing and did nothing"

- Z. On October 5, 2012, at approximately 1:49 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"SM is a dolt"

- AA. Through the investigative process of 2012-PS&IA-58 Sergeant Phil Moore determined that in this MDC communications "SM" was Police Officer Sonny Martinez.

- BB. On October 20, 2012, beginning at approximately 1:59 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"I just wish this clown would go home...i've been watching it since midnight"

"get a life kitchen manager"

- CC. On March 2, 2013, at approximately 1:00 p.m. Officer Heimsness was interviewed by Sergeant Phil Moore regarding this statement. Officer Heimsness indicated that he had a restaurant under surveillance and referring to the kitchen manager at the restaurant stating "nobody is gonna break in if the guy is still there working and the place closed at 9 so yeah just go home, I want him to leave so if this guy is gonna come and break in, we could find it."

- DD. On October 22, 2012, beginning at approximately 12:45 a.m., while on duty and referencing dispatch, Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to dispatch:

"that's shorewood"

"[figured dispatch is dumb"

"based on previous professional contact"

- EE. On October 23, 2012, beginning at approximately 4:45 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"too many spaces in that sentence though"

"runitalltogetherandsayitlikeyouonfirethankyou"

Through the investigative process of 2012-PS 1A-58 Sergeant Phil Moore determined that in this MDC communications Officer Heimsness was discussing Madison Police Officer Gibson's radio traffic.

GG. On October 23, 2012, beginning at approximately 4:57 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer regarding Madison Police Officer Jerry Briesath:

"did you hear Jerry is out of TEST motor officer spot? His term is up and the butthurt is epic"
"Jerry sent a whinny email to Frei, insulting the board and making allegations no one represents him, the system is against him, his sgt is against him, etc. He started it with a header "PRIVATE DO NOT SHARE"
"silly Jerry"
"all that relentless brown nosing gone to waste"

HH. On October 23, 2012, beginning at approximately 5:05 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer regarding Madison Police Officer Ervin Marks:

"Erv, who still has time in his term, told me his plan was to serve his term, get a 1 yr extension and then retire. "I don't know what I'm going to do now." "I DO"
"SHAG CALLS SUPERTAN OR RETIRE EARLY"

On October 24, 2012, beginning at approximately 1:48 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"that building is nuttier than a tree full of squirrel nests...the guy is prob 96" "I was talking to a crazy dude at 333 w dayton"

JJ. On November 8, 2012, beginning at approximately 1:47 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer regarding Madison Police Officer Ryan Gibson:

"that guy is a damn clown"
"I want Gibson to stay away from here... there's no way he's coming central, i hope"

KK. On November 8, 2012, beginning at approximately 1:49 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer regarding Madison Police Officer Ron Alvarez switching his shift time and location:

"yeah sounds right for R.A. he can avoid any bosses and do his own thing"

C. **On-Duty Business (2-209)**

Count 36

On August 20, 2012 from approximately 12:02 a.m. until 1:20 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that did not pertain to departmental business, in violation of MPD Rules 2-209, On-Duty Business.

Count 37

On September 8, 2012 from approximately 12:14 a.m. until 2:10 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that did not pertain to departmental business, in violation of MPD Rules 2-209, On-Duty Business.

Count 38

On September 18, 2012 from approximately 12:40 a.m. until 2:14 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that did not pertain to departmental business, in violation of MPD Rules 2-209, On-Duty Business.

Count 39

On October 2, 2012 from approximately 2:52 a.m. until 4:48 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that did not pertain to departmental business, in violation of MPD Rules 2-209, On-Duty Business.

FACTS:

- A. Paragraphs A through L of Section II, A are reasserted here.
- B. On August 20, 2012, beginning at 12:02 a.m., while on duty Officer Heimsness was in communication with another Madison Police Officer over the MDC. This communication lasted until 1:20 a.m. and during this time period of 1 hour and 18 minutes the entire communication did not involve any departmental business. The communication involved motorcycle tires, helmets and license plates.
- C. On September 8, 2012, beginning at 12:14 a.m., while on duty Officer Heimsness was in communication with another Madison Police Officer over the MDC. This communication lasted until 2:10 a.m. and during this time period of 1 hour and 56 minutes the entire communication did not involve any departmental business. The communication involved motorcycle seats, online music and criticism of a Madison Police Officer.
- D. On September 18, 2012, beginning at 12:40 a.m., while on duty Officer Heimsness was in communication with another Madison Police Officer over the MDC. This communication lasted until 2:14 a.m. and during this time period of 1 hour and 34 minutes the entire communication did not involve any departmental business. The communication involved spark plugs, oil filters, torque wrenches, other motorcycle topics and criticism of a Madison Police Officer.
- E. On October 2, 2012, beginning at 2:52 a.m., while on duty Officer Heimsness was in communication with another Madison Police Officer, over the MDC. This communication lasted until 4:48 a.m. and during this time period of 1 hour and 56 minutes the entire communication did not involve any departmental business. The communication involved international and local politics and the officers viewing internet videos.

B. Untruthfulness (2-216)

Count 40

During the PS & IA investigation (2012-PSIA-44) into allegations of Officer Heimsness' violations of the firearm safety procedure; specifically in Officer Heimsness' e-mail exchanges with Lt. Bradley Wilson, Sgt. Donahue and Officer Anderson, and during Officer Heimsness' interviews with Lt. Roman on January 17, 2013 and Sgt. Moore on February 1, 2013 and March 2, 2013, Officer Heimsness engaged in numerous instances of untruthfulness, to wit; untruthfulness concerning the circumstances surrounding his involvement with the removal and field 'stripping of Officer Anderson's rifle. During the PS & IA investigation (2012-PSIA-60) into allegations of Officer Heimsness' violations of the inappropriate use of the Mobile Data Computer specifically during Officer Heimsness' interview with Sgt. Moore on March 2, 2013, Officer Heimsness engaged in numerous instances of untruthfulness, to wit; untruthfulness in answering questions surrounding the MDC messages he had sent and untruthfulness in the MDC messages themselves.

FACTS:

- A. Paragraphs A through L of Section II, A are reasserted here.
- B. On October 2, 2012, at approximately 11:00 p.m., Officer Heimsness was on duty.
- C. At that time Officer Heimsness was in the basement of the City County Building loading his gear into a police vehicle for the beginning of his shift. At that time, Officer John Dro'linger was also in the basement loading his gear into a police vehicle.
- D. Prior to that date, Officer Heimsness and Officer Drollinger had conversations involving Madison Police Officer Sarah Anderson.
- E. Officer Anderson was assigned to work the shift prior to Officer Heimsness and Officer Drollinger.
- F. Officer Drollinger and Officer Anderson normally used the same police vehicle. Officer Drollinger normally was the first officer to use the police vehicle directly after Officer Anderson.
- A. Prior to October 2, 2012, Officer Drollinger had expressed frustration to Officer Heimsness over the fact that Officer Anderson had, on several occasions, left personal and police items in the police vehicle. Officer Drollinger expressed frustration to Officer Heimsness over having to remove these items.
- B. On October 2, 2012, at approximately 11:00 p.m., when Officer Drollinger was placing his gear into his police vehicle, he discovered that Officer Anderson had left her rifle in the police vehicle. Officer Dro'linger showed Officer Anderson's rifle to Officer Heimsness.

Officer Anderson's rifle was then placed in the Police Department armory. Officer Anderson's rifle had been labeled with her name.
- J. Officer Heimsness entered the armory and observed Officer Anderson's rifle placed in the weapon's rack.
- J. Officer Heimsness then removed Officer Anderson's rifle and placed it into a soft case.

- L. Officer Heimsness then placed Officer Anderson's rifle on the top of a shelf in the armory. The height of the top of the shelf was 6'4".
- L. On October 2, 2012, beginning approximately at 11:19 p.m., while on duty Officer Heimsness sent the following communication via his MDC to Officer Drollinger, regarding Officer Anderson's rifle:
- "better idea: lost and found box"
"field stripped"
- M. On October 3, 2012, beginning approximately at 12:33 a.m., while on duty Officer Heimsness sent the following communication via his MDC to Officer Drollinger, regarding Officer Anderson's rifle:
- "lol. .it's on the top shelf in a soft case, not easily seen"
"though the mia route i like, it could come back on you"
"your idea is better"
"there really ought to be some discipline for leaving your rifle unsecured in a car.. .and i'm on the union board... but COME ON"
- O. On October 3, 2012, at approximately 6:17 a.m., while on duty Officer Drollinger contacted Officer Heimsness, after Officer Drollinger had gone into the armory and was unable to locate Officer Anderson's rifle. Officer Heimsness sent the following communication via his MDC to Officer Drollinger:
- "top shelf in a soft case under the other ones"
"it's pushed back a ways"
"you may need a chair to see it"
- P. On October 7, 2012, Officer Anderson returned to work and could not locate her rifle. Officer Anderson looked in the armory and was unable to find her rifle.
- P. When she could not locate her rifle, Officer Anderson went to the OIC's officer and spoke with Lt. Stephanie Bradley Wilson. Lt. Bradley Wilson recalled that on October 1, 2012, at approximately 2:57 a.m., while on duty Officer Heimsness, sent an e-mail to the Central Police District indicating he had done an inspection of all rifles in the armory (Exhibit #1, referenced and incorporated herein).
- Q. Based on Officer Heimsness' e-mail, on October 7, 2012, at approximately 1:21 p.m. Lt. Bradley Wilson sent an e-mail to Officer Heimsness asking him if he had seen Officer Anderson's rifle (Exhibit #2, referenced and incorporated herein).
- Q. On October 7, 2012, after being unable to locate her rifle, Officer Anderson then contacted Sgt. Donahue and asked her to assist in locating her rifle. Sgt. Donahue went into the armory and after standing on a chair was able to locate Officer Anderson's rifle in a soft shell case on top of a shelf located in the armory.
- P. On October 7, 2012, at approximately 11:33 p.m., Officer Heimsness responded to Lt. Bradley Wilson's e-mail stating that he had inspected it and that it was his "understanding it is in the armory in a soft case because she left it unsecured in the squad.. .i believe if it happens again it will be logged as found property" (Exhibit #2, referenced and incorporated herein).

- U. On October 8, 2012, Lt. Bradley Wilson sent Officer Heimsness' e-mail to Officer Anderson. On October 8, 2012, at approximately 7:36 p.m., Officer Anderson sent an e-mail to Officer Heimsness stating that when Officer Heimsness was 'leaching me a lesson", that is called harassment..." (Exhibit #3, referenced and incorporated herein).
- U. On October 8, 2012, at approximately 8:19 p.m., Officer Heimsness replied to Officer Anderson's e-mail and stated "I didn't do it" (Exhibit #3, referenced and incorporated herein).
- U. On October 8, 2012, at approximately 8:21 p.m., Officer Heimsness forwarded his reply and Officer Anderson's e-mail to Sgt. Donahue (Exhibit #3, referenced and incorporated herein).
- V. On October 8, 2012, at approximately 9:06 p.m., Sgt. Donahue responded to Officer Heimsness and indicated she had informed Lt. Bradley Wilson that "...someone else recovered it from the squad and put it in the armory..." (Exhibit #3, referenced and incorporated herein).
- V. On October 8, 2012, at approximately 9:41 p.m., Officer Heimsness responded to Sgt. Donahue's e-mail and stated "I did put it in the soft case and was part of the discussion as to how to address it..." (Exhibit #4, referenced and incorporated herein).
- W. On January 13, 2013, at approximately 10:45 a.m., Lt. Roman interviewed Officer Heimsness regarding investigation 12-PSIA-58, the incident with Officer Anderson's rifle. Lt. Roman asked Officer Heimsness if he had come up with a plan with Officer Drollinger on what to do "together to provide feedback" and whether there was any discussion on how they were "going to provide feedback to her". Officer Heimsness responded:

"Well we didn't. I mean, he we didn't have a, we didn't talk."

"No, not between us. He went ahead and did that."

- AA. On February 1, 2013, at approximately 6:55 a.m., Sgt. Phil More interviewed Officer Heimsness regarding investigation 12-PSIA-58. Sgt. Moore asked Officer Heimsness if there was any discussion between Officer Heimsness and Officer Drollinger prior to what occurred with the rifle. Officer Heimsness answered:

^U...I think I said something to him about well we could secure it property [sic] in a property locker or but I don't recall specifically any other something like that. Other than or saying we could take it to the OIC or something but I don't, I don't honestly remember anything else that we discussed."

- BB. Sgt. Moore than asked Officer Heimsness if he had a conversation with Officer Drollinger over the MDC. Officer Heimsness responded:

"I only remember us talking in the basement about it but I don't, it might have been. I don't remember. If it was it's on the record. I don't, I don't remember it that way but this was in October and it was a very quick thing and then we moved on from it."

- CC. When Officer Drollinger was interviewed regarding this investigation he stated that he had discussions with Officer Heimsness "throughout the evening, Steve and I talked..." about what to do with the rifle.

DD. During the investigation, Sgt. Moore determined that Officer Heimsness discussed the incident with Officer Anderson's rifle with several other police officers. Including with Officer Bruess after October 8, 2013

EE. Officer Heimsness also discussed the rifle incident with Officer Favour on October 3, 2012 and October 10, 2012. On October 10, 2012, at approximately 6:18 a.m., while on duty Officer Heimsness communicated via his MDC to Officer Favour:

"we put it in armory in a soft case field stripped with a note"

FF. On October 19, 2012, beginning at approximately 12:59 a.m., Officer Heimsness communicated via his MDC with Sgt. Weiring, regarding the rifle incident:

"a 2nd detailer is mad at me because left her rifle in the squad when she went on RDOs and didn't dig our peer to peer counseling methodology"
"we engaged in harassment"

GG. During the interview, Sgt. Moore asked Officer Heimsness if the rifle had been concealed or placed under other cases. Officer Heimsness responded:

"Well no I don't remember, I remember putting it up on the top shelf 'cause that's up on, there's other cases, empty cases up there so it would have been up by those empty cases but I don't remember any other than that. No"
"I just remember put, 'cause I just, if it was under a bunch of cases I would have said it's, it's buried under the cases so he'd be able to find it. I just put it on the top shelf."

RH. On December 19, 2012, at approximately 1:30 p.m., Lt. Dan Olivias interviewed Officer Heimsness regarding investigation 2012-PSIA-58, involving Officer Heimsness sending inappropriate communication over his MDC. When questioned whether his level of MDC communications was a lot or involved unofficial business, Officer Heimsness responded:

"I don't know. It depends. I mean people send me messages, I send them messages. Usually it's regarding calls or they have questions for me. I don't, I, I don't know what a lot means."

On October 22, 2012, beginning at approximately 1:07 a.m., while on duty Officer Heimsness sent communications over his MDC to Officer Wood criticizing Capt. Cam McLay and indicating Officer Heimsness had complained to Lt. Strand regarding Capt. McLay's statement. Officer Heimsness did not inform Officer Wood that Capt. McLay had responded to the complaint and clarified the concerns.

E. Firearms Safety (2-225)

Count 41

Between December, 2008 and January, 2009, while on duty Officer Heimsness took Officer Shawn Kelly's holstered secured handgun and "field-stripped" the handgun putting the weapon in pieces (frame, slide, barrel, spring, magazine and chambered round) handling the handgun in an unapproved departmental manner and in an unsecure and unsafe storage method, in violation of MPD Rules 2-225, Firearms Safety.

Count 42

On October 2, 2012, at approximately 11:00 p.m., while on duty Officer Heimsness removed Officer Anderson's rifle from the rack in the armory and placed in a soft case, under other cases on a 6'4" shelf, handling the rifle in an unapproved departmental manner and causing a safety issue for Officer Anderson by not allowing Officer Anderson access to her rifle, in violation of MPD Rule 2-225, Firearms Safety.

FACTS:

- A. Paragraphs A through L of Section II, A are reasserted here.
- B. In December, 2008 and January, 2009, Madison Police Officer Shawn Kelly was a Probationary Police Officer and did not have a locker assigned to him.
- C. Officer Kelly selected a locker to secure his gear. Officer Kelly selected a locker that was difficult to open, so that one would have to pull hard on the handle to open it.
- D. At the end of a shift, Officer Kelly placed his uniform, including his name tag, gun belt with handgun and jacket in the locker for storage and closed the door to the locker.
- E. Officer Kelly returned the following day and found his handgun had been placed on the top shelf of the locker in pieces. The frame, slide, barrel, spring, magazine and chambered round had all been taken apart.
- F. Next to the "field-stripped" handgun, Officer Kelly found Officer Heimsness' business card with a hand written note on the back which stated something to the effect of "next time it's mine — got it?"
- G. Officer Kelly discussed this incident with his Field Training Officer Rhonda Hennessey and asked Officer Hennessey if it was harassment.
- H. Officer Hennessey expressed concern over this incident and viewed Officer Heimsness' behavior as an officer safety issue.
- I. Paragraphs B through II of Section II, D are reasserted here.

F. Disrespect for a Supervisor (2-228)Count 43

On September 8, 2012 at approximately 2:30 a.m., while on duty Police Officer Stephen Heimsness engaged communications on his Mobile Data Computer that exhibited disrespect for a supervisor, in violation of MPD Rules 2-228, Disrespect for a Supervisor.

Count 44

On September 15, 2012 beginning approximately at 12:32 a.m., while on duty Police Officer Stephen Heimsness engaged communications on his Mobile Data Computer that exhibited disrespect for a supervisor, in violation of MPD Rules 2-228, Disrespect for a Supervisor.

Count 45

On October 2, 2012 beginning approximately at 4:07 a.m., while on duty Police Officer Stephen Heimsness engaged communications on his Mobile Data Computer that exhibited disrespect for a supervisor, in violation of MPD Rules 2-228, Disrespect for a Supervisor.

Count 46

On October 4, 2012 beginning approximately at 12:18 a.m., while on duty Police Officer Stephen Heimsness engaged communications on his Mobile Data Computer that exhibited disrespect for a supervisor, in violation of MPD Rules 2-228, Disrespect for a Supervisor.

Count 47

On October 4, 2012 at approximately 12:20 a.m., while on duty Police Officer Stephen Heimsness engaged communications on his Mobile Data Computer that exhibited disrespect for a supervisor, in violation of MPD Rules 2-228, Disrespect for a Supervisor.

Count 48

On October 4, 2012 at approximately 12:23 a.m., while on duty Police Officer Stephen Heimsness engaged communications on his Mobile Data Computer that exhibited disrespect for a supervisor, in violation of MPD Rules 2-228, Disrespect for a Supervisor.

Count 49

On October 22, 2012 beginning approximately at 1:06 a.m., while on duty Police Officer Stephen Heimsness engaged communications on his Mobile Data Computer that exhibited disrespect for a supervisor, in violation of MPD Rules 2-228, Disrespect for a Supervisor

FACTS:

A. Paragraphs A through L of Section IL A are reasserted here.

A. On September 8, 2012, at approximately 2:30 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"she's busy assuming for sgt dub"

B. Through the course of the investigation of 2012 PS&IA 58, Sergeant Phil Moore determined that in this communication Officer Heimsness was referring to Sergeant Karen Krahn.

A. On September 15, 2012, beginning at approximately 12:32 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"i don't remember Paige being in patrol long"

"so that will be interesting"

"there's a bit of learning curve after being out for almost 10 (?) years"

"she was always a sunshine time patrol cop so nights would be rough"

E. Through the course of the investigation of 2012 PS&TA 58, Sergeant Phil Moore determined that in this communication Officer Heimsness was referring to Sergeant Paige Valenta, who had recently been promoted from detective to sergeant.

F. On October 2, 2012, beginning at approximately 4:07 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"the LT promotions are more concerning"
 "one will be the 5th OIC I think" [Officer in Charge]
 "statz"
 "she knows everything and you don't"
 "a real hardcase"

G. Through the course of the investigation of 2012 PS&TA 58, Sergeant Phil Moore determined that in this communication Officer Heimsness was referring to Lieutenant Marianne Flynn Statz.

H. On October 4, 2012, beginning at approximately 12:18 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"the likely 5th OIC next year is worrisome"
 "Statz"
 "someone who hasn't worked the street in years and has no front line supervisory experience."
 "and was a detective"
 "who is wicked smart and you ain't"
 "oh well"

Through the course of the investigation of 2012 PS&IA 58, Sergeant Phil Moore determined that in this communication Officer Heimsness was referring to Lieutenant Marianne Flynn Statz.

I. On October 4, 2012, at approximately 12:20 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, who worked nights:

"i hear raheem is going days so that's ok for you guys"

J. Through the course of the investigation of 2012 PS&IA 58, Sergeant Phil Moore determined that in this communication Officer Heimsness was referring to Sergeant Rahim Rahaman.

K. On October 4, 2012, at approximately 12:23 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"Bernie? nah Joe Rockhead? prob"

L. On March 2, 2013, at approximately 1:30 p.m. Officer Heimsness was interviewed by Sergeant Phil Moore regarding this statement. Officer Heimsness indicated that he was referring to Sergeant Jason Sweeney. Officer Heimsness stated:

"...he always reminded me of Fred Flintstone's loud mouth buddy on The Flintstones for I always just called him Joe Rockhead..."

N. On October 22, 2012, beginning at approximately 1:07 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"when your world view is only about getting ahead, you don't look behind" "i don't know where we are headed because I got the feeling at inservice that nobody really believes this LPO thing like they are selling it"

O. Through the course of the investigation of 2012 PS&IA 58, Sergeant Phil Moore determined that in this communication Officer Heimsness was referring to Captain Cameron McLay.

G. Use and Care of City-Owned Property (2-241)

Count 50

On September 24, 2012, beginning at approximately 12:30 a.m., Officer Heimsness, while on duty communicated over his MDC to another Madison Police Officer, advising that officer how to improperly take headlights out of City owned vehicles in violation of MPD Rules 2-241, Use and Care of City-Owned Property.

FACTS:

- A. Paragraphs A through L of Section II, A are reasserted here.
- B. On September 24, 2012, beginning approximately at 12:30 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, regarding whether there are light bulbs available for the squad vehicle:

"kinda. I take them from crashed sqds, old squads being taken out of the fleet, old sqds that are used by other agencies..."

"...other agency cars in the ccb"

"i mean crown vies that used to be cop cars and now are cda, etc cars"

- A. On March 2, 2013, at approximately 10:30 a.m. Officer Heimsness was interviewed by Sergeant Phil Moore regarding this statement. Officer Heimsness indicated that he when his squad did not have an operable headlight, he would take headlights from other City-owned vehicles parked in the City County Building. Officer Heimsness would not notify anyone of the inoperable headlight.

H. Communications System (2-242)

Count 51

On October 2, 2012 at approximately 3:58 p.m., Officer Heimsness sent an e-mail message that did not involve official police business over the police communication system in violation of MPD rules 2-242, Communication System.

Count 52

On September 7, 2012 beginning approximately at 3:48 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 53

On September 8, 2012 at approximately 12:13 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 54

On September 8, 2012 beginning approximately at 5:56 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 55

On September 9, 2012, beginning approximately at 5:00 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 56

On September 9, 2012, at approximately 5:31 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 57

On September 14, 2012, beginning approximately at 1:33 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 58

On September 14, 2012, at approximately 3:00 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 59

On September 14, 2012, at approximately 5:21 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 60

On September 15, 2012, at approximately 12:29 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 61

On September 15, 2012, at approximately 6:45 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 62

On September 16, 2012, beginning approximately at 4:04 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MED Rules 2-242, Communication Systems.

Count 63

On September 23, 2012, beginning approximately at 2:33 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 64

On September 25, 2012, at approximately 4:30 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 65

On October 3, 2012, beginning approximately at 12:30 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 66

On October 11, 2012, beginning approximately at 12:09 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 67

On October 15, 2012, at approximately 2:41 a.m., while on duty Officer Stephen Heirnsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

Count 68

On November 7, 2012, beginning approximately at 2:23 a.m., while on duty Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that did not involve official police business, in violation of MPD Rules 2-242, Communication Systems.

FACTS:

- A. Paragraphs A through L of Section II, A are reasserted here.
- A. On October 2, 2012 at approximately 3:58 p.m., Officer Heimsness sent an e-mail message that did not involve official police business over the police communication 28

system in violation of MPD rules 2-242, Communication System (see attached Exhibit #1)

- C. On September 7, 2012, beginning approximately at 3:48 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch:

"conic on dispatch"
"i swear they just type whatever they're told and question nothing"

- C. On September 8, 2012, at approximately 12:13 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch:

"yeah. i'm hiding. Dispatch is sending people all over for no good reason, not putting people on the right calls and then this"

- D. On September 8, 2012, at approximately 5:56 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch:

"i mean, seriously dispatch"
COME ON MAN THINK"

- E. On September 9, 2012, beginning approximately at 5:00 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch and Ironman participants:

"DUDE WTF"
YES I AM GOING TO TEAR TRE BUTT OUT OF THIS"
"Ugh and the Ironclowns are starting to roll in down here too"
"between the one call wonders and pinheads and the subpar dispatching, I don't know what to do."
"I spend a lot of my last 3 days hiding in parking lots praying I don't get a true 2 officer call"

- F. On March 2, 2013, at approximately 10:20 a.m. Officer Heimsness was interviewed by Sergeant Phil Moore regarding this statement. Officer Heimsness indicated that when he stated "Ironclowns" he was referring to Ironman participants and that they are "just tying up the city in a knot for an entire day."

- D. On September 9, 2012, at approximately 5:31 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch:

"i'm going to write up a massive complaint about tonight... I more for the pile"

- G. On September 14, 2012, beginning approximately at 1:33 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch:

"jesus the cluelessness of dispatch continues to amaze"
"i just sent a 1900 word rant documenting 5 horrible dispatching examples to a bunch of the bosses"

"sometimes i think they are trying to get us to establish our own dispatch"

- J. On September 14, 2012, at approximately 3:00 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"i don't know what's worse the dumb drunks or the dumb dispatchers"

- K. On September 14, 2012, at approximately 5:21 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"i just sent a 1900 word complaint on 5 calls involving safety issues due to dispatch to a bunch of our bosses, including the ACs [Assistant Chiefs] and Lengfeld"

- J. On September 15, 2012, at approximately 12:29 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"shut up dispatch and listen"

- L. On September 15, 2012, at approximately 6:45 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"she didn't clear you. Have fun, it appears the top rank dispatching we had last night continues into the day"

- M. On September 16, 2012, beginning approximately at 4:04 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer:

"this dispatcher is the worst"
"they are all the worsy in their own special way"

- O. On September 23, 2012, beginning approximately at 2:33 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch:

"what is she talking about?"
"Jesus christ"

- P. On September 25, 2012, at approximately 4:30 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, regarding dispatch:

"ugh"
"i think this is the one i got into it with the other night"

On October 3, 2012, beginning approximately at 12:30 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, regarding dispatch:

"i love the tone they have when they call me"
"oh dammit, I have to call HIM"
"i try to be professional"
"i just don't always succeed"

- R. On October 11, 2012, beginning approximately at 12:09 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, referring to dispatch:

"that dispatcher sounds pissed she has to do anything"
 "maybe i should start doing a lot of traffic stops on parked cars"

- S. On October 15, 2012, at approximately 2:41 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, regarding dispatch:

"i thought her panic was high on the B&E....then she had to find a backup for you"

- T. On November 7, 2012, beginning approximately at 2:23 a.m., while on duty Officer Heimsness sent the following communication over his MDC to another Madison Police Officer, regarding dispatch:

"CAN YOU BREAK FOR SANDWICH DISTURBANCEMIM
 ANYONE?!?!?!?"
 "It would be nice for them to get a little info instead of dispatching every call like a homicide in progress"

I. Immoral or Offensive Conduct (2-248)

Count 69

From December, 2008 through November, 2012, while on duty Officer Heimsness engaged in actions and communications over the Mobile Data Computer that was immoral and impaired his ability to perform as a law enforcement officer and caused himself and the department to be brought into disrepute, in violation of MPD Rules 2-248 Immoral or Offensive Conduct.

FACTS:

- A. Paragraphs A through 0 of Section II, A are reasserted here.
- B. Paragraphs B through 11 of Section II, B are reasserted here.
- C. Paragraphs B through E of Section II, C are reasserted here.
- D. Paragraphs B through II of Section II, D are reasserted here.
- E. Paragraphs B through I of Section II, E are reasserted here.
- F. Paragraphs B through 0 of Section II, F are reasserted here.
- G. Paragraphs B through C of Section II, G are reasserted here.
- II Paragraphs B through T of Section II, H are reasserted here.
- I. Paragraphs B through X of Section II, .1 are reasserted here.
- J. Paragraphs B through AAA of Section II, K are reasserted here.

K. Paragraphs B through Z of Section 11, M are reasserted here.

J. Harassment (2-263)

Count 70

From September 8, 2012 through October 24, 2012, while on duty Officer Heimsness engaged in communications over the Mobile Data Computer that was harassment on the basis of race, sex, religion, color, age, handicap, national origin, or sexual orientation in violation of MPD Rules 2-263 Harassment.

Count 71

From October 2, 2012 through October 8, 2012, while on duty Officer Heimsness' actions and communications over the Mobile Data Computer regarding Officer Anderson's rifle were harassment on the basis of sex in violation of MPD Rules 2-263 Harassment.

FACTS:

- A. Paragraphs A through L of Section 11, A are reasserted here.
- B. Police Officer Zulma Franco is a Latina female officer.
- C. From September 8, 2012 through October 24, 2012, Officer Zulma Franco's call signal was D7.
- D. From September 8, 2012 through October 24, 2012, Officer Heimsness' last three days on his schedule, were Officer Zulma Franco's first three days on her schedule. This was the time when their work schedule overlapped.
- A. Police Officer Sarah Anderson is a female officer.
- E. On September 8, 2012, beginning approximately at 3:58, while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:
- "i got it for the ladies"
 "easy for them to remember"
 "and math is hard for girls"
 boys rule"
- B. On September 8, 2012, beginning approximately at 4:58 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:
- "jesus this 3 minute call will last 45"
 "i hate my last 3"
 "i would have driven slower and made D7 take a call in her beat but 1 didn't want to spend the next half hour watching her trying to get a description from a blind woman"

- H. On September 13, 2012, at approximately 5:51 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"jesus christo"

- I. Officer Heimsness does not speak Spanish and does not typically send MDC messages in Spanish.

- J. On September 13, 2012, at approximately 5:51 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"aye caramba"

- H. On September 15, 2012, at approximately 12:33 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding a sergeant who was a Latino:

"aye caramba"

- K. On September 18, 2012, beginning approximately at 1:22 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"zulma just pulled up uninvited"

"jesus christo"

"now she's telling me where she's going to retire"

"thank god she left"

- L. On September 18, 2012, beginning approximately at 1:30 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"it's a nightmare my last three days"

"I had a H&R [Hit and Run] call and she went to the area and said she couldn't find any cars that were hit"

"I went and checked too because I wasn't sure I could rely on it"

"but i can't rely on her to even be able to find a crashed car at an intersection"

"based on general performance"

- M. On September 23, 2012, at approximately 4:03 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"aye caramba"

- O. On September 26, 2012, at approximately 5:58 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"i don't think she knows how to milk a cow"

"it's just how they all go"

- P. On September 26, 2012, beginning approximately at 5:51 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"this call will never end"
"we may never leave here"
"it was a convoluted domestic but i have no idea why we aren't at the jail
20 minutes ago"
"putting umlats above the Os"
"jeebus, this is brutal"
"it's like this is the first time"
"the booking sheet will be like the rosetta stone"
"what does it mean?"
"she drives like a maniac too"
"it's like a 10-80"
"kill me"

- Q. "10-80" is a radio code for vehicle pursuit, indicating an inappropriately fast driving vehicle.

- R. On October 3, 2012, at approximately 6:32, while on duty Officer Heiinsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Sarah Anderson:

"gotta go in and help figure out how to embarrass a 3rd detailer who left her rifle laying around unsecured when she went on RDOs last night" "we have enough"

- S. On October 4, 2012, at approximately 12:03 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"BEAT INFO FOR D7 WHO IS ON A POINTLESS PHONE CALL"

- T. On October 4, 2012, at approximately 12:11 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding Officer Zulma Franco:

"you hear 2 more blahs than i do"
"there were 2 cans knocked off"
""does the caller want contact"
"COME ON MAN"
oh god, she just pulled up to me and told me she thinks they're coming from the caribou, expect she didn't know the name of it, and walking home while knocking the cans over"
"it happened last week too so they must live around here"
"i said, "yeah, drunks like to knock stuff over'r"

- U. On October 10, 2012, beginning approximately at 6:17 a.m., while on duty Officer Heimsness sent the following communications via his MDC to another Madison Police Officer, regarding Officer Sarah Anderson:

"i got enough problem with a whiner down here who can't secure her dept rifle"
"we put it in armory in a soft case field stripped with a note"

"she crapped a brick claiming we harassed her"
"ran to a LT"
"and she's apparently getting written up for it"
"oops...that didn't work out like you thought, did it?"
"LOL"

- V. On October 19, 2012, beginning approximately at 12:58, while on duty Officer Heimsness sent the following communications via his MDC to another Madison Police Officer, regarding Officer Sarah Anderson:

"a 2nd detailer is mad at me because left her rifle in the squad when she went on RDOs and didn't dig our peer to peer counseling methodology" "we engaged in harassment"
"which consisted of field stripping it and putting it in the secure armory"

- W. On October 24, 2012, at approximately 12:21 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"aye caramba"

- X. Paragraphs B through II of Section II, D are reasserted here.

K Use of Mobile Data Computers (12-200)

Count 72

On July 4, 2012, beginning approximately at 3:06 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 73

On July 8, 2012, beginning approximately at 5:37 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 74

On August 2, 2012, at approximately 4:59 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 75

On August 13, 2012, at approximately 4:52 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 76

On August 20, 2012, beginning approximately at 12:02 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 77

On September 7, 2012, at approximately 5:54 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 78

On September 8, 2012, beginning approximately at 12:21 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 79

On September 8, 2012, beginning approximately at 1:01 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 80

On September 8, 2012, at approximately 5:17 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 81

On September 8, 2012, beginning approximately at 6:00 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 82

On September 9, 2012, at approximately 1:30 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 83

On September 9, 2012, at approximately 6:06 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or

unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 84

On September 13, 2012, beginning approximately at 5:44 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 85

On September 14, 2012, at approximately 2:59 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 86

On September 14, 2012, at approximately 2:59 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 87

On September 14, 2012, beginning approximately at 4:17 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 88

On September 15, 2012, beginning approximately at 1:04 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 89

On September 16, 2012, at approximately 3:52 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 90

On September 22, 2012, beginning approximately at 5:45 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 91

On September 23, 2012, at approximately at 3:38 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 92

On September 25, 2012, at approximately at 1:48 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 93

On September 26, 2012, at approximately at 5:41 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 94

On September 27, 2012, at approximately at 2:56 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 95

On October 3, 2012, beginning approximately at 5:03 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 96

On October 3, 2012, beginning approximately at 6:15 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 97

On October 4, 2012, beginning approximately at 5:00 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 98

On October 5, 2012, beginning approximately at 6:18 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was

inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 99

On October 11, 2012, at approximately 2:45 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 100

On October 11, 2012, at approximately 2:49 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 101

On October 11, 2012, at approximately 6:11 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 102

On October 14, 2012, beginning approximately at 12:45 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 103

On October 20, 2012, beginning approximately at 1:58 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 102

On October 20, 2012, beginning approximately at 3:02 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 103

On October 21, 2012, beginning approximately at 1:06 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 104

On October 23, 2012, at approximately 5:47 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 105

On October 23, 2012, at approximately 11:46 p.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 106

On October 28, 2012, at approximately 12:38 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 107

On October 31, 2012, at approximately 1:14 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 108

On October 31, 2012, at approximately 3:05 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 109

On November 1, 2012, beginning approximately at 12:46 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 110

On November 1, 2012, at approximately 6:10 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 111

On November 7, 2012, beginning approximately at 4:24 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was

inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 112

On November 7, 2012, beginning approximately at 6:32 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 113

On November 7, 2012, beginning approximately at 6:38 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

Count 114

On November 9, 2012, at approximately 12:27 a.m., while on duty Officer Heimsness engaged in communications on his Mobile Data Computer that included language that was inappropriate or unprofessional, in violation of MPD Rules 12-200, Use of Mobile Data Terminals/Mobile Data Computers.

FACTS:

- A. Paragraphs A through L of Section II, A are reasserted here.
- B. On July 4, 2012, beginning approximately at 3:07 a.m., while on duty Officer Heimsness sent the following communication via hi MDC to another Madison Police Officer:

""23 in the area of pleasure" is not as good as "23 in the pleasure are"
"exactly re pleasure. "banana"
- C. On July 8, 2012, at approximately 5:41 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"if i fish hooked my wife, maple bluff pd would be at my house in 23
seconds since the station is 4 houses away"
- D. On August 2, 2012, at approximately 4:59 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"MORONS"
- E. On August 13, 2012, beginning approximately at 4:52 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"yea i read burroughs"
"not as much as the band I Occ"

- F. On August 20, 2012, beginning approximately at 12:02 a.m., while on duty Officer Hehnsness sent the following communication via his MDC to another Madison Police Officer:

"i got new tires on the bike friday. found a nail in the rear one this morning when I got home. 60 miles on the tire...jesus h christ"
"yep. i said "that f"king figures"

- F. On September 7, 2012, at approximately 5:54 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"well, spank my butt and call me naughty"
"no, harder"

- G. On September 8, 2012, beginning approximately at 12:21 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"Jesus christ it's my 15th anniversary here now and i'm having no fun at all"
"hire date 9/8/97"
"FML"
"jesus christ"

- H. On September 8, 2012, at approximately 1:08 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding singer George Michael:

"i think i could turn him"

- I. On September 8, 2012, beginning approximately at 1:01 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"jesus christ"
"hey man, like the Dude says: "I*** it"
"I'll write the captions to the dirty pictures"

- J. On September 8, 2012, at approximately 5:17 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"I should have just gone to that call where the GF [girlfriend] got into the car and left. I would have told him he sucks as a boyfriend and got a day off"

- K. On September 8, 2012, beginning approximately at 6:00 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"fire is staging until it is safe to come in and put a bandage on her crazy brain and MAKE IT ALL BETTER"
"guess how my night was"
"ARM-111RM"
"run off with me and make it all better"
"help my crazy brain"
"i'll let you do all the thinking"

"he needs to let go. that is the key to marital bliss"

"i can't. who will ann do the thinking for if i

- M. On September 9, 2012, at approximately at 1:30 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"she looks to clean to be homeless"

- N. On September 9, 2012, beginning approximately at 6:06 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"come, it's my turn"

"i did you, get down there"

strap on the feed bag"

- O. On March 2, 2012, at approximately 10:20 a.m. Sgt. Phil Moore interviewed Officer Heimsness regarding the above statements. Officer Heimsness stated they were statements from a character in a television show and it was referring to a request for oral sex.

- P. On September 13, 2012, beginning approximately at 5:44 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"there should be a policy against children"

"i have a policy against children"

"i'm against them"

"i prefer supermodels"

"if i get to choose" "just

saying"

- P. On September 14 2012, at approximately 2:59 a.m., while on duty Officer Hehnsness sent the following communication via his MDC to another Madison Police Officer:

"jesus christ"

- Q. On September 14, 2012, at approximately 2:59 a.m., while on duty Officer Heimsness sent the following communication via MDC to another Madison Police Officer:

"wtf"

"these morons"

- R. On September 14, 2012, beginning approximately at 4:17 a.m., while on duty Officer. Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding another police officer's work schedule after receiving discipline:

"i'm told Ward in the schedule for DSI tonight.. that seems inappropriate

unless he is off admin. susp"

"22 the one before it, i see he's not admin now"

- T. On September 14, 2012, at approximately at 4:32 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding another police officer's work schedule after receiving discipline:

"i looked at telestaff and he's not on admin now"

- T. On September 15, 2012, beginning approximately at 1:04 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"hopefully death comes after retirement, or off duty"

"and you're nekkid"

"ummm, i could tell you stuff but that would violate the confidentiality of the union board discipline knowledge"

"naked on duty wise"

"if she's cute, why not"

- U. On September 16, 2012, at approximately 3:52 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"you should have seen the look on the faces of the three goobs I caught in the basement of the sorority house"

- V. On September 22, 2012, beginning approximately at 5:45 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"THIS CLOWN WANTED ALMOST 3 HOURS. IT COULDN'T HOLD FOR 15 MINUTES"

"PS THX FOR REPORTING THE ROBERRY YOU THOUGHT YOU SAW 3 HOURS AGO"

"BECAUSE WE'RE ALL OVER IT NOW"

"THREE"

"HOURS"

"LATER"

- W. On September 23, 2012, at approximately 3:38 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"wtf"

- X. On September 25, 2012, at approximately 1:48 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"DON'T GOOGLE BOOBS UNDER MY INFO"

- Y. On September 26, 2012, at approximately 5:41 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"dude. crazy girlfriend cut up dude's clothes, busted the joint up, and started the living room on fire"

AA. On September 27, 2012, at approximately 2:56 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"WTH"

BB. On October 3, 2012, beginning approximately at 5:03 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"I'm not going under. Extreme Colonoscopy is my Base Jumping"
 "I'm so excited I figured out I can send messages to the PRTs!" [Police Report Typist]
 "Don't blame me. I don't do reports"
 "bring it on SC"
 "I'd have to be hammered drunk on pink squirrels"

CC. On October 3, 2012, beginning approximately at 6:15 a.m. and ending at approximately 6:23 a.m., while on duty Officer Heimsness sent the following communication via his MDC to a Police Report Typist:

"hey we're SO funny"
 "with all the cruiser talk and bfast"
 "yeah"
 "go to briefing"
 "go poop"
 "go eat"
 "dispo a call by phone"
 "go to coffee"
 "beat info a call"
 "lunch"
 "then it's time to hold that for 2nd detail"
 "10-42"
 "lol"

DD. "10-42" is a radio call for ending a tour of duty.

EE. On October 4, 2012, beginning approximately at 5:00 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"hey, no boobs"
 "Mertz asked me if I was going to shake Obama's hand today and I told him only if he comes via his to my basement, drinks beer, and watches porn with me because that's what I'm doing when he's here"

FF. On October 5, 2012, beginning approximately at 6:18 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"sexy yet authoritarian"
 "usually you are just authoritarian"

GG. On October 5, 2012, beginning approximately at 6:32 a.m. and ending at approximately 6:39 a.m., Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referring to Special Investigator who had left the department:

"what greener grass is hampton going to chew on?"
"polities"
"no, the people at ghe will have to get used to it"
"it's easy for us"
"hey, know-it-all drone, shut up or you can hit the road"
"yes, you are staying late today"
"oh, and come in on, Sunday, mmmmmmmmmmmmmmmmmnimmmkay"
"great"

I-111. On October 11, 2012, at approximately 2:45 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"jesus, if they had just taken the complaint instead of trying to figure out how to dump it, we'd all be happier"
"some clown flags me down, it's mine"

On October 11, 2012, at approximately 2:49 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"no idea, some self initiated look at how hard i work garbage"

IL On October 11, 2012, at approximately 6:11 a.m., while on duty Officer Heimsness sent the following communication via his 1V1DC to another Madison Police Officer:

"sweet jest's"

KK. On October 14, 2012, beginning approximately at 12:45 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, regarding a police incident involving a City employee:

"i pulled up that call at 115 king.. there must be more to the story because now i have to read the report"
"NICE"
"dang"
"i had high hopes for someone"

LL. On October 20, 2012, beginning approximately at 1:58 a.m. and ending at approximately 2:49 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"i'd rather get oiled up and play some beach volleyball with you"
"probably trying to get into some other girl's pants"
"and we just threw that away"
"we have scruples"
"no one gets all dressed up like that unless they want to party"
"i should have said "put on a coat" when she said go fight crime"
"good thing Pm professional"
"or "stay warm"
"oh the burns you think of after"
"i hate calls at the great Data because the people are always like her"

"to 9 springs"

"me and favour had a jerk like that who didn't want to move his car so we said we would tow it. he said go ahead, i'll just walk down the street and get it"

"so we said ok"

"the truck got there and they hooked it and he had heard us talking about a legal stop down the street so he was all cocky in front of his friends at the KK" "the driver said "where to?" and we said "Forrest Hill"

"LOL"

MM. "9 springs" is a nature area far away from downtown Officer Heimsness' location on October 20, 2012.

NN. On October 20, 2012, beginning approximately at 3:02 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, referencing a hair conditioner called "Pink Panties":

"i was expecting more interesting packaging on that conditioner"

"given the name"

"i love fun pictures"

"their marketing dept needs to get on that"

"there used to be a store at 449 state called that"

"nice windows"

OO. On October 21, 2012, beginning approximately at 1:05 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer, relating to a female observed urinating in public:

"classy"

"unless you're into that kind of thing then stand there all night long" "i would have walked up and stood right there and not said a thing"

"maybe pretend to get ready to pee yourself"

PP. On October 23, 2012, at approximately 5:47 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"you know, if he's that pissed off, put up or shut up, dude. Just saying"

QQ. On October 23, 2012, at approximately 11:46 p.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"the host sounds like a hot girl, she's not but the show is great"

RR. On October 28, 2012, at approximately 12:38 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"dude wtf"

SS. On October 31, 2012, at approximately 1:14 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"yes, they figured that a lot people were pissed" "i think they all are in a way"

TT. On October 31, 2012, at approximately 3:05 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"dick"

UU. On November 1, 2012, beginning approximately at 12:46 a.m. and ending at approximately 12:51 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"you guys should go over to karstens for training purposes lot"

"aa"

"and aaa"

"DC"

"oh no, i'm no longer doing that"

"catch me if you can, pfc"

"no wonder i just got creeped out"

\TV. On November 1, 2012, at approximately 6:10 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"MFer, I want more ice tea"

WW. On November 7, 2012, beginning approximately at 4:24 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"i have to sit in on an interview at 0500 FYI"

"as a rep"

"somebody is always in trouble"

XX. On November 7, 2012, beginning approximately at 6:32 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"you know what they say about guys who smoke?"

"they're easy"

"hey,,

"smoking?"

"or a man?"

"or both?"

YY. On November 7, 2012, beginning approximately at 5:47 a.m., while on duty Officer Heimsness sent the following communication via his MDC regarding a discipline case to Officer Favour:

"i went in w stetter this am"

"aye yi yi"

"reporting"

"or not doing report that this"

"well, he said it was an interview but when I got there i found out there was a pre-d AND an interview"

"both about doing a report"

ZZ. In the above mentioned communication, Officer Favour, emphasis the importance of report writing and that it is a "basic rules of being a cop", Officer Heimsness responded via his MDC:

"you know it"

"that and strutting about like a dandy because people respect you for that"

AAA. On November 9, 2012, at approximately 12:27 a.m., while on duty Officer Heimsness sent the following communication via his MDC to another Madison Police Officer:

"i'm the right cop for the wrong job"

"no witnesses, no problem"

L. Prohibited Harassment and/or Discrimination Policy APM 3-5

Count 115

On September 7, 2012, at approximately 1:57 a.m., while on duty Police Officer Stephen Heimsness engaged in communications on his Mobile Data Computer that indicated his actions were motivated by a citizen's membership in a protected class (race and/or national origin), in violation of APM 3-5 Prohibited Harassment and/or Discrimination Policy.

Count 116

From September 8, 2012 through October 24, 2012, while on duty Officer Heimsness engaged in communications over the Mobile Data Computer that was harassment and created a hostile working environment against protected classes (race, sex, color, age, handicap, national origin, or sexual orientation) in violation of APM 3-5 Prohibited Harassment and/or Discrimination Policy.

Count 117

From October 2, 2012 through October 8, 2012, while on duty Officer Heimsness' actions and communications over the Mobile Data Computer regarding Officer Anderson's rifle created a hostile working environment against a protected class (sex) in violation of APM 3-5 Prohibited Harassment and/or Discrimination Policy.

FACTS:

- A. Paragraphs A through O, of Section II, A are reasserted here.
- B. Paragraphs B through II of Section II, D are reasserted here.
- C. Paragraphs B through X of Section II, J are reasserted here.
- M. **Workplace Violence Prevention and Response Policy APM 2-25**

Count 118

From July, 2012 through November 7, 2012, while on duty Officer Heimsness' actions and communications over the Mobile Data Computer exhibited intimidation, threatening and violent behavior in violation of APM 2-25 Workplace Violence Prevention and Response Policy.

FACTS:

- A. Paragraphs A through K of Section II, A are reasserted here.
- B. On September 5, 2012, at approximately 12:09 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer
- "dispatch needs to get kicked in the ass.. they have been lax or worse"
- C. On September 7, 2012, beginning approximately at 3:57 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:
- "i decided to leave rather than beat the hell out of the guy"
"some people have no idea how lucky they really are"
- D. On September 7, 2012, at approximately 6:08 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:
- "otherwise, I might have blasted him" "i could have wrote that up real good"
- A. On September 8, 2012, at approximately 12:24 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:
- "i should have blasted that guy with the knife through my window the other day. At least i would have got the weekend off"
- G. On September 8, 2012, at approximately 12:57 a.m., while on duty after a Madison Police Officer had referred to Officer Heimsness as a "flower child", Officer Heimsness sent the following communication via his MDC:
- "angry hippie"
- H. On September 8, 2012, beginning approximately at 1:28 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:
- "maybe I should go to days because this is killing me"
"I'm approaching Magyera levels of anger"
"no but nobody gives a damn"
- I. On September 8, 2012, beginning approximately at 11:16 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer, regarding dispatch:
- "i'm at my wits end with these"
"whatevers"
- J. On September 9, 2012, at approximately 4:54 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:
- "Pm ready to go on a shooting spree up in dispatch"

- K. On September 9, 2012, beginning approximately at 5:00 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer, regarding dispatch:

"DUDE WTF"
 "YES I AM GOING TO 'FEAR THIS BUTT OUT OF TIES"

- K. During the Investigation of 2012-PSIA-60, Sgt. Moore interviewed Officer Heimsness on March 2, 2013, at approximately 10:00 a.m., regarding these statements. Officer Heimsness indicated that he "was going to make a complaint about that call. That it is outrageous and unquestionably beyond the pale when it comes to officer safety in sending him into that situation. Yeah, I was angry about it."

- L. On September 9, 2012, at approximately 6:16 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:

"I better go in. it's getting light out and all these people will soon be able to see the raging contempt on my face"
 "i'm all out of MN nice"
 "i just got MN left"

- M. On September 8, 2012, beginning approximately at 6:32 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:

"i left school worked for 10 years, went back to college, got this job and my income doubled"
 "and i got benefits"
 "and a gun"
 "so that's cool"

- N. On October 4, 2012, beginning approximately at 12:15 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:

"jesus, help me"
 "i don't think i can do this anymore"
 "but days is even worse"
 "and I'm unpromotable"
 "next year: parking enforcement"

- O. On October 4, 2012, at approximately 12:54 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:

"hardcore"
 "NO PRISONERS"

- P. On October 5, 2012, at approximately 12:38 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:

jesus i'm glad i took tomorrow off"
 "i'm going to kill somebody. Dispatch, coworkers, who ever"

- R. In response to the above communication the police officer responded to Officer Heimsness "I'm a mandatory reporter", to which Officer Heimsness responded via his MDC:

"then i'll kill you first"

- S. On October 5, 2012, at approximately 1:49 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:

"i can't handle this anymore"

"i'm applying at the water dept tomorrow"

- T. On October 10, 2012, at approximately 6:07 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer, referencing a rally at Bascom Hall several years prior and police presence:

"and swinging American wood, if necessary"

- U. On October 20, 2012, at approximately 12:09 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer, regarding a domestic dispute:

"i love walking in and being the mean one"

- V. On October 20, 2012, at approximately 2:55 a.m., while on duty Officer Heimsness sent the following communication via his IVIDC, to another Madison Police Officer:

"some day i'm going to say "D8, mark one punched in the face"

- W. "D8" is Officer Heimsness call signal.

- X. On November 2, 2012, beginning approximately at 1:56 a.m., while on duty Officer Heimsness sent the following communication via his MDC, to another Madison Police Officer:

"Did you Zeus that guy?"

"why didn't he punch him back?"

"COME ON MANUAL TASER"

"what ever happened to old fashioned pride in workmanship?"

"pretty soon we will be shipping our punching to China"

- R. During the Investigation of 2012 PS& IA 60, Sgt. Moore interviewed Officer Heimsness on March 2, 2013, at approximately 2:15 p.m., regarding these statements. Officer Heimsness indicated that he was asking the involved officer if he had used the taser on somebody.

Message: FW: AR-15 bolt carrier maintenance

VFW: AR-15 bolt carrier maintenance

From Heimsness, Stephen Date Monday, October 01, 2012 100 AM To
PD*CENTRAL

Cc

Subject FW: AR-15 bolt carrier maintenance

Let's try this again.

From: Heimsness, Stephen

Sent: Monday, October 01, 2012 2:57 AM

To: PD Central Police District

Subject: AR-15 bolt carrier maintenance

Hey everybody, I went through the roughly 42 rifles in the racks in the armory, pulled the bolt carrier groups, did a very quick inspection, and oiled them as needed. Don't worry, I'm a Colt armorer so it should still go bang when you pull the trigger.

Now for the not-so-great part. There were only a handful I didn't need to oil. Many were bone dry and a couple downright crusty. One had a practice round in the chamber, a couple were on "fire" not "safe" and there were several that did not have the dust cover closed. A couple had the dust cover open and the bolt locked to the rear.

Please help keep your rifle working by checking the bolt carrier group every couple of months for proper lubrication. If you are not sure how to do this, I am happy to show you. There is also a small poster inside the door with the information too. Also, store your rifle with the bolt and dust cover closed (on an empty chamber please!) and the selector switch on "safe." This helps keep things clean and prevents any nasty surprises.

I did not take down any of the Pelican cases so those rifles should be checked for proper lubrication. You know who you are. If you need help or have a question, let me know.

I'm out,

Steve

Roman, Kriston

From: Bradley Wilson, Stephanie
Sent: Monday, October 08, 2012 12:09 PM
To: Donahue, Kelly
Cc: Roman, Kristen
Subject: FW: Sarah Anderson Mackesey rifle is not in rifle room

I spoke with the Sarah about the location of her email and talked with her about the message. She was upset and emotional about the comments. She felt it was harassment as the weapon was left in pieces. I asked her if she wanted to file a complaint and she declined.

-----Original Message-----

From: Heimsness, Stephen
Sent: Sunday, October 07, 2012 11:33 PM
To: Bradley Wilson, Stephanie
Subject: RE: Sarah Anderson Mackesey rifle is not in rifle room

Yes, I inspected it and returned it to the rack. It is my understanding it is in the armory in a soft case because she left it unsecured in the squad she had on her Friday before she left on RDOs. Several coworkers who routinely have to return her belongings to her after she leaves them in squads thought this may help her remember to be responsible for her equipment. If she checks the cases she will find it. I believe if it happens again it will be logged as found property

"I believe I am right. Or, if not right, at least plausible." - Ignatius Donnelly, politician, author, American crank

From: Bradley Wilson, Stephanie
Sent: Sunday, October 07, 2012 1:21 pm
To: Heimsness, Stephen
Subject: Sarah Anderson Mackesey rifle is not in rifle room

Hi Steve, do you recall seeing and/or cleaning her rifle? She has not seen it seen Oct 2.

Lt. Stephanie Bradley Wilson,
First & Second Details-Officer In Charge Madison Police Department
Madison, WI 53713
608-266-4924

EXHIBIT 2

Roman, Kristen

From: Donahue, Kelly
Sent: Monday, October 08, 2012 9:06 PM
To: Heimsness, Stephen
Subject: RE: Sarah Anderson's rifle

Thanks Steve, I was forwarded your email that was sent to Lt Bradley Wilson and noted that it seemed someone else recovered it from the squad and put it in the armory. Thanks for the email. I will let Lt Roman know about it.

KD

-----Original Message-----

From: Heimsness, Stephen
Sent: Monday, October 08, 2012 8:21 PM
To: Donahue, Kelly
Subject: FW: Sarah Anderson's rifle

FYI, see below.

"I believe I am right. Or, if not right, at least plausible"
politician, author, American crank

Ignatius Donnelly,

From: Heimsness, Stephen
Sent: Monday, October 08, 2012 8:19 PM
To: Anderson, Sarah
Subject: RE: Sarah Anderson's rifle

I didn't do it.

"I believe I am right. Or, if not right, at least plausible." - Ignatius Donnelly,
politician, author, American crank

From: Anderson, Sarah
Sent: Monday, October 08, 2012 7:36 PM
To: Heimsness, Stephen
Subject: Sarah Anderson's rifle

Hi Steve,

I read the e-mail that you sent Lt. SBW. Thank you for securing my rifle. As for you, and our anonymous co-workers "teaching me a lesson", that is called harassment. If I am remembering correctly, the City of Madison frowns on harassment. Lt. asked if I wanted to file a complaint, and I told her I did not.

I also noticed that you failed to mention that you left my rifle in pieces, with an unsigned note for me. Unfortunately, that did not slip past the attention of Sgt. Donahue, because she is the one who found my rifle. I am not sure what she is going to do, but she did seem unhappy.

In the future there is no need to be afraid to approach me with concerns, issues, or complaints. If you write me a note, please sign it! Please tell the others that are too frightened to even be identified, that they may speak with me or e-mail, or write a letter

EXHIBIT 3

1

EXHIBIT 3

if they are more comfortable), and that I promise I will listen politely, and take their concerns into consideration.

Very Sincerely,

PO Sarah Anderson 4222

Roman, Kristen

From: Heimsness, Stephen
Sent: Monday, October 08, 2012 9:41 PM
To: Donahue, Kelly
Cc: Dro!linger, Jon; Roman, Kristen
Subject: RE: Sarah Anderson's rifle

I did put it in the soft case and was a part of the discussion as to how to address it Jon Drollinger and I felt it was best to try to deal with it without starting a formal complaint over the Care and Use of City Equipment even though the rifle was in an unlocked rack in the squad after she went 10-42 and on her RDOs. I spoke to Jon about this a few minutes ago and I believe he is planning on talking to you and, as we never see Sarah, I think he is going to email her with the ongoing concerns of her not cleaning out the squad, leaving equipment behind, leaving TraCS open with tickets and MV4000s up, etc in addition to this matter.

Steve

"I believe I am right. Or, if not right, at least plausible." - Ignatius Donnelly, politician, author, American crank

From: Donahue, Kelly
Sent: Monday, October 08, 2012 9:06 PM
To: Heimsness, Stephen
Subject: RE: Sarah Anderson's rifle

Thanks Steve. I was forwarded your email that was sent to Lt Bradley Wilson and noted that it seemed someone else recovered it from the squad and put it in the armory. Thanks for the email. I will let Lt Roman know about it.

MD

-----Original Message-----

From: Heimsness, Stephen
Sent: Monday, October 08, 2012 8:21 PM
To: Donahue, Kelly
Subject: FW: Sarah Anderson's rifle

FYI, see below.

"I believe I am right. Or, if not right, at least plausible." - Ignatius Donnelly, politician, author, American crank

From: Heimsness, Stephen
Sent: Monday, October 08, 2012 8:19 PM
To: Anderson, Sarah
Subject: RE: Sarah Anderson's rifle

I didn't do it.

- Ignatius Donnelly,

"I believe I am right. Or, if not right, at least plausible.
politician, author, American crank