

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

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**IN THE MATTER OF THE DISCIPLINARY APPEAL OF:**

**Police Officer Reginald O. Carthen**

**MPD Personnel Order 2023-16**

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**FPC HEARING EXAMINER'S DISMISSAL OF COUNT ONE AND STIPULATION  
OF NEGOTIATED SETTLEMENT ON SECOND COUNT**

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The Appellant, Reginald O. Carthen ("Appellant"), represented by Cermele & Matthews, S.C., by Attorney Brendan P. Matthews and Attorney Thomas Sucevic; and, MPD Chief of Police Jeffrey B. Norman ("Chief") by his attorney, Assistant City Attorney Katherine Headley, in the above-captioned matter, hereby agree and stipulate to the following in relation to the disciplinary appeal hearing that was held on June 22, 2023:

- A. During all times relevant to the above-captioned matter, Appellant was an employee of the City of Milwaukee, as a sworn member of the Milwaukee Police Department, and held the rank of Police Officer.
- B. Appellant was issued a discipline in the above-referenced personnel order as follows:
  - 1. Core Value 1.00 - Competence, referencing Guiding Principle 1.05, referencing Standard Operating Procedures relating to Domestic Violence - Section 114.05: Failure to investigate a reported case of domestic violence. On motion of the Appellant, by his attorney, Brendan P. Matthews, this count is dismissed by the Hearing Examiner in that the City failed to prove, by a preponderance of the evidence, that violation of Section 114.05 was specifically the appropriate section involved in this matter. (*Count 1*)

2. Core Value 1.00 - Competence, referencing Guiding Principle 1.05, referencing Standard Operating Procedures relating to Domestic Violence - Section 114.10(A)(a)(b); Failure to make a mandatory arrest for a domestic violence offense. (*Count 2*)

C. Appellant timely filed an appeal of the discipline before the FPC pursuant to his employment rights under Wis. Stats. §62.50, which entitles him a hearing wherein the Chief would have the burden of producing evidence to establish the seven just cause factors to substantiate the discipline for both counts before the Fire and Police Commission ("Commission").

D. The "just cause" factors under Wis. Stats. §62.50(17)(b) are as follows:

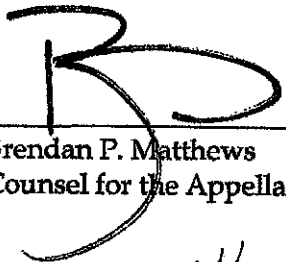
1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
2. Whether the rule or order that the subordinate allegedly violated is reasonable.
3. Whether the Chief, before filing the charge against the subordinate, made a reasonable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

E. Appellant, upon the advice of counsel, knowingly and voluntarily withdraws his right to an appeal hearing in exchange for this negotiated settlement concerning phase two (2) of Count 2.


F. In exchange for withdrawal of his appeal, the Chief agrees to modify Appellant's discipline in Personnel Order 2023-16 to the following:

1. Core Value 1.00 - Competence, referencing Guiding Principle 1.05, referencing Standard Operating Procedures relating to Domestic Violence - Section 114.10(A)(a)(b); Failure to make a mandatory arrest for a domestic violence offense. (Count 2)

a. Five (5) days suspension without pay.

  
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Brendan P. Matthews  
Counsel for the Appellant

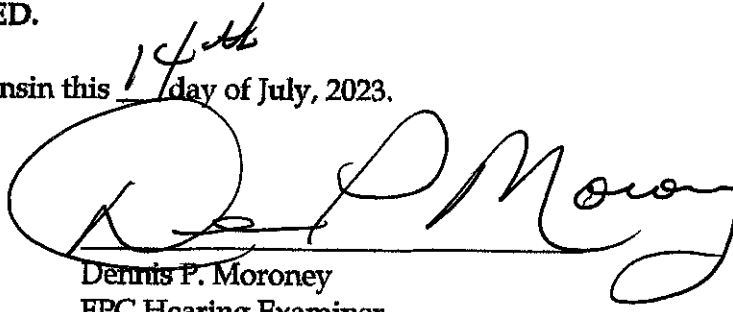
7/14, 2023  
Date

  
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Katherine Headley  
Counsel for the MPD Chief of Police

July 14  
\_\_\_\_\_, 2023  
Date

**AS AGREED UPON BY THE PARTIES, THE TERMS OF THE STIPULATION SET FORTH HEREIN FOR COUNT TWO (2) AND THE DISMISSAL OF COUNT ONE (1) ARE HEREBY ORDERED.**

Dated at Milwaukee, Wisconsin this 14<sup>th</sup> day of July, 2023.

  
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Dennis P. Moroney  
FPC Hearing Examiner

**Prepared by:**  
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