

*****ATTACHMENTS*****

COPY

Mr. Robert Lettre, President
Board of Police and Fire Commissioners
City of Sheboygan
c/o City Clerk
828 Center Ave.
Sheboygan, WI 53081

COMPLAINT

This complaint is filed pursuant to Section 62.13(5)(b), Wisconsin Statutes, permitting charges to be filed against a police officer or firefighter. Charges against a subordinate may be filed by the chief of a department, by the Board of Police and Fire Commissioners or any of its members, or by an aggrieved person.

INFORMATION ABOUT PERSON FILING COMPLAINT

Name: Chad Shelton

Address: 10200 Swift Ave
Sheboygan, WI
53081

Telephone No.: (920)207-9122

Best time(s) to call: any time

INFORMATION ABOUT PERSON NAMED IN THE COMPLAINT

Name: Sheboygan Police Dept.

Rank (if known): Chief

Employing Department: Police Fire

STATEMENT OF CHARGES

Describe the action on the part of the person named in this complaint you believe violated a department rule, city ordinance, state or federal law, or standards of acceptable conduct. Use additional sheets if you need more space, initial each and attach them to this form.

see attach.

SOURCES OF INFORMATION

If the actions described in the Statement of Charges are based, in whole or in part, on information obtained from other sources, please provide the name and address of each source, or otherwise identify the source of your information, such as a document that has information supporting the complaint.

see attach.

SPECIFICATION OF VIOLATION

Cite the department rule, city ordinance, state or federal law, or standards of acceptable conduct you believe the person named in this complaint violated.

see attach.

-
- I request that my name be kept confidential.
 - I request that my address and telephone number be kept confidential.
 - I request that sources of information provided as part of this complaint be kept confidential.
 - I do not request confidentiality in this matter.



Complainant's Signature

12-6-2020

Date Signed

Complainant's Initials *CS*

My negative history of double standards and bias against myself by the Sheboygan Police Department goes back longer than some of the officers named herein have been on active duty. Some of the officers involved in these allegations of misconduct, violations of my rights, and outright breaking of the statutes and laws that govern their authority in civil situations may have retired or moved on from the Sheboygan Police Department, however that in no way shape or form negates the fact that this has been the manner in which they have treated me for over 20 years now, nor alleviate Chief Domalgowski of his responsibility to ensure that his officers, commanding officers, and even he himself are not treating any citizen of Sheboygan with a double standard of law enforcement.

In 1999 officers from the SPD came to my home on Alabama Ave and threatened me with arrest on charges of kidnapping if I did not allow them to forcibly remove my screaming two year old daughter from my arms as I stood bawling my eyes out on the sidewalk. The mother had left, and left our daughter with me, and as such it was a civil case that they had absolutely no business interfering in, let alone making threats and using force against a 19 year old father and his two year old daughter.

In 2011 officers from the SPD came to Evergreen Park while I was attempting to retrieve my daughter and return her to my home. Despite the fact that I had witnesses to testify that I had been threatened by Fred McDaniel "I am going to shoot you" and assaulted physically by Kathryn McMasters who had knocked me to the ground and kicked me repeatedly, I was threatened with arrest if I did not leave. When I said that I was going to be taking my child with me, they told me that in fact I was not going to be allowed to do so, despite the fact that 1) it was my weekend of visitation at the time, and 2) her mother was out of town and not present there, and 3) there were no other legal guardians of my child present there, and finally 4) it was a civil matter that they by law could not interfere in.

In 2014 officer Priebe stood on his tip toes to try and peek over my fence into my completely fenced in backyard in direct violation of my reasonable expectation of privacy while in a private fenced in area.

In 2019 officers from the SPD, including officer Hang responded to my home on Swift Ave to investigate a dog bite. My wife was walking our female dog Persephone at that time, as both she and I informed officer Hang. Therefore it was Persephone who bit the tenant. Despite both owners of the dog confirming which dog it was, officer Hang decided to take the word of the tenant of less than 5 days that it was in fact our male dog Cronus instead. Officer Hang did so without taking into consideration the tenant's past history of drug abuse, and prostitution charges, nor the fact that the two people who owned the dog both confirmed which dogs were in the house and which dog was being walked.

In 2019, and so many times since that I cannot even recall how many it has been, officers from the SPD began ticketing me for feces in my own yard, despite the fact that I have stage 4 cancer, and still manage to pick it up at least once a day so as not to let it pile-up. This is not feces in some public area, this is in my own backyard, where I had four dogs and did everything within the limits of my health condition to keep picked-up. This pattern of ticketing me for everything they possibly can continues to this day.

In 2019 officers from the SPD responded to Wells Fargo where I was. Despite the fact that the only thing I had done was pull-up to the drive-thru and attempt to get a check cashed, and when they refused stated that I was calling their head office, and that all of that should have been clearly visible on their security footage, I was issued a citation for DC.

In 2020 officers from the SPD responded to Wal-Mart on South Taylor Dr where I was. After having been refused service and then verbally attacked by a customer in line, I was again the only person issued a citation for DC despite the fact that there was once again clear video evidence that showed that at no point in time was I the one instigating nor becoming aggressive towards anyone.

In March of 2020 officers from the SPD responded to my home on Swift Ave after calling for the paramedics due to a dog bite. Officer Hang once again was the officer involved and once again my wife explained that she had been walking Persephone when the tenants came downstairs and that is when the bite occurred. I told officer Hang that all of the other dogs had been in the house with me, and that my male Cronus had in fact been lying in bed with me when we were awoken by the noise of what had happened. Despite this, and despite the fact that there was only one bite and therefore it could have only been one dog, officer Hang issued quarantine orders for all three of my dogs. Something that not only is completely unreasonable given the fact that I am on a disability income and could not afford to pay to have all three of the dogs quarantined, but was completely unnecessary since it had only been one dog that had bitten. Then I was issued tickets for feces, again as well.

In 2020 Chief Domalgowski had officers from the SPD ticket me for failure to comply with the quarantine for the other dogs not involved in the bite, as well as declared my male dog Cronus dangerous erroneously.

In 2020 an officer from the SPD pulled over my vehicle that my wife was driving at the time and saw Cronus and forced her to drive to the Sheboygan County Humane Society to surrender him on the spot. They later claimed that she had surrendered him voluntarily, which is a complete fabrication and bold-faced lie. My wife informed me that the officer told her that he was going to follow her there and that she had no choice. My dog spent three weeks in the shelter wrongly put there by a false designation of being dangerous, and by an officer from the SPD completely overstepping authority as well as then turning around and lying about the incident altogether.

In 2020 Chief Domalgowski sat down to a meeting with myself and my wife to discuss the designation of dangerous dog on Cronus as well as what I intended to do about Persephone who I had admitted had bitten someone twice now. I attempted to begin things with a friendly offering of homemade cupcakes which was refused rather rudely. I then proposed that I would agree to put Persephone down if they would drop the dangerous dog from Cronus. By the time I said "I would like to propose that we drop the dangerous dog designation from Cronus..." I was interrupted by Chief Domalgowski saying "That is never going to happen" at which point he and one commanding officer and officer Fisher began to lie about the case, stating that Cronus had bitten six people in Sheboygan county. I then wrote a letter requesting an official hearing about Cronus and Chief Domalgowski flatly denied it completely, thus denying me my right to due process and to have this be heard by the county board as opposed to one man making a biased decision.

In April, 2020 I called the dispatcher for the SPD to report that the tenants were being disorderly and shouting threats which the dispatcher heard clearly over the phone. Despite this fact, the officers not only decided to ticket me yet again for dog feces, but also decided to handcuff me without a shirt, socks, or even shoes on. Would not let my wife bring me my phone. And endangered my life by exposing me to more people than necessary through this covid-19 pandemic. They could have either not issued me a citation at all, as I did nothing wrong and was in fact the one reporting a crime against me that once again nobody was cited for, or not taken it to the level of arrest and booking when I have stage 4 cancer, no shirt, socks, or shoes, and we are in the middle of a worldwide pandemic. They showed reckless disregard for my health and well-being in their actions.

In September, 2020 I called the police to my residence to report two unknown persons breaking into the upstairs apartment. At that time the tenants had a default judgment for eviction against them for almost a month and to my knowledge there should have been nobody up there. When I confronted the intruders, the unknown black male tried to physically assault me, at which point I informed him that I was on the phone with the police. They then tried to leave and I said "You are not going anywhere until the police arrive". When officers from the SPD did finally arrive I let them in and began explaining what had happened. They then began to escalate the situation by refusing to remove the unknown persons from the house that I live in and telling me that they were going to allow them to leave with a bag full of items that were possibly stolen from the apartment. When I told them that this was unacceptable and that I wanted to speak with a supervisor, more officers responded before officer Sundalle decided to once again, handcuff and arrest me for DC

while allowing the two persons to walk away without charges. I was then thrown into a holding cell and left to puke repeatedly after informing them that I was sick because I needed to get to my hydration appointment to help wash some of the chemotherapy out of my system. Despite telling them when this was I was kept for over 2 hours in that cell, not only forcing me to miss my medical care appointment, but to become even more ill and eventually wind-up on the floor because I was so dizzy and sick. Officer Sundalle not only refused to help me up off the floor, but threatened to leave me in there all day if "that was the way [I] wanted to be" despite me informing him that I was not choosing to lay on the floor but was rather violently ill. He then forced me to stand and do fingerprints and pictures despite me nearly falling unconscious several times. He also became agitated with me for accidentally throwing a wipe on the floor when it missed the garbage can, telling me that I could pick it up (something that nearly caused me to fall yet again) or face going to the detention center instead. He had tried to coerce me during his interrogation into confessing to making threats, false imprisonment, and trespassing, none of which were true. Officer Sundalle showed reckless disregard for my health and safety, as well as violated my rights during an interrogation to be of sound mind and body while answering questions. They were not concerned at all about my health and saw it as a chance to get me on even greater charges if they could trick me into admitting to something that was simply not true.

In October, 2020 officer Sundalle responded to my residence after I called about a man on my property making threats. This was recorded by both my neighbor and the man's own girlfriend. Despite the fact that once again the dispatcher had heard this man saying "I am going to kill your dogs" and "I am going to pound your head in" and "Step off that porch and I will beat your ass", despite the fact that this was all on video with me saying and doing nothing in retaliation, not only was this man not cited, but I was cited for "dog at large" because officer Zippoer was more interested in Investigating what this man was claiming than arresting him for what could plainly be seen on video. In addition, during this incident officer Barr escalated the situation instead of de-escalating it by yelling loudly at me and becoming aggressive. Officer McMullen lied about my yard and how fenced in it was or was not at the time, claiming that it had two places the dogs could get out of instead of only one, which was by my driveway. The officers involved showed a clear bias and interest in persecuting me for anything they could dig up as opposed to protecting me and my right to feel safe in my own yard against someone threatening my dog's and my own health and safety.

Later Lt. Adams and Officer Hubrigtse informed me that despite Cronus not being involved and nobody reporting anything having happened, Cronus was being designated as Vicious and Odysseus was being designated as Dangerous.

Applicable Statutes

948.31 Interference with custody by parent or others.

995.50 Right to Privacy

The 4th Amendment of The Constitution of The United States of America

PROCEEDINGS BEFORE THE BOARD OF POLICE AND FIRE
COMMISSIONERS OF THE CITY OF SHEBOYGAN

In Re the Complaint of:

CHAD SHELTON,

Complainant

**PRE-HEARING BRIEF BY COUNSEL FOR
THE BOARD OF POLICE AND FIRE COMMISSIONERS**

Introduction

On December 21, 2020, Chad Shelton filed what purported to be a Complaint (the “Complaint”) with the City of Sheboygan Board of Police and Fire Commissioners (“PFC”).¹ Rather than using the complaint form provided by the PFC², Shelton for the most part simply attached his own narrative and noted the words “see attach” [sic] in each section of the complaint form. The four-page narrative described a series of alleged events beginning in 1999 that Shelton describes as a “negative history of double standards and bias against myself [sic] by the Sheboygan Police Department.”³ As counsel for the PFC, it is my opinion that

¹ The Complaint is dated December 6, 2020, but was first received by counsel for the PFC on December 21. A copy of the Complaint, including the Complaint Attachment, is attached to this brief as Appendix B for your reference.

² See Section 5(a) of City of Sheboygan Board of Police and Fire Commissioners Policies and Procedures rules on Disciplinary Actions (“PFC Policies”), adopted September 24, 2015. The PFC Policies are attached to this brief as Appendix A for your reference.

³ Complaint Attachment, p. 1.

the Complaint fails to meet the standards required for consideration by the PFC and should be dismissed.

Facts and Timeline

In the section of the complaint form entitled “Information About Person Named in the Complaint,” Shelton lists the name of the person as “Sheboygan Police Dept.” and describes the rank of this person as “Chief.” However, the attached narrative suggests that Shelton blames multiple officers for the alleged history of double standards and bias. Several officers are named one or more times in the narrative; in many other cases officers are simply referred to generically as “officers from the SPD.”

City of Sheboygan Board of Police and Fire Commissioners Policies and Procedure related to Disciplinary Actions adopted by the PFC on September 24, 2015 (“PFC Policies”) govern disciplinary actions heard by the PFC. Said policies require that “prior to the filing of a charge against a police officer...by an aggrieved person...the person shall file a complaint with the Police...Department under the Citizen Complaint procedure.⁴”

At the time the Complaint was received by the City Clerk, Shelton had not filed a complaint with the Police Department.” As such, PFC Chairperson Robert Lettre, after consulting with counsel, advised Shelton to do so. Shelton was informed

⁴ PFC Policies, Section 4.

that if he were not satisfied with the disposition under the Citizen Complaint procedure, he would have the option of filing a new charge, or of reinstating the complaint he had previous filed.

Shelton then filed a complaint with the Police Department under the Citizen Complaint procedure.⁵ Captain Kurt Zempel investigated the complaint and issued a six-page report (“Zempel Report”) dated May 13, 2021.⁶

The Zempel Report identified sixteen allegations or complaints made by Shelton in his complaint, and identifies directly or indirectly a large number of officers who were in some way connected to the events alleged by Shelton.⁷ The report either exonerates each officer involved in the allegations or fails to sustain the allegations.⁸

After receiving a written copy of the Zempel Report, Shelton contacted Chairperson Lettre. Lettre, on advice of counsel, reiterated with Shelton that he had the option of filing a new set of charges in response to the Zempel Report or that more closely track the requirements of PFC Policies. Shelton declined and indicated

⁵ It appears that Shelton merely provided the same attachment that was provided with the Complaint and had that document serve as his complaint for the Citizen Complaint Procedure.

⁶ A copy of the Zempel Report is attached as Appendix C to this brief for your reference.

⁷ Each officer identified in the Zempel Report is named as a “potential party” in this matter.

⁸ While Zempel did not specifically define these terms, exoneration is generally considered to mean that evidence has been found that proves the officers did not take any action that violated state or federal law, a Code of Conduct, Sheboygan Police Department rules and regulations, or City of Sheboygan work rules. Failure to sustain means that insufficient evidence has been found to prove the allegation made by the complainant.

he wished for his initial complaint to serve as the Complaint that is the now the subject of this matter.

Procedural Analysis

Section 14 of the PFC Policies indicates that as the first order of business at any scheduled hearing, the Board take a number of actions. These include hearing and deciding procedural motions, attempting to determine uncontested issues, attempting to simplify issues, and to conduct any such other procedural matters as may be deemed necessary. I recommend that the PFC limit the scope of its initial hearing to simply determining whether Shelton has met the procedural threshold for the complaint to continue. I will first lay out my analysis of whether he has, in fact, met that threshold, and then provide some advice on further proceedings, if any are to take place.

As noted, having reviewed Shelton's complaint, it is my opinion that the Complaint filed by Shelton does not meet the procedural standards required for consideration by the PFC and must be dismissed. My reasons for this conclusion, which are unrelated to the substance of the complaints, are as follows:

First, Shelton fails to "identify the person against whom charges are brought," as required in Section 5(c) of the PFC Policies. Instead, he simply names the Sheboygan Police Department as the respondent. While it may be argued that his listing of the rank of the person named in the Complaint as "Chief," the substance

of his complaint actually lists the names of several officers, and more generically appears to refer to other “officers from the SPD.” The Zempel Report, in a valiant attempt to interpret the Complaint, identifies sixteen events apparently complained of by Shelton and names sixteen separate officers as potentially being involved in one or more of said events. However, none of those officers is identified in the portion of the required Complaint form where information about the person named in the complaint must be entered. As such, Shelton has failed to meet the requirement of Section 5 (c) of the PFC Policies, and the complaint must be dismissed.

Second, Shelton fails to “state the specific Code of Conduct, Rules and Regulations, City Work Rules, and/or any state or federal law which the accused is charged with violating,” in violation of Section 5(e) of the PFC Policies. Shelton, in his litany of complaints, never cites to any specific violation relative to the various allegations being made. He does, at the very end of his complaint, simply list two Wisconsin Statutes and the Fourth Amendment to the United States Constitution as “applicable statutes.”⁹ However, he never ties the provisions of those statutes to any particular activity complained of in his complaint, nor does he specifically refer to any particular actions as being violative of either statute or of his Constitutional rights. As such, he has failed to meet the requirement of Section 5(e) of the PFC Policies, and the complaint must be dismissed.

⁹ Copies of the statutes (§ 948.31 and § 995.50), as well as the 4th Amendment, are attached as Appendix D to this brief for your reference.

While these two defects in Shelton’s complaint each in and of themselves are sufficient to warrant dismissal of the complaint, there are additional procedural issues that could be raised, either at the initial procedural hearing, or at a substantive hearing should the PFC determine to move to the next step. I list these not as an exhaustive list of potential issues, but as issues that require dismissal at this very early stage of the process.

Since Shelton has not identified a person against whom charges are brought, the only parties at this point of the procedure are Shelton and the Sheboygan Police Department generally. All other persons named in either the Complaint or the Zempel Report have been provided notice of this hearing as “Potential Parties” as a matter of transparency, but none of them yet have the rights that attach to them as a party.

Should the PFC choose to dismiss the complaint, the process is clear—it should vote to do so and then notify the complainant.

Should the PFC choose to proceed with hearing the substantive portion of the complaint, it should a) specifically name which potential parties are identified as persons against whom charges are brought, b) determine what specific Code of Conduct, Rules and Regulations, City Work Rules, and/or any state or federal law each person is charged with violating, and c) set forth a schedule for hearing the various matters that takes into account the rights of all parties involved. I would

suggest that would likely involve additional separation of the hearing process into two phases, as provided for in Section 16 of the PFC Policies.

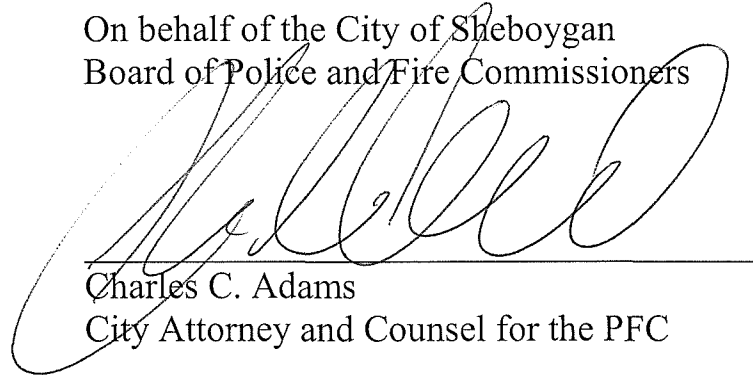
Conclusion

In short, my recommendation as counsel for the PFC would be to dismiss the Complaint based solely on procedural grounds. Should the PFC wish not to do so, my advice would be to very clearly determine the identity of the parties, the content of the charges, and a schedule for hearing.

Dated this 4th day of June, 2021.

Respectfully submitted,

On behalf of the City of Sheboygan
Board of Police and Fire Commissioners

A large, stylized handwritten signature in black ink, appearing to read 'C. Adams', is written over a horizontal line. The signature is fluid and cursive.

Charles C. Adams
City Attorney and Counsel for the PFC

ADDRESS:
828 Center Avenue, Suite 210
Sheboygan, WI 53081
Phone: (920) 459-3917
Fax: (920) 459-3919
Email: charles.adams@sheboyganwi.gov

CITY OF SHEBOYGAN BOARD OF POLICE AND FIRE COMMISSIONERS
POLICIES AND PROCEDURES
Disciplinary Actions

The rules set forth are adopted pursuant to the authority granted the Board by Section 62.13 (5)(g), Wis. Stats.

SECTION 1. The Board may suspend or remove a Chief for cause based upon written charges filed with the President of the Board. Written charges may be filed by the Mayor, a member of the Board, by the Board as a body, or by any other aggrieved person. The Board may suspend a Chief, with pay, pending disposition of such charges.

SECTION 2. Charges may be filed against a subordinate by the Chief, by any member of the Board, by the Board as a body, or by any aggrieved person. Pending disposition of such charges, the Board or Chief may suspend such subordinate, with pay.

SECTION 3. The Board or a Chief may suspend a subordinate for cause as a penalty. If a Chief suspends a subordinate, the Chief shall immediately file a report with the Board. No hearing on such suspension shall be held unless requested by the suspended subordinate within thirty (30) days from the date of suspension. If the subordinate suspended by the Chief requests a hearing before the Board, the Chief shall be required to file charges with the Board upon which such suspension was based and may recommend termination.

SECTION 4. Prior to the filing of a charge against a police officer or a firefighter by an aggrieved person (other than the Mayor, a Chief, a member of the Board, or the Board as a body), the person shall file a complaint with the Police or Fire Department under the Citizen Complaint procedure. A charge may be filed with the Board if the person is not satisfied with the disposition under the Citizen Complaint procedure. The charge shall be filed with the Board no later than ten (10) days following receipt of the written disposition.

APPENDIX A

SECTION 5. Requirements of charges. Charges shall:

- a. be in writing on a form provided by or approved by the Board;
- b. be addressed to the City of Sheboygan Board of Police and Fire Commissioners;
- c. identify the person against whom the charges are brought;
- d. state sufficient facts to allow the accused to know and understand the factual allegations and to be able to prepare his or her defense. If any portion of the charge is made upon information or belief, the source of such information and belief shall be stated, including the names and addresses of witnesses having such knowledge. The charge shall specifically indicate the date and place of the alleged offense;
- e. state the specific Code of Conduct, Rules and Regulations, City Work Rules, and/or any state or federal law which the accused is charged with violating;
- f. be sworn to under penalty of perjury;
- g. be filed with the President or Secretary of the Board. (In the event that the charges are filed with the Secretary, the Secretary shall thereupon file the charges with the President.)

SECTION 6. The Police Department Code of Conduct, Fire Department Rules and Regulations, and City Work Rules shall be available for review by the public, and copies shall be available upon request from the individual department or the Secretary of the Board.

SECTION 7. If there is more than one charge against an accused which emanates from a specific event, all such charges may be consolidated and be heard in one hearing. The President is authorized to take reasonable steps to effectuate a consolidation.

SECTION 8. Following the filing of charges in any case, a copy of the charges shall be served within a reasonable amount of time by the Board or its representative upon the person charged. The President shall set a date for the hearing not less than ten (10) nor more than thirty (30) days following service of charges.

SECTION 9. The person filing the charge and the accused shall file with the Board, and provide to the opposing party, at least seven (7) days before the hearing date, a list of all intended witnesses, including names and addresses. The Board may refuse to allow a party to call a witness not named on the intended witness list, unless the failure to include the name occurred for good reason, in the determination of the Board. Neither party will be required to call all of the witnesses included on his or her witness list.

SECTION 10. The accused and the person filing the charge may be represented by attorneys at no expense to the Board.

SECTION 11. The accused and the person filing the charge may compel the attendance of witnesses by subpoenas which shall be issued by the President of the Board on request. The service of the subpoena, and the cost of service fees, witness fees and other related expenses shall be borne by the party requesting the subpoena.

SECTION 12. The responsibility for prosecuting a case shall be with the person filing the charge. The burden of proof for proving the charges shall be by preponderance of the evidence.

SECTION 13. At least one (1) day prior to the scheduled hearing, parties shall provide each other with copies of or access to documents and other exhibits they intend to use at any hearing. At the hearing, parties shall provide each member of the Board with copies of any documents and/or exhibits they intend to use.

SECTION 14. As the first order of business at any scheduled hearing, the Board may hear and decide procedural motions, determine order of testimony, attempt to determine uncontested issues, attempt to simplify issues, attempt to obtain a stipulation of facts, determine what exhibits, if any, will be offered into evidence, and to conduct any such other procedural matters as may be deemed necessary.

SECTION 15. The hearing on charges shall be public. The Board may make reasonable rules for the orderly conduct of the hearing. The Board reserves the right to go into closed session as allowed by law.

SECTION 16. The Board may divide the hearing into two phases. In the first phase the Board shall determine whether or not the charges have been sustained. If any of the charges are sustained, the hearing shall continue to the second phase, in which the Board shall determine the disposition as provided in **SECTION 20**.

SECTION 17. At the hearing, the complainant shall present his or her testimony and evidence first. After the testimony of the complainant and each of the complainant's witnesses, the respondent or respondent's attorney may cross-examine the witness. After completion of the complainant's testimony and evidence, the accused may testify and call witnesses to testify. After each of the accused's witnesses testifies, the complainant or complainant's attorney may cross-examine the witness. Parties may thereafter present rebuttal and surrebuttal evidence, all subject to cross-examination. Members of the Board may question any witness at any time, and may call its own witnesses.

SECTION 18. Civil Rules of Evidence will apply at any hearing with the Board being at liberty to relax the Rules of Evidence if it deems the best interests of justice to be served thereby.

SECTION 19. All public portions of the hearing shall be recorded electronically or by court reporter or both. The decision shall be at the discretion of the Board.

SECTION 20. If the Board determines that the charges are not sustained, the accused, if he/she has been suspended, shall be immediately reinstated and all lost pay restored. If the Board determines that the charges are sustained, the accused, by order of the Board, may be suspended, reduced in rank, suspended and reduced in rank, or removed, as the good of the service may require.

SECTION 21. Findings, determinations, and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within three (3) days with the Secretary of the Board. The Board may, if it deems it appropriate, provide an oral decision with regards to its determinations and findings following the hearing.

SECTION 22. Any person suspended, reduced, suspended and reduced, or removed by the Board may appeal the order of the Board to the Circuit Court pursuant to the applicable provision of the Wisconsin Statutes.

SECTION 23. The City Attorney or his or her representative shall represent the Board.

SECTION 24. The term "President" shall include the President and/or his or her designee. In the event of the incapacity, unavailability or unwillingness of the President to act, his powers may be exercised by the Commissioner with the greatest seniority, in descending order, based on their availability.

Adopted September 24, 2015

~~9287431722~~
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Received

12-21-20

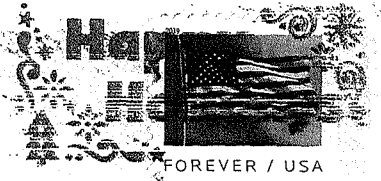
brought in by
Rkt. Lettre

4

C. Shelton
1006 Swift Ave
Sheboygan, WI
53084

MILWAUKEE WI 530

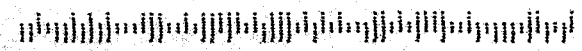
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Board of Police & Fire Comm.
City of Sheboygan
c/o City Clerk
828 Center Ave
Sheboygan, WI
53084

Robert
Lettre

59081-444276



APPENDIX B

INFORMATION REGARDING FILING A COMPLAINT

Board of Police and Fire Commissioners
City of Sheboygan, Wisconsin

If you believe a police officer or firefighter, employed by the City of Sheboygan, Wisconsin, has violated a department rule, city ordinance, state or federal law, or standards of acceptable conduct, you may file a complaint with the President of the Board of Police and Fire Commissioners. Enclosed is a complaint form that can be used for this purpose.

A complaint you file can be based on your personal knowledge of a matter or on information obtained from other sources; please provide the name and address of each source, or otherwise identify the source of your information, such as a document that has information supporting the complaint.

If your charges are made under oath, in the presence of a notary public, the complaint will be treated as a formal complaint; if the complaint form is not notarized, it will be treated as an informal complaint. In either case, the Board will carefully review your complaint. You should be aware that under the provisions of Section 946.32, Wisconsin Statutes, making a false statement under oath or affirmation may be treated as a felony.

Please note that a formal complaint filed with the Board commences an adversarial proceeding, i.e., an administrative lawsuit, in which you are responsible for presenting your case to the Board. The Board does not actively investigate or review your complaint, but sits in judgment much like a court.

If you choose not to use the enclosed form, but wish to make the Board aware of a complaint you have about the actions of a police officer or a firefighter, you may write a letter to the Board detailing your concerns; please cite the rule, ordinance, law or standard of conduct you believe the individual violated. However, the Board cannot initiate a disciplinary action in the absence of a formal complaint.

If you file a complaint with this Board, you may ask that your identity, information you provide, or both be kept confidential. To the extent permitted by state law, the Board will respect your request. However, the Board cannot promise unlimited confidentiality; the news media or any person may ask to see a copy of your complaint and related documents; the Board may be legally required to honor such a request.

Before filing a formal complaint with the Board, you must first file a complaint with the Chief of the Police Department or the Fire Department. Both departments have forms that can be used for this purpose. You also may wish to consult an attorney before filing a complaint with the Board or the department having jurisdiction over the police officer or firefighter involved.

Mr. Robert Lettre, President
Board of Police and Fire Commissioners
City of Sheboygan
c/o City Clerk
828 Center Ave.
Sheboygan, WI 53081

COMPLAINT

This complaint is filed pursuant to Section 62.13(5)(b), Wisconsin Statutes, permitting charges to be filed against a police officer or firefighter. Charges against a subordinate may be filed by the chief of a department, by the Board of Police and Fire Commissioners or any of its members, or by an aggrieved person.

INFORMATION ABOUT PERSON FILING COMPLAINT

Name: Chad Shelton

Address: 1026 Swift Ave
Sheboygan, WI
53081

Telephone No.: (920) 207-9122

Best time(s) to call: any time

INFORMATION ABOUT PERSON NAMED IN THE COMPLAINT

Name: Sheboygan Police Dept.

Rank (if known): Chief

Employing Department: Police Fire

STATEMENT OF CHARGES

Describe the action on the part of the person named in this complaint you believe violated a department rule, city ordinance, state or federal law, or standards of acceptable conduct. Use additional sheets if you need more space, initial each and attach them to this form.

see attach.

SOURCES OF INFORMATION

If the actions described in the Statement of Charges are based, in whole or in part, on information obtained from other sources, please provide the name and address of each source, or otherwise identify the source of your information, such as a document that has information supporting the complaint.

see attach.

SPECIFICATION OF VIOLATION

Cite the department rule, city ordinance, state or federal law, or standards of acceptable conduct you believe the person named in this complaint violated.

see attach.

-
- I request that my name be kept confidential.
- I request that my address and telephone number be kept confidential.
- I request that sources of information provided as part of this complaint be kept confidential.
- I do not request confidentiality in this matter.



Complainant's Signature

12-6-2020

Date Signed

Complainant's Initials *CS*

My negative history of double standards and bias against myself by the Sheboygan Police Department goes back longer than some of the officers named herein have been on active duty. Some of the officers involved in these allegations of misconduct, violations of my rights, and outright breaking of the statutes and laws that govern their authority in civil situations may have retired or moved on from the Sheboygan Police Department, however that in no way shape or form negates the fact that this has been the manner in which they have treated me for over 20 years now, nor alleviate Chief Domalgowski of his responsibility to ensure that his officers, commanding officers, and even he himself are not treating any citizen of Sheboygan with a double standard of law enforcement.

In 1999 officers from the SPD came to my home on Alabama Ave and threatened me with arrest on charges of kidnapping if I did not allow them to forcibly remove my screaming two year old daughter from my arms as I stood bawling my eyes out on the sidewalk. The mother had left, and left our daughter with me, and as such it was a civil case that they had absolutely no business interfering in, let alone making threats and using force against a 19 year old father and his two year old daughter.

In 2011 officers from the SPD came to Evergreen Park while I was attempting to retrieve my daughter and return her to my home. Despite the fact that I had witnesses to testify that I had been threatened by Fred McDaniel "I am going to shoot you" and assaulted physically by Kathryn McMasters who had knocked me to the ground and kicked me repeatedly, I was threatened with arrest if I did not leave. When I said that I was going to be taking my child with me, they told me that in fact I was not going to be allowed to do so, despite the fact that 1) it was my weekend of visitation at the time, and 2) her mother was out of town and not present there, and 3) there were no other legal guardians of my child present there, and finally 4) it was a civil matter that they by law could not interfere in.

In 2014 officer Priebe stood on his tip toes to try and peek over my fence into my completely fenced in backyard in direct violation of my reasonable expectation of privacy while in a private fenced in area.

In 2019 officers from the SPD, including officer Hang responded to my home on Swift Ave to investigate a dog bite. My wife was walking our female dog Persephone at that time, as both she and I informed officer Hang. Therefore it was Persephone who bit the tenant. Despite both owners of the dog confirming which dog it was, officer Hang decided to take the word of the tenant of less than 5 days that it was in fact our male dog Cronus instead. Officer Hang did so without taking into consideration the tenant's past history of drug abuse, and prostitution charges, nor the fact that the two people who owned the dog both confirmed which dogs were in the house and which dog was being walked.

In 2019, and so many times since that I cannot even recall how many it has been, officers from the SPD began ticketing me for feces in my own yard, despite the fact that I have stage 4 cancer, and still manage to pick it up at least once a day so as not to let it pile-up. This is not feces in some public area, this is in my own backyard, where I had four dogs and did everything within the limits of my health condition to keep picked-up. This pattern of ticketing me for everything they possibly can continues to this day.

In 2019 officers from the SPD responded to Wells Fargo where I was. Despite the fact that the only thing I had done was pull-up to the drive-thru and attempt to get a check cashed, and when they refused stated that I was calling their head office, and that all of that should have been clearly visible on their security footage, I was issued a citation for DC.

In 2020 officers from the SPD responded to Wal-Mart on South Taylor Dr where I was. After having been refused service and then verbally attacked by a customer in line, I was again the only person issued a citation for DC despite the fact that there was once again clear video evidence that showed that at no point in time was I the one instigating nor becoming aggressive towards anyone.

In March of 2020 officers from the SPD responded to my home on Swift Ave after calling for the paramedics due to a dog bite. Officer Hang once again was the officer involved and once again my wife explained that she had been walking Persephone when the tenants came downstairs and that is when the bite occurred. I told officer Hang that all of the other dogs had been in the house with me, and that my male Cronus had in fact been lying in bed with me when we were awoken by the noise of what had happened. Despite this, and despite the fact that there was only one bite and therefore it could have only been one dog, officer Hang issued quarantine orders for all three of my dogs. Something that not only is completely unreasonable given the fact that I am on a disability income and could not afford to pay to have all three of the dogs quarantined, but was completely unnecessary since it had only been one dog that had bitten. Then I was issued tickets for feces, again as well.

In 2020 Chief Domalgowski had officers from the SPD ticket me for failure to comply with the quarantine for the other dogs not involved in the bite, as well as declared my male dog Cronus dangerous erroneously.

In 2020 an officer from the SPD pulled over my vehicle that my wife was driving at the time and saw Cronus and forced her to drive to the Sheboygan County Humane Society to surrender him on the spot. They later claimed that she had surrendered him voluntarily, which is a complete fabrication and bold-faced lie. My wife informed me that the officer told her that he was going to follow her there and that she had no choice. My dog spent three weeks in the shelter wrongly put there by a false designation of being dangerous, and by an officer from the SPD completely overstepping authority as well as then turning around and lying about the incident altogether.

In 2020 Chief Domalgowski sat down to a meeting with myself and my wife to discuss the designation of dangerous dog on Cronus as well as what I intended to do about Persephone who I had admitted had bitten someone twice now. I attempted to begin things with a friendly offering of homemade cupcakes which was refused rather rudely. I then proposed that I would agree to put Persephone down if they would drop the dangerous dog from Cronus. By the time I said "I would like to propose that we drop the dangerous dog designation from Cronus..." I was interrupted by Chief Domalgowski saying "That is never going to happen" at which point he and one commanding officer and officer Fisher began to lie about the case, stating that Cronus had bitten six people in Sheboygan county. I then wrote a letter requesting an official hearing about Cronus and Chief Domalgowski flatly denied it completely, thus denying me my right to due process and to have this be heard by the county board as opposed to one man making a biased decision.

In April, 2020 I called the dispatcher for the SPD to report that the tenants were being disorderly and shouting threats which the dispatcher heard clearly over the phone. Despite this fact, the officers not only decided to ticket me yet again for dog feces, but also decided to handcuff me without a shirt, socks, or even shoes on. Would not let my wife bring me my phone. And endangered my life by exposing me to more people than necessary through this covid-19 pandemic. They could have either not issued me a citation at all, as I did nothing wrong and was in fact the one reporting a crime against me that once again nobody was cited for, or not taken it to the level of arrest and booking when I have stage 4 cancer, no shirt, socks, or shoes, and we are in the middle of a worldwide pandemic. They showed reckless disregard for my health and well-being in their actions.

In September, 2020 I called the police to my residence to report two unknown persons breaking into the upstairs apartment. At that time the tenants had a default judgment for eviction against them for almost a month and to my knowledge there should have been nobody up there. When I confronted the intruders, the unknown black male tried to physically assault me, at which point I informed him that I was on the phone with the police. They then tried to leave and I said "You are not going anywhere until the police arrive". When officers from the SPD did finally arrive I let them in and began explaining what had happened. They then began to escalate the situation by refusing to remove the unknown persons from the house that I live in and telling me that they were going to allow them to leave with a bag full of items that were possibly stolen from the apartment. When I told them that this was unacceptable and that I wanted to speak with a supervisor, more officers responded before officer Sundalle decided to once again, handcuff and arrest me for DC

while allowing the two persons to walk away without charges. I was then thrown into a holding cell and left to puke repeatedly after informing them that I was sick because I needed to get to my hydration appointment to help wash some of the chemotherapy out of my system. Despite telling them when this was I was kept for over 2 hours in that cell, not only forcing me to miss my medical care appointment, but to become even more ill and eventually wind-up on the floor because I was so dizzy and sick. Officer Sundalle not only refused to help me up off the floor, but threatened to leave me in there all day if "that was the way [I] wanted to be" despite me informing him that I was not choosing to lay on the floor but was rather violently ill. He then forced me to stand and do fingerprints and pictures despite me nearly falling unconscious several times. He also became agitated with me for accidentally throwing a wipe on the floor when it missed the garbage can, telling me that I could pick it up (something that nearly caused me to fall yet again) or face going to the detention center instead. He had tried to coerce me during his interrogation into confessing to making threats, false imprisonment, and trespassing, none of which were true. Officer Sundalle showed reckless disregard for my health and safety, as well as violated my rights during an interrogation to be of sound mind and body while answering questions. They were not concerned at all about my health and saw it as a chance to get me on even greater charges if they could trick me into admitting to something that was simply not true.

In October, 2020 officer Sundalle responded to my residence after I called about a man on my property making threats. This was recorded by both my neighbor and the man's own girlfriend. Despite the fact that once again the dispatcher had heard this man saying "I am going to kill your dogs" and "I am going to pound your head in" and "Step off that porch and I will beat your ass", despite the fact that this was all on video with me saying and doing nothing in retaliation, not only was this man not cited, but I was cited for "dog at large" because officer Zippoer was more interested in investigating what this man was claiming than arresting him for what could plainly be seen on video. In addition, during this incident officer Barr escalated the situation instead of de-escalating it by yelling loudly at me and becoming aggressive. Officer McMullen lied about my yard and how fenced in it was or was not at the time, claiming that it had two places the dogs could get out of instead of only one, which was by my driveway. The officers involved showed a clear bias and interest in persecuting me for anything they could dig up as opposed to protecting me and my right to feel safe in my own yard against someone threatening my dog's and my own health and safety.

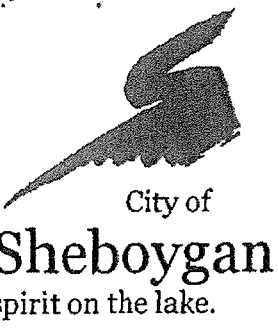
Later Lt. Adams and Officer Hubrigtse informed me that despite Cronus not being involved and nobody reporting anything having happened, Cronus was being designated as Vicious and Odysseus was being designated as Dangerous.

Applicable Statutes

948.31 Interference with custody by parent or others.

995.50 Right to Privacy

The 4th Amendment of The Constitution of The United States of America



APPENDIX C

May 13, 2021

Chad Shelton
1026 Swift Ave
Sheboygan, WI 53081

Mr. Shelton:

I have reviewed the Citizen/Employee Conduct Complaints you filed with our department on 2/5/21 regarding harassment, bias and violation of your rights by Sheboygan police officers. From the allegations you expressed in your subsequent interviews with Sgt. Walsh, there were 16 separate incidents or complaints that were investigated. Upon reviewing the facts determined by the investigation, there is insufficient evidence to support departmental policy or law violations, and none of the complaints are sustained. Below is a summary of the extensive investigation for each of your allegations.

1. You complain that Off. Haese decided to arrest you without having all the facts surrounding a disturbance between you and your neighbor from 2/4/21, that he refused to interview your wife as a witness to the incident, and that he told you both you and your neighbor would be arrested. Off. Haese is exonerated regarding the first allegation, and the other allegations are unfounded. First, the investigation conducted by Off. Haese determined there was probable cause to arrest you for Disorderly Conduct (WI Stat. 947.01) prior to his interview with you, and after making attempts to reach you for a statement he informed you that continued refusal would lead him to seek an arrest warrant. It is common practice for officers to seek an arrest warrant for suspects when there is probable cause of a criminal violation and the suspect refuses to present him/herself for arrest or otherwise cooperate with continued investigation. Off. Haese's decision to inform you of this was appropriate under the circumstances in this case, and rather than an indication that he had made an arrest decision, it was in support of his attempt to obtain your side of the incident. Also, Off. Haese reviewed the case with his supervisor, Sgt. McKay, and while he shared some concern about whether an interview with Mrs. Shelton would elicit a truthful statement, he did in fact complete an interview with her before concluding his investigation. Supervisory review and oversight of investigations commonly includes a discussion about the best avenues for complete and thorough cases, and the investigation does not show that Off. Haese had to be ordered to complete the interview. Finally, a review of the report and body camera

DEPARTMENT
POLICE

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video does not indicate that Off. Haese ever made the statement that both you and your neighbor would be arrested.

2. You allege that you were unlawfully detained following the Licensing, Hearings and Public Safety Committee hearing on 1/13/21 and that your dog, Cronus, was illegally seized in violation of your 4th Amendment rights. The officers involved in the seizure of the dog following this hearing are exonerated. At the hearing, the committee had just upheld the declaration of Cronus as a vicious dog, and City of Sheboygan ordinances prohibit maintaining a vicious dog in the city. The Police Department may also order that a dog so declared be impounded under ordinance 18-47(l). While the Fourth Amendment to the US Constitution prohibits "unreasonable searches and seizures," the officers possessed the authority under city ordinance to seize the dog and the brief detention to effect the seizure was reasonable under the circumstances.
3. You complain that Off. Gordziej was biased against you in deciding not to arrest another individual involved in a disturbance following a "road-rage" incident on 12/7/20, and that he inappropriately questioned you by asking, "When you got out of the car, what did you do?" Off. Gordziej is exonerated regarding this complaint. His investigation revealed that you were partially responsible for instigating the disturbance by committing the traffic violation of following too closely, and that the other subject acted disorderly by stopping his vehicle in traffic and yelling. Officers are not required to make arrests under these circumstances, and Off. Gordziej's decision to resolve this incident without arresting or citing either you or the other subject is an appropriate exercise of police discretion and consistent with department policy. With regard to bias, the Sheboygan Police Department policy on bias-based policing prohibits "an inappropriate reliance on an actual or perceived characteristic such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement." There is no indication that Off. Gordziej relied on any of these protected characteristics in making his decision not to arrest either party to the disturbance. Finally, the use of interview questions which elicit a denial response are common practice as a means of confirming or dispelling suspicions about the questioned behavior. There is no indication that Off. Gordziej actually believed you did exit your vehicle, nor relied on this information or belief in his decision not to arrest either party.
4. You complain that officers chose not to arrest your neighbor after he threatened to assault you on 9/30/20, that Off. Bahr was unprofessional and yelled at you, and that Off. McMullen lied by saying your yard was not fenced in. All officers are exonerated regarding this incident. The investigation into the incident determined that your neighbor's statement was in response to threats that you would send your dogs after him. Again, officers are permitted discretion when deciding whether to resolve a complaint with arrest in all but very limited circumstances, and no statute

requires an arrest under the circumstances of this incident. The decision not to arrest either you or your neighbor based on the allegations of threats by both parties is an appropriate exercise of police discretion. A review of body camera video of your interaction with Off. Bahr indicates that, while officers were conducting interviews across the street from your house, you were yelling from your porch and at one point came out into the street, interrupting the interviews. Officers had a reasonable desire to maintain separation between the parties involved in the disturbance while it was being investigated, and Off. Bahr's orders for you to return to your property were reasonable under the circumstances. Also, his volume was appropriate given that he was communicating over some distance, to overcome your own raised volume and to issue commands to stay back so that officers could complete the investigation. Rather than an escalation of the incident, Off. Bahr's actions were a reasonable exercise of authority to prevent further escalation by maintaining separation between the parties involved in the disturbance. Finally, Off. McMullen's body camera video shows that there was a portion of your yard that was not completely fenced off, which you yourself pointed out after leading officers into the backyard. The investigation shows that Off. McMullen's statement that your yard was not completely fenced off is accurate.

5. You complain that Off. Sondalle inappropriately arrested you for a disturbance with occupants of the upper apartment at your house on 7/30/20, and that such arrest jeopardized your health. Off. Sondalle is exonerated regarding this complaint. Off. Sondalle's investigation and report established probable cause for the violation of Wisconsin Statute 947.01, Disorderly Conduct, which was later filed via criminal complaint by the Sheboygan County District Attorney's Office. Officer Sondalle's arrest was reasonable based on the circumstances established by his investigation. Sheboygan Police Department policy outlines that arrestees for criminal offenses should be processed for fingerprints and photographs at the police department, and body camera video shows that Off. Sondalle wore a facemask throughout his contact with you at the police department and that you were offered and chose to wear a facemask as well. This was consistent with both state orders and department practices to mitigate the spread of COVID-19 at the time of your arrest.
6. You complain about treatment during an arrest by Off. McCarthy regarding handcuffing and being allowed to gather personal property, and that this arrest also jeopardized your health due to the ongoing pandemic. Off. McCarthy is exonerated regarding this complaint. Off. McCarthy's investigation and report established probable cause for the violation of Wisconsin Statute 947.01, Disorderly Conduct, and your arrest and detention to prevent you from re-entering your apartment after being advised of the arrest is reasonable to prevent escape or further resistive behavior and consistent with department policy. Following your arrest, you were provided appropriate clothing prior to being transported to the police department, and body camera video reveals that at no time did you complain to Off. McCarthy about the tightness of the handcuffs, which would have allowed them to be

adjusted for greater comfort. Also, at the time of this arrest, no statewide order mandating wearing of facemasks was in place. Instead, masks were to be provided to those individuals showing symptoms, which neither you nor the involved officers exhibited during your interaction. As a result, Off. McCarthy's actions are consistent with department policy and best-practice guidance at the time of your arrest.

7. You complain that you were denied due process regarding the finding of your dog, Persephone, as vicious. This complaint is determined to be unfounded. Your complaint focuses on a meeting with Chief Domagalski and other officers on 5/7/20, at which you requested that the Chief modify the declaration from vicious to dangerous. The Chief denied this request, consistent with his authority under City of Sheboygan ordinances, and notified you of the opportunity to appeal this declaration, reminding you of the timeframe to do so. You were also provided notice of the declaration on 4/30/20, at which time you confirmed that you understood the process.
8. You complain that Off. Samuels conducted a traffic stop of your wife on 4/16/20 only because your dog, Cronus, was in the backseat, and that he threatened or coerced her to surrender the dog to the Humane Society. You also complain that Lt. Adams provided false information to the Humane Society regarding the impoundment of your dog. This complaint is unfounded. Off. Samuels' report as well as body camera video of his interaction with Mrs. Shelton establish that he observed the violation of Wisconsin Statute 347.48, failing to fasten seatbelt, which provides probable cause for a stop as authorized by statute 349.02(2). After addressing the traffic violation with her, she referred to the dog by its name which he recognized as being the subject of a vicious dog declaration. After explaining the process and options to Mrs. Shelton to address the violation of city ordinance if the dog was allowed to remain in the city, she agreed to drive the dog to the Humane Society herself and voluntarily surrender the dog. Lt. Adams explained that the dog was being ordered impounded under City of Sheboygan Ordinance 18-47(1) and should be maintained at the Humane Society until the appeal process was complete. Off. Samuels had a legal justification for the stop, there is no evidence of coercive conduct in his conversation with Mrs. Shelton during this contact, and Lt. Adams' instructions to the Humane Society were truthful and accurate.
9. You complain that you were issued three animal quarantine forms for the same dog bite investigation which occurred on 3/4/20 and several citations for animal feces and other ordinance violations, and that these were excessive and punitive. The officers are exonerated regarding this complaint. Wisconsin Statute 95.21(4) directs that an officer may order a dog quarantined if there is "reason to believe that the animal bit a person." Since you and Mrs. Shelton refused to disclose which dog had been responsible for the bite, it was reasonable for Off. Muga to exercise her authority under the statute to order all three dogs quarantined. City of Sheboygan Ordinances Section 18-9 requires that animal feces be cleaned up immediately. The Sheboygan Police Department's enforcement of these and other animal ordinances

is reasonable to ensure urban health and sanitation standards, and the municipal court process allows for you to contest the citations or request settlement other than conviction. Given the requirements of the ordinance have been explained to you and Mrs. Shelton on numerous occasions and your continued failure to comply with the requirements, citations are an appropriate remedy. City of Sheboygan Municipal Court records show that you have been convicted of numerous animal ordinance citations by default.

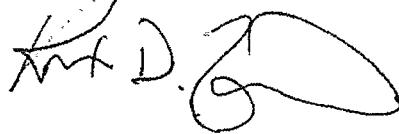
10. You complain that Off. Samuels cited you for Disorderly Conduct regarding an incident at Wells Fargo Bank on 3/21/19, even though you were not disruptive. Off. Samuels is exonerated regarding this complaint. Off. Samuels' investigation and report establish probable cause of a violation of both Wisconsin Statute 947.01 and City of Sheboygan Ordinance 70-151 for Disorderly Conduct, based on statements from the bank employees as well as his own observations. Further, City of Sheboygan Municipal Court records indicate that you were convicted of this violation on 5/8/19.
11. You complain that Off. Hang exceeded his authority and violated your privacy by looking in your window while attempting to serve you information about the dangerous dog ordinance on or about 7/10/19. Off. Hang is exonerated regarding this complaint. When Off. Hang observed you through your window, he was returning along a common pathway to the rear entrance of the residence which accesses the upper apartment. Consistent with US Supreme Court jurisprudence in *California v. Ciraolo* (476 US 207 (1966)) and *Katz v. United States* (389 US 347 (1967)), Off. Hang's actions are not a violation of privacy or constitutional rights.
12. You complain that Off. Post attempted to open your door after you closed it while he was talking to you about an issue with your dogs. This complaint is not sustained. While there is no such documented contact involving Off. Post in police department records, Off. Post was responsible for investigating a theft complaint you reported on 10/19/18. The investigation did not reveal any evidence to support the allegation that an officer manipulated your door handle.
13. You complain that Off. Priebe violated your privacy by looking over your fence in 2014. This complaint is not sustained. The only incident in police department records involving both you and Off. Priebe in 2014 is a complaint you filed on 9/3/14 regarding a dispute with your ex-girlfriend. Your residence at the time, 603 S. 14th St., has a six-foot privacy fence around the backyard. Off. Priebe is 6'6" tall. The investigation reveals no evidence to support this allegation, and Off. Priebe retired in 2020.
14. You complain that Off. Priebe used excessive force against your daughter, again in 2014, by arresting and handcuffing her, and that you were not allowed to be present for her interview. This complaint is not sustained. There is no incident in Sheboygan Police Department records involving Off. Priebe and your daughter, Pandora Shelton.

15. You complain that you were threatened with arrest if you did not leave without your daughter following a disturbance with Jessica Steinke and other subjects at Evergreen Park in 2011, and that officers did not act on information that one of the other subjects was armed with a gun. This complaint is not sustained. Sheboygan Police Department records show no complaint involving any of the named subjects at Evergreen Park in 2011.
16. Finally, you complain that you were threatened with arrest by officers from the Sheboygan Police Department for kidnapping if you did not turn over custody of your daughter to her mother in 1999. This complaint is not sustained. Sheboygan Police Department records show no complaint matching this description.

I believe that the investigation was conducted as thoroughly and objectively as possible given the information provided in your complaint and interviews with Sgt. Walsh. Based on the findings of this investigation, no disciplinary action is warranted against any members of the Sheboygan Police Department since none of the complaints were able to be substantiated or show any policy or law violation on the part of department employees. As a result, this investigation will be closed.

Sincerely,

Christopher Domagalski
Chief of Police

A handwritten signature in black ink, appearing to read "Kurt D. Zempel". The signature is stylized with a large, sweeping flourish at the end.

Kurt D. Zempel
Captain of Patrol

Appendix D

948.31 Interference with custody by parent or others.

- (1)
 - (a) In this subsection, "legal custodian of a child" means:
 1. A parent or other person having legal custody of the child under an order or judgment in an action for divorce, legal separation, annulment, child custody, paternity, guardianship or habeas corpus.
 2. The department of children and families or the department of corrections or any person, county department under s. 46.215, 46.22, or 46.23, or licensed child welfare agency, if custody or supervision of the child has been transferred under ch. 48 or 938 to that department, person, or agency.
 - (b) Except as provided under chs. 48 and 938, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class F felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.
- (2) Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents or, in the case of a nonmarital child whose parents do not subsequently intermarry under s. 767.803, from the child's mother or, if he has been granted legal custody, the child's father, without the consent of the parents, the mother or the father with legal custody, is guilty of a Class I felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.
- (3) Any parent, or any person acting pursuant to directions from the parent, who does any of the following is guilty of a Class F felony:
 - (a) Intentionally conceals a child from the child's other parent.
 - (b) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining child custody rights, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in s. 822.02 (14).
 - (c) After issuance of a temporary or final order specifying joint legal custody rights and periods of physical placement, takes a child from or causes a child to leave the other parent in violation of the order or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period.
- (4)
 - (a) It is an affirmative defense to prosecution for violation of this section if the action:
 1. Is taken by a parent or by a person authorized by a parent to protect his or her child in a situation in which the parent or authorized person reasonably believes that there is a threat of physical harm or sexual assault to the child;
 2. Is taken by a parent fleeing in a situation in which the parent reasonably believes that there is a threat of physical harm or sexual assault to himself or herself;
 3. Is consented to by the other parent or any other person or agency having legal custody of the child; or
 4. Is otherwise authorized by law.
 - (b) A defendant who raises an affirmative defense has the burden of proving the defense by a preponderance of the evidence.
- (5) The venue of an action under this section is prescribed in s. 971.19 (8).
- (6) In addition to any other penalties provided for violation of this section, a court may order a violator to pay restitution, regardless of whether the violator is placed on probation under s. 973.09, to provide reimbursement for any reasonable expenses incurred by any person or any governmental entity in locating and returning the child. Any such amounts paid by the violator shall be paid to the person or governmental entity which incurred

the expense on a prorated basis. Upon the application of any interested party, the court shall hold an evidentiary hearing to determine the amount of reasonable expenses.

995.50 Right of privacy.

- (1) The right of privacy is recognized in this state. One whose privacy is unreasonably invaded is entitled to the following relief:
 - (a) Equitable relief to prevent and restrain such invasion, excluding prior restraint against constitutionally protected communication privately and through the public media;
 - (b) Compensatory damages based either on plaintiff's loss or defendant's unjust enrichment; and
 - (c) A reasonable amount for attorney fees.
- (2)
 - (am) In this section, "invasion of privacy" means any of the following:
 1. Intrusion upon the privacy of another of a nature highly offensive to a reasonable person, except as provided under par. (bm), in a place that a reasonable person would consider private, or in a manner that is actionable for trespass.
 2. The use, for advertising purposes or for purposes of trade, of the name, portrait or picture of any living person, without having first obtained the written consent of the person or, if the person is a minor, of his or her parent or guardian.
 3. Publicity given to a matter concerning the private life of another, of a kind highly offensive to a reasonable person, if the defendant has acted either unreasonably or recklessly as to whether there was a legitimate public interest in the matter involved, or with actual knowledge that none existed. It is not an invasion of privacy to communicate any information available to the public as a matter of public record.
 4. Conduct that is prohibited under s. 942.09, regardless of whether there has been a criminal action related to the conduct, and regardless of the outcome of the criminal action, if there has been a criminal action related to the conduct.
 - (bm) "Invasion of privacy" does not include the use of a surveillance device under s. 995.60.
- (3) The right of privacy recognized in this section shall be interpreted in accordance with the developing common law of privacy, including defenses of absolute and qualified privilege, with due regard for maintaining freedom of communication, privately and through the public media.
- (4) Compensatory damages are not limited to damages for pecuniary loss, but shall not be presumed in the absence of proof.
- (6)
 - (a) If judgment is entered in favor of the defendant in an action for invasion of privacy, the court shall determine if the action was frivolous. If the court determines that the action was frivolous, it shall award the defendant reasonable fees and costs relating to the defense of the action.
 - (b) In order to find an action for invasion of privacy to be frivolous under par. (a), the court must find either of the following:
 1. The action was commenced in bad faith or for harassment purposes.
 2. The action was devoid of arguable basis in law or equity.
- (7) No action for invasion of privacy may be maintained under this section if the claim is based on an act which is permissible under ss. 196.63 or 968.27 to 968.373.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.