

COPY

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

---

[REDACTED]

Complainant

vs.

Det. Tom Woodmansee,  
Respondent

DECISION AND ORDER

---

DECISION

At the threshold of these proceedings, before any evidence was offered, Respondent filed various motions and related papers, and the Madison Professional Police Officers Association with our permission filed an *amicus* brief on a specific procedural issue. Prior to our first scheduled evidentiary session, Complainant filed a paper which her counsel has confirmed constitutes an absolute withdrawal of the complaint.

Complainant proposes in that paper that this Board take over the prosecution of her charges. Her understanding of our statutory jurisdiction, established procedures, and practical resources as expressed in her withdrawal paper and in the response of her counsel to our inquiries is faulty. Her contention that we might properly and productively pursue this matter on her behalf is at best unpersuasive.

This Board functions pursuant to WS 62.13(5) as a quasi-judicial tribunal in adversary proceedings between adverse parties. We respect and embrace our role as an impartial hearing body; we are not an advocate agency. The statute gives us nominal authority to file charges, but we have no practical or institutional resources for investigation and prosecution. We are not aware of any instance in the history of this Board in which either a disciplinary investigation or a prosecution has been conducted by the Board, by one or more commissioners, or upon their direction or instigation. We are aware of one instance in which the Board engaged a hearing officer to conduct hearings regarding a petition from department staff alleging wrongdoing by a chief.

This Complainant conscientiously observed a prior related matter before us, sitting at that complainant's table through extensive multiple hearing sessions, and brought these charges promptly following the disposition of that matter. She had not been deposed or subject to cross-examination at any

time during the course of several inter-related proceedings prior to the case before us. She withdrew these charges at least in part in order to avoid being deposed.

We draw no inferences regarding the factual elements of her allegations, but we conclude from her conduct and from the responses of her counsel to our questions on March 31, 1999, that Complainant's willingness to submit to examination in the course of investigation, discovery, or prosecution of her charges is very uncertain. Her statements to this Board through counsel on March 31 suggest that she *might* provide limited sworn testimony at a hearing but *probably would not* cooperate fully with a thorough pre-hearing investigation. Complainant's expressed position would preclude competent investigatory efforts and prosecution, were we inclined to conduct or sponsor them.

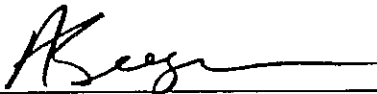
Under the circumstances of this complaint and this case we decline to test the limits of the statute and reconstruct our rules and procedures in order to investigate and prosecute this complainant's case.

ORDER

1. Complainant having withdrawn her complaint, the charges are dismissed, with prejudice.
2. All pending motions being mooted by the dismissal, this Board takes no further action in this case.

Approved following deliberations,  
and  
filed with the Secretary this 18<sup>th</sup> day of May, 1999:

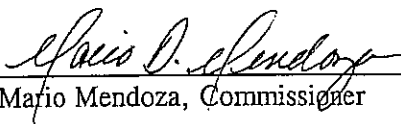
MADISON BOARD OF POLICE AND FIRE COMMISSIONERS



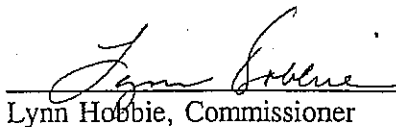
Alan Seeger, President



Margaret McMurray, Secretary



Mario Mendoza, Commissioner



Lynn Hobbie, Commissioner