

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

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**In the matter of the appeals of**

**P. O. ALEXANDER MANTAY  
From MPD Order No. 2006-260  
and  
P. O. STEVEN STELTER  
From MPD Order No. 2006-261**

**SUMMARY OF PROCEEDINGS,  
FINDINGS OF FACT  
AND DECISION**

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**SUMMARY OF PROCEEDINGS**

A joint hearing was held on July 16, 2008 before Commissioners Richard Cox, Ernesto Baca and Kathryn Hein regarding the appeals of Police Officer Alexander Mantay (Order No. 2006-260) and Police Officer Steven Stelter (Order No. 2006-261). Attorney Steven Fronk acted as Hearing Examiner on behalf of the Board. The facts, issues and evidence are identical as to each officer, and this summary applies to both.

Officer Mantay and Officer Stelter appeared in person and by Attorney Matthew Granitz of Cermele & Associates. The Milwaukee Police Department appeared by Assistant City Attorney Heidi Galvan and Lieutenant Kurt Leibold. The appeals were from suspensions without pay of ten (10) working days which former Chief of Police Nannette Hegerty Chief Hegerty imposed for an alleged failure, on December 30, 2005, to accompany a person wearing leg irons in the transport area of the patrol wagon during transportation in violation of Milwaukee Police Department Rule 4, Section 2/010.00 referencing Standard Operating Procedures Section 3/080.10(C). Both Officer Mantay and Officer Stelter admitted that they had violated Standard Operating Procedures Section 3/080.10(C) as outlined in the complaint and waived any challenge to a finding of just cause regarding such charge. The only issue which the officers wished to contest was whether or not the ten (10) day suspension without pay was a fair, reasonable and appropriate penalty for such violation.

The second charge contained in each Order, alleging a violation of Standard Operating Procedures Section 3/080.00(D) was dismissed as to each during the course of the proceedings at the request of Assistant City Attorney Galvan.

**Testimony of Sergeant Willie Murphy:** Sergeant Murphy was assigned to investigate the events of December 30, 2005 involving the death of a citizen, Vanessa Ford, while being transported to the Milwaukee County Mental Health Center by Officers Mantay and Stelter. During the course of the investigation Sergeant Murphy interviewed Officer Mantay and Officer Stelter and reviewed additional reports written by other members of the Milwaukee Police Department. As a result of Sergeant Murphy's investigation, charges were issued against Officer Mantay and Officer Stelter for failing to accompany Ms. Ford in the transport area of the van and also for failing to place Ms. Ford in a sitting position or on her side as required by Standard Operating Procedures. No photographs were taken of Ms. Ford while in the transport van. The only persons who viewed Ms. Ford during the transport were Mantay and Stelter. The basic facts as outlined in Sergeant Murphy's testimony and report are as follows.

On December 30, 2005, the Milwaukee Police Department was called to Ms. Ford's home by her husband, Glen Ford, as a result of her violent and destructive behavior. Based upon statements by Glen Ford the officers determined that Vanessa Ford had not been taking necessary medication and was in the midst of a serious psychotic episode. A decision was made to transport Vanessa Ford to the Mental Health Complex for her own safety, but Ms. Ford was resistive and combative. She was eventually placed in handcuffs and leg restraints. On cross-examination Sergeant Murphy testified that both Mantay and Stelter indicated that they had repeatedly attempted to place Ms. Ford in a seated position in the transport van, but she would not comply. Officers Mantay and Stelter also told Sergeant Murphy that they then placed Ms. Ford on her side (which would be in compliance with standard operating procedures) and that they monitored her from the passenger compartment during the

transport (which was not in compliance with standard operating procedures). The statements regarding efforts by Officers Mantay and Stelter to place Ms. Ford on her side were not included in Sergeant Murphy's written summary report.

**Testimony of Deputy Inspector Mary Hoerig:** Inspector Hoerig is the former head of the Professional Performance Division (PPD) and in that capacity reviewed this and other investigations with Chief Hegerty prior to the Chief issuing formal discipline. In this case Inspector Hegerty testified that Chief Hegerty reviewed the service record for both Mantay and Stelter prior to discipline being issued, and was made aware of a similar case involving a failure to monitor a shackled citizen during transport (Appeal of Police Officer Jeffrey Cook, MPD Personnel Order No. 2002-264). In that case, as in the case now before the Board, the citizen died en route. In both cases the medical examiner found the death to be unrelated to the officer's failure to more directly monitor the citizen. Nonetheless, in each case the officer's failure to more closely monitor the person being transported was in violation of Milwaukee Police Department Standard Operating Procedures. Officer Cook received a suspension of ten (10) working days without pay from former Chief Arthur Jones. Officer Cook's suspension was upheld by this Board and subsequently upheld on appeal to Circuit Court.

**Testimony of Police Officer Alexander Mantay:** Officer Mantay and his partner, Officer Steven Hoffman, arrived at the home of Vanessa Ford and attempted to calm her before deciding that she need to be conveyed to the Mental Health Center. They called for a patrol wagon to transport her and soon thereafter Officer Steven Stelter arrived with the wagon. Ms. Ford was resistive and combative, and it took all three officers to get her handcuffed and shackled and into the wagon. The officers attempted to seat her with her back against the interior of the wagon but she kept kicking and rolling from side to side and sliding down onto the floor, so they placed her on her side and immediately left for the Mental Health Center. Officer Stelter drove the patrol wagon, Officer Mantay sat in the passenger seat watching Ms. Ford through the

rear window, and Officer Hoffman followed behind in a squad. No one accompanied Ms. Ford in the transport area as required by MPD Standard Operating Procedures. Ms. Ford continued to kick and roll from side to side on the floor of the wagon for much of the way, but after a time she lay still. When the wagon doors were opened she was non-responsive. Officers Stelter and Mantay immediately drove Ms. Ford the short distance to Froedtert Hospital where it was determined that she had died en route.

**Testimony of Police Officer Steven Stelter:** Officer Stelter's testimony regarding the incident was essentially identical to that of Officer Mantay, including how they came in contact with Vanessa Ford and their efforts to restrain her and transport her safely. Officer Stelter referred to the death as a tragedy that, based upon medical evidence, could not have been avoided but he readily admitted that they had violated standard operating procedures by not insisting that someone accompany Ms. Ford in the transport area while en route to the Mental Health Center.

**FINDINGS OF FACT re: POLICE OFFICER ALEXANDER MANTAY**

*As to that charge alleging that Police Officer Alexander Mantay failed to accompany a person wearing leg irons in the transport area of the patrol wagon during transportation on December 30, 2005, the Board does hereby make the following Findings of Fact.*

1. Police Officer Alexander Mantay, on December 30, 2005 and at all other times pertinent hereto, was a member of the City of Milwaukee Police Department and bound by the rules, regulations and procedural requirements thereof.
2. Police Officer Mantay, on December 30, 2005, was dispatched to the home of Vanessa Ford who was suffering from an acute psychotic episode and was believed to pose a danger to herself or others.
3. Vanessa Ford was combative, and it became necessary to restrain her in handcuffs and leg shackles prior to placing her in a patrol wagon for transport.

4. While transporting Ms. Ford to the hospital, both Police Officer Alexander Mantay and Police Officer Steven Stelter rode in the passenger compartment of the patrol wagon. Neither officer accompanied Vanessa Ford in the transport area of the wagon as is required by Milwaukee Police Department Standard Operating Procedures Section 3/080.10(C).
5. Vanessa Ford died while en route. The Medical Examiner has determined that the death of Vanessa Ford was in no way attributable to action taken (or not taken) by Officer Mantay or Officer Stelter.
6. Police Officer Alexander Mantay could reasonably be expected to have had knowledge of the fact that failing to accompany a shackled person in the transport area of the patrol wagon during transport was in violation of MPD Standard Operating Procedures and could lead to discipline. Department members are trained extensively regarding the proper means of transporting violent persons in restraints. Department members who have failed to perform this task appropriately have been disciplined in the past.
7. The Board of Fire and Police Commissioners finds that Milwaukee Police Department Standard Operating Procedures Section 3/080.10(C) which requires a department member to accompany a person wearing leg irons in the transport area of the patrol wagon is reasonable. A person whose liberty and freedom of movement has been restricted in such a manner is essentially helpless, and while in the custody of the Milwaukee Police Department every effort must be made to monitor that person's wellbeing and to assist whenever and however possible.
9. The Board of Fire and Police Commissioners finds that Chief Hegerty, or those acting on her behalf, made a reasonable, fair and objective effort to discover whether Officer Mantay violated the standard operating procedure as outlined in the complaint on file herein. Interviews were conducted and Officer Mantay was given an opportunity to explain what took place on the day in question.

10. The Board of Fire and Police Commissioners finds that Chief Hegerty or those acting on her behalf discovered substantial evidence that Police Officer Alexander Mantay failed to accompany Vanessa Ford in the transport area as required. Officer Mantay himself has admitted on the record that he violated the standard operating procedure as indicated.
11. The Board of Fire and Police Commissioners finds that the Chief is applying the rule in a fair manner and without discrimination against Police Officer Alexander Mantay. In another incident in 2002 where the facts and result were almost identical to this incident, a police officer received a ten day suspension and that suspension was upheld by this board. There is no reason to believe that Officer Mantay was singled out or treated in a manner that was inconsistent with what Chief Hegerty appropriately believes is warranted under the circumstances.
12. The proposed discipline reasonably relates to the seriousness of the violation and Officer Mantay's record of service. Although the medical examiner has determined that Officer Mantay's failure to accompany Vanessa Ford in the transport area of the patrol wagon did not contribute to her death, we do believe that such failure shows a level of indifference to standard operating procedures and the well being of persons who have been restrained which cannot be tolerated. We believe that a suspension of ten (10) days without pay is entirely reasonable and appropriate given Officer Mantay's record of service and past disciplines involving similar circumstances.

**FINDINGS OF FACT re: POLICE OFFICER STEVEN STELTER**

*As to that charge alleging that Police Officer Steven Stelter failed to accompany a person wearing leg irons in the transport area of the patrol wagon during transportation on December 30, 2005, the Board does hereby make the following Findings of Fact.*

1. Police Officer Steven Stelter, on December 30, 2005 and at all other times pertinent hereto, was a member of the City of Milwaukee Police Department and bound by the rules, regulations and procedural requirements thereof.
2. Police Officer Stelter, on December 30, 2005, was dispatched to assist in the transport of Vanessa Ford who was suffering from an acute psychotic episode and was believed to pose a danger to herself or others.
3. Vanessa Ford was combative, and it became necessary to restrain her in handcuffs and leg shackles prior to placing her in a patrol wagon for transport.
4. While transporting Ms. Ford to the hospital, both Police Officer Alexander Mantay and Police Officer Steven Stelter rode in the passenger compartment of the patrol wagon. Neither officer accompanied Vanessa Ford in the transport area of the wagon as is required by Milwaukee Police Department Standard Operating Procedures Section 3/080.10(C).
5. Vanessa Ford died while en route. The Medical Examiner has determined that the death of Vanessa Ford was in no way attributable to action taken (or not taken) by Officer Mantay or Officer Stelter.
6. Police Officer Steven Stelter could reasonably be expected to have had knowledge of the fact that failing to accompany a shackled person in the transport area of the patrol wagon during transport was in violation of MPD Standard Operating Procedures and could lead to discipline. Department members are trained extensively regarding the proper means of transporting violent persons in restraints. Department members who have failed to perform this task appropriately have been disciplined in the past.

7. The Board of Fire and Police Commissioners finds that Milwaukee Police Department Standard Operating Procedures Section 3/080.10(C) which requires a department member to accompany a person wearing leg irons in the transport area of the patrol wagon is reasonable. A person whose liberty and freedom of movement has been restricted in such a manner is essentially helpless, and while in the custody of the Milwaukee Police Department every effort must be made to monitor that person's wellbeing and to assist whenever and however possible.
9. The Board of Fire and Police Commissioners finds that Chief Hegerty, or those acting on her behalf, made a reasonable, fair and objective effort to discover whether Officer Stelter violated the standard operating procedure as outlined in the complaint on file herein. Interviews were conducted and Officer Stelter was given an opportunity to explain what took place on the day in question.
10. The Board of Fire and Police Commissioners finds that Chief Hegerty or those acting on her behalf discovered substantial evidence that Police Officer Steven Stelter failed to accompany Vanessa Ford in the transport area as required. Officer Stelter himself has admitted on the record that he violated the standard operating procedure as indicated.
11. The Board of Fire and Police Commissioners finds that the Chief is applying the rule in a fair manner and without discrimination against Police Officer Steven Stelter. In another incident in 2002 where the facts and result were almost identical to this incident, a police officer received a ten day suspension and that suspension was upheld by this board. There is no reason to believe that Officer Stelter was singled out or treated in a manner that was inconsistent with what Chief Hegerty appropriately believes is warranted under the circumstances.
12. The proposed discipline reasonably relates to the seriousness of the violation and Officer Stelter's record of service with the Milwaukee Police Department. Although the medical examiner has determined that Officer Stelter's failure to

accompany Vanessa Ford in the transport area of the patrol wagon did not contribute to her death, we do believe that such failure shows a level of indifference to standard operating procedures and the well being of persons who have been restrained which cannot be tolerated. We believe that a suspension of ten (10) days without pay is entirely reasonable and appropriate given Officer Stelter's record of service and past disciplines involving similar circumstances.

### DECISION

In an attempt to explain how we have reached the conclusion that we have concerning appropriate discipline in this case, we can do no better than to quote a decision of this Board issued in September 2004 regarding the Appeal of Jeffrey Cook, in which the facts were strikingly similar to those in this case:

"The Milwaukee Police Department has a Rules and Procedures Manual for a reason. In a large urban police department such as that in the City of Milwaukee it would be inexcusable to place police officers in a position where they would be required to make every decision without the benefit of past experience and the knowledge base of those who have faced similar situations in the past. We learn from our experiences, and in this case the Milwaukee Police Department had a standard operating procedure and specific language in the form of written position responsibilities based upon those experiences which required an officer who was transporting a prisoner ... to attend to that prisoner and monitor that prisoner for changes in that prisoner's condition. The Milwaukee Police Department has had deaths in custody in the past which have, at least in part, resulted from a failure to attend to and monitor a prisoner's condition. The standard operating procedure and position responsibilities which are applicable in this case were and are an attempt to reduce the risk of death or serious injury to prisoners who are handcuffed and shackled by attending to and monitoring such prisoners at all times."

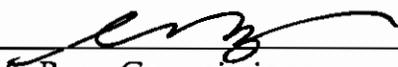
Vanessa Ford was owed every effort every effort to see that she reached her destination safely. Whether or not those efforts would have been successful is not the point. Police officers such as Mantay and Officer Stelter owe those in their care their best efforts at all times.

We believe that a suspension of ten (10) consecutive working days without pay is an appropriate penalty for Police Officer Alexander Mantay's failure to take this into account and abide by Milwaukee Police Department rules, standard operating procedures and position responsibilities, and we do so order.

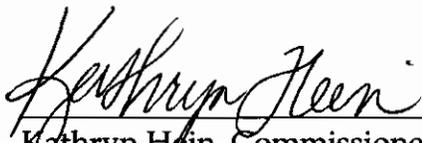
We also believe that a suspension of ten (10) consecutive working days without pay is an appropriate penalty for Police Officer Steven Stelter's similar failure(s), and again, we so order.

Board of Fire and Police Commissioners  
Of the City of Milwaukee

By:

  
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Ernesto Baca, Commissioner

08.06.08  
Date

  
\_\_\_\_\_  
Kathryn Hein, Commissioner

7/30/08  
Date

  
\_\_\_\_\_  
Richard Cox, Commissioner

7/30/08  
Date