

Madison Police Department

PSIA Report

Incident Details

Date Received 05/19/2023
Entered By [IAPro entry - LT.
Angela Kamoske]
Date/Time of Occurrence 05/18/2023
Date/Time Entered 05/19/2023 08:19
Record ID Number 10172
Case # —
Tracking # 2023PSIA-0064
Madison PD [Pending
BlueTeam 6 Assigned assignment]
Investigator
IAPro Assigned Investigator LT. Angela
Kamoske

Incident Location

Location of Occurrence —
[None Entered]

Incident Summary

On 05/18/23, Sgt Nick Ellis was arrested by DCSO for domestic disorderly conduct and domestic battery.

On 07/31/23, Chief Barnes found a tentative sustained violation of COC - Unlawful Conduct. Pre-D ordered.

On 09/06/23, Chief Barnes upheld the sustained violation for Unlawful Conduct. Pursuing termination.

On 09/07/23, at the direction of City Attorney Kurtz, a copy of the investigative file was given to WPPA Luann Alme.

On 10/24/23, Nick Ellis was served the discipline letter by Captain Kelly Beckett, in which the Chief states he is filing with the PFC to pursue separation.

On 10/25/23, the complaint was filed by the City of Madison Attorney's Office with the Police and Fire Commission.

On 02/08/24 and 02/09/24, a hearing was held in front of the Police and Fire Commission.

On 03/11/24, the PFC found Ellis a sustained violation of COC - Unlawful Conduct and determined the discipline to be reduction in rank, effective immediately. Ellis will return to duty as the rank of police officer.

Reporting/Involved Citizen

[Redacted]

Date of Birth	—	Gender	—
Race	—	Ethnicity	—
Role	—		
Address	[Redacted]	Phone Numbers	[None Entered]

Involved Employees

Officer Nicholas Ellis - [Redacted]

Assignment at time of incident: SGT Patrol Sergeants, [Redacted]

Role: —

Linked Allegations: Code of Conduct - Unlawful Conduct (Sustained - 03/11/2024)
▪ - Demotion - 03/11/2024
Code of Conduct - Notification Required of Law Enforcement Contact (Exonerated - 09/06/2023)
▪ - None Needed - 09/06/2023

Attachments

No Attachments

Assignment History

No assignment history

Chain of Command History



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: August 1, 2023

TO: Shon Barnes, Chief of Police
FROM: Angela Kamoske, Lieutenant of PSIA
SUBJECT: **2023PSIA-0064 Sgt Nick Ellis**

Complaint

On 05/18/23, I was notified by OIC Lt Kim Alan that Sgt Nick Ellis had been arrested by the Dane County Sheriff's Office on domestic charges, stemming from an incident that happened at his home in Black Earth, involving him and [REDACTED]

I was also later notified by Lt Alan that after Sgt Ellis had been released from the Dane County Jail, he made contact with her to report his law enforcement contact. Lt Alan also authored a memo about this contact.

Review of DCSO Reports

I obtained the DCSO reports pertaining to the incident, as well as a video that was part of the case file, and reviewed these materials.

The following was reported by Deputy Samantha Haug regarding the initial dispatch information:

On Thursday, 05/18/2023, Deputies were dispatched to [REDACTED] in the Village of Black Earth. [REDACTED] was the caller and said that [REDACTED], Nicholas, was angry and took off from the house and that she is worried [REDACTED]. While driving up to Black Earth, I called [REDACTED] on the phone to get more information. [REDACTED] said that Nicholas got angry because she would not allow Nicholas to move his vehicle into the garage and he stormed off and he has been texting her since [REDACTED]

I asked [REDACTED] if she knew Nicholas's last location he was at and [REDACTED] said that Nicholas has been sharing his location on the phone with [REDACTED] and he was at Kahl Rd. Due to knowing where the approximate location of Nicholas was, and Kahl Rd. being on my way into Black Earth, I went to Kahl Rd. to search the area for Nicholas. While on Kahl Rd. I did not observe Nicholas in the area and I then went to the address to contact [REDACTED] in person.

Deputy Haug reported that while other deputies were out in the area searching for Nick, she responded to Nick and [REDACTED] residence and interviewed [REDACTED] about what happened:

After getting the information aired out to my partners, I began to conduct my interview with [REDACTED] I asked [REDACTED] to please explain to me what had happened prior to Nicholas leaving the residence. [REDACTED] said that she had gotten home from work and that she was supposed to go to a retirement party, but decided to not go, and that made Nicholas upset. [REDACTED] said that he was leaning up against the wall in the living room and he had staggered to the garage door where he had his keys in his hand. [REDACTED] said that she ran to block the door so that Nicholas could not leave, because he was intoxicated. [REDACTED] said that she told Nicholas that he could not leave because he had been drinking all day. [REDACTED] said that while she stood in front of the garage door, she had taken Nicholas's keys from him, since he was going to go out to the car and move it. [REDACTED] said that Nicholas said he was going to move the car into the garage, but she told him no, that he can move the car in an hour when he wasn't staggering around the house. [REDACTED] said that Nicholas was not happy that she took the keys from him, and that is when he put both of his hands

around her neck. [REDACTED] said that Nicholas put both his hands around her neck but did not squeeze, and she believes that Nicholas was trying to scare her.

[REDACTED] said that while this was occurring, all Nicholas kept repeating was, let me go move my car into the garage. [REDACTED] said that she had stayed calm to try to not escalate the situation, and that is when Nicholas went and grabbed the second set of keys to his vehicle and tried to leave out the back door to get into his car. [REDACTED] said that she then blocked the second door and that is when she and Nicholas began wrestling over the keys. [REDACTED] said that while they were wrestling over the keys, Nicholas had put her in a choke hold. I asked her to describe the choke hold, and [REDACTED] said that he had his forearm around her neck. I asked [REDACTED] if he had cut off her airway or restricted her breathing, and [REDACTED] said no. I asked [REDACTED] if she lost consciousness and she said, no. I also asked [REDACTED] if she felt pain when he put her in a choke hold, and [REDACTED] said [REDACTED] but she could tell that someone had put their hands on her neck.

[REDACTED] said that during this incident, she had yelled, [REDACTED] I need help. [REDACTED] said that [REDACTED] came out and saw what was happening and started to yell at [REDACTED] [REDACTED] said that she shouldn't have called [REDACTED] out for help because it just made the situation worse. I asked [REDACTED] what Nicholas was saying, and [REDACTED] said that Nicholas was stuck on, let me move my car, and also told her, you're a horrible person, we are done.

I asked [REDACTED] if this has ever happened before, and she said [REDACTED]

I asked [REDACTED]

[REDACTED] asked how Nicholas was doing and if we found him, and I told [REDACTED] that Deputies did find Nicholas, but with what happened today that he was going to get charged with domestic battery and domestic disorderly conduct. I asked [REDACTED] if I could take photos of [REDACTED] since I saw [REDACTED] and she said that I could. Also, while interviewing [REDACTED] I also asked [REDACTED] if [REDACTED] could send me that video, and [REDACTED] said yes.

PO Haug stated in her report that [REDACTED] stated that she was disturbed by Nick's actions, and did not give him consent to put his hands around her neck.

PO Haug reported the following regarding the Domestic Violence Danger Assessment with [REDACTED]

[REDACTED]

PO Haug reported that [REDACTED] waived the 72 Hour No Contact Provision.

Deputy Adam Dupor also authored a report on this incident, and reported on his contact and arrest of Nick:

Deputy Miller and I responded to the railroad bridge just east of the Community Park that goes over the creek where he was reported to be seen. Deputy Miller and I walked the bridge to see if we could observe him down by the creek. Deputy Miller advised that he did see the individual sitting on the other side of the bridge, on rocks near the creek. At this time I heard a radio call from the Deputies that were with the victim, informing other Deputies that they had probable cause to arrest Nicholas Ellis for domestic strangulation, battery, and disorderly conduct. Deputy Miller and I walked down off the bridge to where Ellis was seated on a rock by the creek. He advised that he did not have any weapons on his person. He then stated that he assumed we knew what he did, in reference to working for the Madison Police Department. Ellis was calm while speaking with Deputies. We asked him to stand up and walk up the hill so we could speak with him. He handed his phone over to Deputy Miller.

Deputy Miller then instructed Ellis to place his hands behind his back, which he did. I placed the handcuffs on Ellis, checking for proper fit and double locking them. I then conducted a pat down search. Ellis was then escorted to the back seat of squad 76. He was placed in the rear seat and seat belted in. I then transported Ellis in the back of squad 76 from the location on Kahl Rd. near the railroad tracks, that he was located at, to the residence at [REDACTED], where the Deputies were interviewing [REDACTED]. While at the residence, Ellis remained in the back seat of squad 76.

Deputy Dupor reported that he could smell an odor of intoxicants coming from Nick's breath and asked him to provide a PBT sample while seated in the back of Dupor's squad. Nick complied and the PBT showed a result of [REDACTED].

Deputy Dupor then reported that he took a statement from Nick on what had occurred:

I interviewed Ellis in the back of squad 76. I read him his Miranda Rights from an issued Constitutional Rights card. I read this card verbatim to him at 7: 18 p.m. I then read him the waiver on the back of the card. I read this word for word. Ellis advised that he wanted to make a statement and that he understood his right.

I asked Ellis to explain to me what had taken place. Ellis explained that at approximately 5:00 p.m. he wanted to pull his car into the garage. He stated [REDACTED] would not let him as he had been drinking. Ellis stated he was frustrated as it was only 10 feet to move the car into the garage. He stated that they went inside and she pushed him against the back wall of the dining room. He stated that she took his keys and that he left the house and went for a walk to remove himself from the situation.

Ellis stated that he walked down Blue Mounds to Center St. and then walked over towards the creek. Ellis advised that [REDACTED] then messaged him saying that she had called 911 and he said, what's the point of coming home, "She knows the game". I asked him to clarify what had taken place inside of the residence. He explained that the back wall that he was pushed into was the western wall of the dining room. He said that when he tried to get the keys from her, out of her pocket, she would not let him. He then went on to say, "I got frustrated", while at the creek. He explained that he was thinking that he would potentially be losing his job over this incident. He again stated, "She knows what to say".

I asked Ellis [REDACTED]. Ellis explained that [REDACTED] that he just wanted to go back home. Ellis did inform me that [REDACTED]

Ellis stated something to the effect of, I could physically take what I want from her but I don't, referencing the size difference between them. I informed Ellis that [REDACTED] had informed Deputies that he had placed his hands around her neck. Ellis denied this. Ellis explained that when he went to get his keys back in the dining room, he had his forearm across her chest and was trying to grab his keys with his other hand. Ellis advised that he left after this.

I asked Ellis if there was any yelling during this incident. He stated that [REDACTED] had been yelling at him but he was not yelling. I asked him what she was yelling, and he said, "No you're not fit to drive", and again repeated that he was upset over this as it was only 10 feet to pull the car into the garage.

Ellis advised that [REDACTED]. I asked him to explain what had taken place. He stated that around 9:00 p.m. on the evening it took place, [REDACTED] and him had taken down a wall between the dining room and kitchen in their residence. He stated that he began talking about taking down another wall and she got frustrated with him. [REDACTED]. He questioned her on it, she walked over and [REDACTED]. He explained that he left the residence and drove around for a while and that she then reached out to him and said that she wanted him to come back home, so he did. He explained that [REDACTED] and that he knows the law and didn't want her to get in trouble, which is why he did not report it. He explained that this caused him pain and he did not give her consent to do so, and she told him, "I hate you". Ellis explained that he told her, "I'm leaving, I can't let you [REDACTED] anymore". I asked him if [REDACTED], if it caused him pain. He stated no, but that it did upset him. I asked Ellis if there was anything else he would like to add and he stated there was not. I ended the interview with him. I did show him the 72 hour no contact provision form and informed him of the charges and informed him that [REDACTED] waived the 72 hour no contact provision. He stated he understood.

PO Dupor then reported that he conveyed Nick to jail and Nick was booked in on one count of domestic battery and one count of domestic disorderly conduct.

DCSO Detective Brian Frisch reported that on 05/23/23, he had follow-up contact with [REDACTED] by phone:

On 05-23-23 at approximately 10:57am, I made phone contact with [REDACTED]. When I made phone contact with [REDACTED] she was verbally identified. I identified myself to [REDACTED] and informed her why I was calling. I asked [REDACTED] if she had time to talk. [REDACTED] stated she was at work but had a couple of minutes. I informed [REDACTED] I would try and keep this short.

I asked [REDACTED] how things have been since the incident. [REDACTED] stated things are going well and stated the incident was alcohol induced. [REDACTED] stated after the incident Nicholas [REDACTED].

I asked [REDACTED] if there is any safety concerns, I need to know about. [REDACTED] stated there was no safety concerns.

I asked [REDACTED] if Nicholas has been involved in any critical incidents. [REDACTED] said Nicholas is a Sergeant with the City of Madison and has been there for 15 years. [REDACTED] eluded to the fact Nicholas has seen and been through a lot while on the job. [REDACTED] talked about Nicholas disclosing that during an incident [REDACTED] [REDACTED] was not sure if Nicholas has been involved in any recent officer involved incidents. [REDACTED] thought Nicholas has been a responding unit to Officer involved incidents.

Review of Photographs and Video from DCSO

PO Haug also reported that she had photographs taken of [REDACTED], and I reviewed those photographs. I observed that [REDACTED] but I did not observe any distinct visible injury in the photographs.

I also reviewed the video that PO Haug referenced in her report that had been filmed by [REDACTED]. There are no subjects visible in the video and it appears it was filmed in a nearby room, however you can hear male and female voices, which appear to be those of Nick and [REDACTED]. The two people sound as though they are in an argument, but they are not yelling.

Nick – “Get out of my way. Oh great, thanks.”

[REDACTED] – inaudible

Nick – “No, I’m done with you.”

[REDACTED] – “Ok”

Nick – “Give me my keys. You’re going to find me wherever.”

[REDACTED] – “No”

It then sounds that Nick and [REDACTED] move farther away, and there is a short amount of dialogue, but it is inaudible. The recording then ends.

Decline to File Charges by District Attorney’s Office

On 06/08/23, the Chief’s office received notification from Deputy District Attorney Andrea Raymond that she was declining to file charges in this case.

Interview with [REDACTED]

On 07/05/23, I interviewed [REDACTED] at the West Police District. Det Sgt Dave Gouran was also present for the interview. The interview was audio recorded and transcribed.

I asked [REDACTED] to tell me about what had happened on 05/18/23 that led to her calling 911 for police assistance:

He, out of character, completely out of character, which is why it took everyone surprise, he was golfing and he got home and everything was fine and then all of a sudden it wasn’t. You should know that he [REDACTED]

[REDACTED] And on that day, for some reason, which is like I say, it’s not been ever happened before. But he added alcohol into the mix because he was golfing. And he all of a sudden got really angry. He wanted to put his car in the garage. I wouldn’t let him and I took his keys. And there was some shouting and he left. And he was, the reason I called the police is because he was texting the children [REDACTED]

I asked [REDACTED] if she had called for police assistance [REDACTED].

I asked [REDACTED] if there had been physical contact that occurred between her and Nick as he was attempting to get the keys:

Q: Okay. So when, when he was arguing with you about getting the keys and you had tried to keep the keys from him, did any physical contact occur between the two of you and can you describe for me what happened?

A: Mostly, I mean, I was, had my back against the door and he was about five feet away and he was really angry, like out of character angry. Something. It wasn’t him. And he just, and I, he was trying to get his keys away so there was a struggle. And no like, he had a couple of police moves and I managed. He never intended, he never hurt me or anything like that. And if he felt like he was doing something, he backed off. And he left on foot.

Q: Okay

A: *Taking the keys*
Q: *Okay.*
A: *Because it just, yeah. That was*
Q: *Okay. When you say that he had a couple of police moves, can you describe those or like what*
A: *He did that thing where he put his arm against my chest and he was trying to reach and I'm like "no, no."*
Q: *Okay. So he was kind of holding you*
A: *Yes*
Q: *Against the wall*
A: *Yeah*
Q: *Trying to reach for the, reach for the keys.*
A: *Yeah.*
Q: *Okay. And*
A: *But it happened very fast because he had no intention of hurting me*
Q: *Okay.*
A: *He just wanted his keys to put the car away. And it was not happening.*
Q: *Did you get any type of physical injury during this?*
A: *No, nothing. No.*
Q: *Okay. So just to kind of clarify, the, in the deputy's report. Have you obtained a copy of the reports or seen the reports at all? Okay. So the deputy stated in the report that you had said that Nick put his two hands around your neck, did not squeeze, and did it to scare you.*
A: *Mhmm*
Q: *Is that accurate or can you describe for me what you meant by that or what happened?*
A: *I think at the time, it was more like he's, it was more like this and not like that.*
Q: *Okay*
A: *So, yeah.*
Q: *So you think it was more with his arm*
A: *Yeah*
Q: *And holding you*
A: *Yeah*
Q: *Versus his hands around your neck*
A: *Yes*
Q: *Okay. Then it sounds like from their report they also said that then he then was able to obtain a second set of keys.*
A: *Yeah*
Q: *Okay. So he gets a set of keys and then it sounds like you describe to them that there's kind of a wrestling going on*
A: *Because I took them away from him so I don't know, yeah.*
Q: *Okay*
A: *So I, yeah. So I was probably, yeah, it was probably me being in trouble there.*
Q: *Okay*
A: *I took the keys away from him.*
Q: *Okay.*
A: *By force.*
Q: *Okay. And they, in their report, say that once Nick got the second set of keys, that you reported that he put you in a chokehold.*
A: *Yeah, he was, yeah. Well I was trying to, I got the keys and he had his arms around me and like. And I got up and looked that way. And he let go.*
Q: *Okay. So were you. I'm just trying to understand and get a visual. Did you guys end up on the ground at some point?*
A: *No.*
Q: *No. Okay. So can you describe for me how you were able to get the keys away from him? And I'm not looking to, I'm not looking at this from*
A: *No*
Q: *Any type of legal standpoint of a domestic issue.*
A: *I think that he was, he was just holding them and I went in there and like.*

Q: Okay. And then describe for me if you can remember then how he kind of got you in in what they called a quote "chokehold."

A: I don't think that's accurate. He kept saying to me, he's like "I know." He kept saying to me what I was doing was wrong. What I was doing was illegal and he could call the police and tell them, get me in trouble. And he was just so angry. It wasn't him.

Q: Okay.

A: Because what I was doing was keeping his personal property from him so he mainly some words and shouting. And I, he said I scratched him or something. I was like I don't know.

Q: Okay. So

A: I didn't mean to

Q: Do you think that he at some point, did he ever do any type of chokehold around your neck or would that not be accurate?

A: I would say no.

Q: Okay

A: Because I always, I, no. Because I was never choked.

Q: Okay. So then he, you take the keys away from him.

A: Yep

Q: And then is there anything after that that happens physically between the two of you?

A: Nope.

█ described that as Nick was holding her up against the wall to try and grab the keys from her hands, he put his forearm on her chest area and held her with her back to the wall. █ stated that the DCSO report stating that Nick had put both of his hands around her neck, and later, put her in a choke hold, was not accurate. █ denied that Nick ever did either of these things. I asked █ if Nick made any threats against her, physical or otherwise, and she said that he did not.

I asked █ about the portion of the DCSO report that stated that she had called █ for help. █ stated that she did call for █ because she wanted to throw the keys to █ so that █ could go and hide them to prevent Nick from obtaining them. █ stated that the keys were the issue, so she wanted them out of the equation.

I asked █ about the photos that the DCSO deputy took of her neck, and asked her if she had any visible injury. █ stated that she was not injured, and that her neck area was red because she kept holding her throat area with her hands while she was talking to them, and demonstrated this to me. It appeared that it was a movement that someone who █ would exhibit in placing their hands on their neck and face area.

I also asked █ about the domestic violence assessment that the deputy had asked her to answer. █

I asked █ if she feels endangered by Nick. █ stated that she does not, and that she is the one who picked him up when he got out of jail. █ stated that she was not fearful of Nick they day that she called for police assistance, and called because █

█ stated that what Nick did that day was completely out of character for him, █

█ stated that recently she and Nick celebrated █

██████████, and while they have a long road ahead of them, they are both committed to working on their relationship. ██████████ stated that Nick loves his job at MPD, and is very hopeful to come back to work.

Interview with Sgt Nick Ellis

I interviewed Sgt Nick Ellis on 07/05/23 at the West Police District. Det Sgt Gouran and WPPA representative ██████████ were also present for the interview. The interview was audio recorded.

I asked Nick to tell me what happened on May 18th, that led to ██████████ calling the police:

A: Sure. So that day, I had a golf outing planned out in Spring Green so I had I think started around 8 am and got home around 1:45, 2 pm from golf. I think it was my first or second day off so when I got home, I had started drinking beer. So I was drinking IPA beer, like a 10% alcohol by volume beer. ██████████ usually gets home around 3:15, 3:30 from school ██████████. She was going to go to a retirement gathering or potluck in Cross Plains for a teacher that was retiring that she worked with. She decided not to go to that for whatever reason. I think that was around 4 o'clock ish. I continued to have drinks. I don't remember much from around 4 o'clock until I want to say like 5:30, 5:45. ██████████ she's a lot like me in a way. Kind of, she'll do things but she gives a little bit of a wise crack in it. So I was frustrated that she wasn't getting in the shower which was kind of setting everything back in motion. I decided to take a step back. So I was fixated on putting my car in the garage because I had left it in the driveway. I told ██████████ that I was going to go put the car in the garage. She stood in front of the garage door. I can draw a schematic of the house but we have a door that goes from our dining room to the garage. Also a door that goes from the dining room to the outside.

Q: Okay.

A: So she was standing in front of the garage door and kept telling me "no, you're not fit," meaning you've had too much alcohol at home to drive the car. I was fixated on I just want to put the car in the garage. Looking back on it now, it's silly but. I had keys on me. She took the keys from me. There's a second set of keys in our dining room so I went to go get those. She said "you're not putting the car in the garage." For whatever reason in my mind, I became fixated on if that small thing of not being able to put a car in the garage, it was just, I didn't have control over anything in my life at that point. I was upset. I started saying that our relationship was over, just very irrational things. I went to go with the second set of keys out of the door that leads to the patio outside. ██████████ kind of ██████████ taking the keys. ██████████

██████████. So I remember putting my right hand across her, like arm forehead across her chest against the door of the garage, telling her to give me the keys, to get out of my way. I remember her saying for ██████████ "come help." When ██████████ came in the room, she, she yelled at me. I don't remember what she said. When I heard her, I kind of snapped out of wherever I was at in my head. I don't know why ██████████ moved out of the way. She did. I remember leaving the garage and then I just remember being. There's a bridge in town on Kahl Rd which is probably like a mile from our house. I had walked there. I just felt like I had, my relationship was done. ██████████

I heard sirens. I kind of put in my mind together, I asked ██████████ if she'd called the police and she said she had. And then I felt like there was no reason to be around anymore. I couldn't do it. So I just kind of sat there. I think in the back of my mind knowing if I didn't turn my phone off, they'd find where I was and take me back home or wherever. Yeah, I mean, I was getting texts from my kids and ██████████ saying "we just want you to come home. We're concerned about your safety." I just, I felt like I eventually would have but the next thing I know I was in handcuffs and taken back in front of the house. I don't know. Yeah, I asked one of the deputies. I never found out who was who on the call. There was a female deputy in the house talking to ██████████ had been trying to call people at work that she had phone numbers to. I know she called ██████████. He was in Seattle. I think she tried calling ██████████ and ██████████. ██████████ showed up when I was in the car. She said ██████████ wasn't any help, meaning ██████████. Yeah, and then I asked to talk to a supervisor as to what was happening. I thought I was going to be taken in ██████████. And they said I was being arrested for battery and disorderly conduct. And that was before I had even given a statement, which I did. It didn't change anything. I asked to talk to a supervisor there just to basically ask what the charges were for. He told me it is what it is and shut the

door on me. So not much help there. I disclosed to the deputies what my profession was and I asked them if they would call the jail just to give them a heads up so that no MPD would be there, the typical thing. They said they were going to do that. That's the end of it, kind of what happened there. I got in. They said I could book and release. I did that process. I walked over to the CCB to talk to Lieutenant Allen to see if she wanted to take a statement or anything from me. She told me she was already aware. She had talked to Chief Patterson and I should just go home. So I walked about seven and a half miles west to Middleton until I couldn't walk anymore and then [REDACTED] picked me up and took me home.

I then asked Nick more clarifying questions around the physical interaction that happened between him and [REDACTED]. Nick stated that [REDACTED] he was attempting to get a second set of keys for the vehicle. Nick stated this is when [REDACTED]. Nick stated that at this time, he took his right forearm and held [REDACTED] up against the door with his right forearm over her upper chest area. Nick stated that with his left hand, he was trying to grab the keys from [REDACTED]. Nick stated that he did not remember any other physical contact between him and [REDACTED]. I stated to Nick that the deputy's report stated that Nick had placed both of his hands around [REDACTED] neck and Nick stated that he did not believe that to be accurate. Nick also stated that the statement in the report that he had placed [REDACTED] in a "chokehold" was also inaccurate. Nick stated that he did have his forearm on [REDACTED] upper chest area holding her against the wall while he attempted to grab the keys, but that he never recalls put his hands or arm around her neck.

Nick stated that when he got home from golf around 1:30, he began drinking Nick stated that he believed he consumed 3-4 20 ounce cans of an IPA that had an alcohol concentration of 10%.

Nick stated that the struggle to get the keys ended when [REDACTED] came into the kitchen area and said something. Nick stated that he could not remember what she said, but that he then left on foot and next remembered being down by the bridge at the creek.

I asked Nick if he would be willing to talk a bit about [REDACTED]

[REDACTED]

and being told "oh, you're doing great. It will happen." And then passed over, passed over, passed over. I

[REDACTED]

[REDACTED]

At this point in the interview, Nick asked to take a brief break. After the break, Nick spoke a bit more about [REDACTED]

[REDACTED]

Nick also spoke about wanting to come back to work, and feels that he has made progress to where he is in a good place mentally to return to work. Nick stated that what happened on May 18th was very out of character for him, and he has taken many proactive steps to keep from returning to the point which he considers rock bottom.

I asked Nick if there had been any domestic violence between him and [REDACTED] in the past, and he stated in the past there was one incident where [REDACTED], and that he left the house to create space between them. Nick stated that other than that incident there had been no other incidents, and that he and [REDACTED] rarely even argue.

Significant Calls Serviced by Sgt Ellis

I spoke with Captain Kelly Beckett regarding any significantly distressing calls that Sgt. Ellis had serviced in the past few months, and Captain Beckett stated that Nick had been a part of some distressing calls and did receive some admin leave for those calls. These included:

02/20/23: 23-072171 -- [REDACTED]
03/02/23: 23-086758 -- [REDACTED] ent
04/17/23: 23-154701 -- [REDACTED]
04/28/23: 23-171007 -- [REDACTED]

Relevant Department SOPs and Guidelines:

MPD Code of Conduct – Notification Required Regarding Law Enforcement Contacts

Members of the Department who are contacted by any law enforcement agency regarding their involvement, as a suspect, witness, victim, or contact in criminal conduct, first-time OMVWI or hit and run, shall report the incident to their commanding officer or the OIC. This includes when a member has law enforcement contact regarding a statutorily-defined domestic relationship (including those relationships which are covered under MPD SOP Domestic Abuse Investigations).

Supervisory contact must be in person or a telephone conversation within 24 hours of the incident or their return to duty, whichever comes first. The commanding officer receiving the report shall review the circumstances of the incident and determine whether any further

investigation or action by the Madison Police Department is necessary. The fact that an employee has not been charged or convicted of an incident does not bar Departmental investigation and/or discipline under this policy.

MPD Code of Conduct – Unlawful Conduct

Members of the Department shall not engage in conduct which would constitute a violation of criminal law or an ordinance corresponding to a state statute which would be a crime in the jurisdiction where the conduct occurred. This includes first-time OMVWI or hit and run offenses.

Department personnel shall immediately notify a supervisor whenever investigating an incident where the suspect is a law enforcement officer (any criminal culpability or OMVWI). A supervisor should affect a timely response to the scene and coordinate the investigation.

Summary

Sgt Nick Ellis was arrested by DCSO for domestic disorderly conduct and battery after an argument with [REDACTED] whom had called 911 for help in locating Nick [REDACTED]

In interviewing both [REDACTED] and Nick, [REDACTED] stated that portions of the DCSO report were not accurate, that Nick never put his hands around her neck, and she was not injured and was not fearful of Nick. [REDACTED] stated that she called police because [REDACTED] not for the interaction that had occurred between the two of them regarding the car keys.

Nick also stated that while he did use his forearm to hold [REDACTED] against the wall in her upper chest area to try and grab the keys, he did not put his hands around her neck or put her in a “choke hold” as described in the police report. [REDACTED]

The Dane County District Attorney’s Office reviewed the case, and declined to file any charges.

Recommendation:

MPD Code of Conduct – Notification Required: Exonerated
MPD Code of Conduct – Unlawful Conduct: Not Sustained.

Chief’s Finding:

On 07/31/23, Chief Barnes found a **tentative sustained violation for MPD Code of Conduct – Unlawful Conduct**, and ordered a Pre-Determination hearing for Sgt. Ellis.