

From: [Bob Klebba](#)
To: [Banks, Angela L](#)
Cc: [Peguero, Adriana](#); [Davis, Norman](#)
Subject: Fwd: MPD Policy
Date: Wednesday, December 3, 2025 9:25:13 AM

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Hi Angela,
Can you share this email with EOC members?
best, Bob

Bob Klebba he him
704 E Gorham St
Madison WI 53703-1522
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----- Forwarded message -----

From: **Kamoske, Angela** <AKamoske@cityofmadison.com>
Date: Tue, Dec 2, 2025 at 1:29 PM
Subject: MPD Policy
To: bob.klebba@gmail.com <bob.klebba@gmail.com>
Cc: Beckett, Kelly <KBeckett@cityofmadison.com>

Hello Mr. Klebba,

Thank you for your patience in waiting for a response to your concern regarding our Arrest, Incarceration and Bail – Adults SOP. I have consulted with the City Attorney's Office, as I wanted to ensure that our SOP was not in violation of the ordinance. I appreciate your concern and you bringing this question forward and appreciate all the work of the EOC. For the reasons below, I do not believe that our policy conflicts with the ordinance.

Under M.G.O. Section 39.03(1), the EO Ordinance's Declaration of Policy, the stated purpose of M.G.O. 39.03 is to "provide equal opportunities in **housing, employment, public accommodations and City facilities.**" However, the law enforcement decisions of police officers in the field do not fit into any of these categories. The EO Ordinance does not intend to, or does it in actuality, address the workings of a law enforcement officers in the use of their powers of arrest granted by the State.

The part of the SOP you cite in your complaint reads as follows:

PHYSICAL ARREST

A custodial arrest of a person found in violation of a City Ordinance is appropriate when a citation has been issued, but one or more of the following criteria exists:

1. The person involved refuses to cease behavior which is in violation of the ordinance; or
2. The officer cannot positively identify the violator; or
3. **The violator has no permanent address; or**
4. The violator is an out-of-state resident; or
5. When approved by the OIC or designee.

The goal of the SOP is to help a police officer determine when a custodial arrest is necessary. It does not criminalize homelessness or require that homeless people be arrested. The SOP is a guideline for how officers should exercise their discretion when confronted with a person who has (in the opinion of the officer) broken a law. As this determination by the officer is not one of **housing** (whether to rent or sell a dwelling), or of **employment** (a decision to hire, fire or discipline an employee), or one of **public accommodation** (whether a business provides a good or service to a customer), or one of **City facilities** (whether the City provides a service or access into a public space), the SOP is not in violation of the EO Ordinance.

Regarding Section 7 of the EO Ordinance, that section makes it "unlawful ... for any ... public official ... of the City of Madison to deny any person, the use of City facilities or otherwise discriminate against any person in the use of City facilities because of such person's protected class membership..." Through the SOP, MPD is not allowing or disallowing entry to the jail (which is not a City facility) based on the person's lack of physical address. Instead, the SOP is helping the officer determine whether to let the person leave the scene of an ordinance violation with a citation in hand, or whether instead a custodial arrest is necessary.

The definition of "homelessness" as used in M.G.O. Section 39.03(2) is different from the "lack of physical address." M.G.O. 39.03(2) defines "homelessness" as "the status of lacking housing (without regard to whether the individual is a member of a family)" and specifically "includes those individuals whose primary residence during the night is a supervised public or private facility." Therefore, a person can be "homeless" under the statute and still have a "physical address." Unhoused people can and often do list the address of The Beacon or other shelter as their "physical address" on work applications and for other purposes. We also often see unhoused people list the address of a relative or friend as their "permanent address." In both instances, officers often issue citations, as they know there will be a way to contact the individual later should the need arise.

Please let me know if you would like to discuss any of this further.

Sincerely,

Assistant Chief Angie Kamoske

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