



Fire and Police Commission

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June 28, 2023

Alderman Scott Spiker
Milwaukee Common Council
VIA EMAIL

Re: 2023 Wisconsin Act 12

Dear Alderman Spiker:

In your letter dated June 14, 2023, you requested responses to the following questions:

1. How common is it for cities similar to Milwaukee not to have SOPs [standard operating procedures] relating to how their police department staff should treat and handle individuals that are deceased or injured?
2. What policies/SOPs have other cities similar to Milwaukee put into place regarding how their police staff should treat and handle individuals that are deceased or injured?
3. Have you asked the FPC to formulate an SOP pertaining to how staff on scene are to handle those that are deceased or injured? If you have not yet asked them this, do you plan to do so in the future?

First, it should be noted that the Milwaukee Police Department (MPD) does have a number of SOPs related to treating and/or rendering aid to individuals who are injured. For instance, SOP 090-Prisoners and Booking, SOP 453-Officer-Involved Deaths and Other Critical Incidents, and SOP 460-Use of Force, all describe MPD's requirements for providing medical aid to individuals in its custody.

Regarding the treatment of individuals who are deceased, MPD does not have an SOP that specifically addresses this matter. That being said, the Department's Code of Conduct requires its members to act in a professional, respectful, and reasonable manner while on duty. These rules, of course, would apply to situations

when members are required to treat or handle individuals who are deceased. For example, the Department's Code of Conduct (COC) requires that its members must be familiar with department training and conduct themselves accordingly, COC 1.05; shall not behave in such a way that a reasonable person would expect that discredit could be brought upon the department, COC 3.01; shall treat the public and each other with courtesy and professionalism, COC 5.01, and shall not subject any person to cruel, inhumane, or degrading treatment. COC 6.02.

Regarding how common it is for other police departments not to have a policy relating to how member should treat and handle individuals who are deceased, that appears to be very common. Based on research my staff conducted, few jurisdictions have such a policy, and for those that do, the policy merely specifies that only the medical examiner or his/her office should move a body. *See, e.g.,* Portland Police Bureau Directive 0631.10 Dead Body Procedure, available at <https://www.portlandoregon.gov/police/article/526151>.

As to your final question, I have not asked the Fire and Police Commission to formulate an SOP pertaining to how MPD members should handle or treat those who are deceased. Given the recent enactment of 2023 Wisconsin Act 12, formulating such a policy would now fall within MPD's exclusive purview.

Please let me know if you have any additional questions.

Sincerely,



Leon W. Todd
Executive Director

cc: Heather Hough, MPD Chief of Staff