



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

870 – MODIFIED ASSIGNMENT/ OFFICIAL DISCIPLINE

GENERAL ORDER: 2026-01
ISSUED: January 5, 2026

EFFECTIVE: January 5, 2026

REVIEWED/APPROVED BY:
Assistant Chief Craig Sarnow
DATE: November 19, 2025

ACTION: Amends General Order 2025-28 (July 16, 2025)

WILEAG STANDARD(S): 4.2.1, 4.2.2, 4.2.3, 4.2.4

870.00 PURPOSE

The purpose of this Standard Operating Procedure is to outline the guidelines and expectations relating to the modified assignment and official discipline of department members.

870.05 POLICY

It is the policy of the Milwaukee Police Department that any modified assignment or discipline administered to a department member shall be fair, consistent, and in compliance with all relevant Standard Operating Procedures, the Code of Conduct and Wisconsin State Statutes.

870.10 FORMAL DISCIPLINE (WILEAG 4.2.1)

A. CRITERIA

Formal discipline may be used to correct employee behavior that has not been corrected by any non-disciplinary corrective action or was determined to be a more serious violation of a Standard Operating Procedure or Code of Conduct.

B. TYPES OF FORMAL DISCIPLINE

1. Letter of Written Reprimand.
2. Suspension without Pay.
3. Reduction in Rank.
4. Separation of Service.

Note: With the exception of the commanding officer assigned to the Internal Affairs Division, who may only impose a Letter of Written Reprimand to any department member (below the rank of Captain), all formal discipline shall be rendered by the Chief of Police.

C. DISCIPLINE MATRIX

A guide which identifies factors that shall be considered by the Chief of Police during

his/her disciplinary decision process for a violation of a standard operating procedure or Code of Conduct.

D. RECOGNITION OF EMPLOYMENT RIGHTS AND PROCEDURAL SAFEGUARDS

1. The department recognizes employee rights as afforded by the federal and state constitution, [Wis. Stat. § 164](#), state law, case law and contractual language.
2. All supervisors shall adhere to all applicable employee rights when conducting internal investigations. The chief of police shall also abide by all applicable employee rights while imposing discipline.
(WILEAG 4.2.1.2, 4.2.1.3)

870.15 MODIFIED ASSIGNMENT (WILEAG 4.2.1, 4.2.2)

A. CRITERIA

The necessity to place a department member on modified assignment can occur under various circumstances to include but not be limited to:

1. Significant Internal Investigation
2. Critical Incident
3. Criminal Investigation or Charges

B. TYPES OF MODIFIED ASSIGNMENT

1. Full Administrative Suspension

Department member is placed on administrative leave from their current assignment. For sworn department members, police powers are suspended for the duration of this assignment.

2. Administrative Assignment without Police Powers

Member is reassigned to an administrative role. For sworn department members, police powers are suspended for the duration of this assignment.

3. Administrative Assignment with Police Powers

Member is reassigned to an administrative role. For sworn department members, there is no loss of police powers for the duration of this assignment.

- C. A captain of police or higher rank may modify a department member's (sworn or civilian) assignment for any serious allegation of department Standard Operating Procedures and/or the Code of Conduct. A police lieutenant assigned to the Internal Affairs Division shall carry the same authority for purposes of modifying a member's assignment. Only the Chief of Police may modify a department member's assignment holding the rank of

captain or above.

Note: The lieutenant assigned to the IAD shall confer with a captain of police or higher rank prior to placing any department member on full administrative suspension.

D. A department member placed on full administrative suspension shall not be returned to duty while the investigation or hearing of the charges is pending, except as directed by the Chief of Police or designee.

E. NOTIFICATION AND MODIFICATION OF DUTY MEMBER REPORT (PD-41E)

1. The commanding officer, or member of higher rank, who placed the member on full administrative suspension shall notify the Internal Affairs Division as soon as practicable. The supervisory officer shall also submit a *Modification of Duty Member Report* (form PD-41E) to the Internal Affairs Division.
2. Whenever a commanding officer, or member of higher rank, modifies any department member assigned to a different work location, he/she shall promptly notify the commanding officer of said member as well as the executive command staff via email.

F. EQUIPMENT

1. Any department member who incurs a loss of police powers shall immediately surrender the following items of department-issued equipment, if applicable, a supervisor from the member's current work location when practicable. In circumstances where a supervisor from the member's work location cannot be present, any supervisor on scene may be used. If no supervisor is available, a supervisor from the Internal Affairs Division shall collect the required equipment and deliver it to the member's assigned work location. The surrendered equipment shall be retained in a secure place at the member's assigned work location and returned to the member by their commanding officer or designee upon returning to duty. The equipment shall not be inventoried. In extraordinary cases, the equipment may be stored at another work location as determined by the Chief of Police or designee.
 - a. Handgun;
 - b. Regulation/second metal badge;
 - c. Cap shield;
 - d. Identification card;
 - e. Call box key (if applicable);
 - f. Oleoresin capsicum;
 - g. Expandable and long baton;

- h. Handcuffs;
 - i. Police radio;
 - j. Body armor;
 - k. Body worn camera (if applicable).
2. If only the member's police powers are suspended, the member may retain their identification card and call box key, if applicable.
 3. Police members shall not wear their uniforms at any time while on full administrative suspension.

G. MEMBER RESPONSIBILITIES

1. Department members who are placed on full administrative suspension shall conform to and abide by department Standard Operating Procedures and/or Code of Conduct. Failure to comply with department Standard Operating Procedures and/or Code of Conduct during the period of suspension shall subject the member to additional charges of misconduct.
2. Police members who are suspended are relieved of the responsibility to perform those tasks requiring the exercise of official police action. Such police members are not deemed to be peace officers and shall not go armed with a concealed or dangerous weapon (as defined by state statutes), in an official capacity.
3. Police members who are placed on full administrative suspension must remain available Monday – Friday from 8:00am – 4:00pm to ensure they are available for immediate call back to duty. During this time period each day the police member:
 - a. Must remain fit for duty and available to report to the department within one-hundred twenty (120) minutes of such call back.
 - b. Must make themselves available for any in person contact at their residence or any location approved by their commanding officer, or designee.
 - c. Must check in with their commanding officer, or shift commander (if the commanding officer is unavailable), daily at a time designated by the member's commanding officer via telephone to allow for the service of departmental correspondence and the exchange of any other information that may be important for the member.
 1. The only exception to this requirement is if the member has been granted pre-approved leave (e.g., regular off, vacation off, holiday off, sick leave, sick leave control incentive pay off, military leave, FMLA).
 2. Members placed on full administrative suspension must request leave (e.g., regular off, vacation off, holiday off, sick leave, sick leave control incentive

pay off, military leave, FMLA) in accordance with existing standard operating procedures. The member's shift commander shall provide the commanding officer of IAD with the member's approved preapproved leave as it is granted. (WILEAG 4.2.1.2)

870.20 FORMAL DISCIPLINARY CHARGES (WILEAG 4.2.1, 4.2.2)

A. AUTHORIZATION

Formal disciplinary charges may be preferred with the approval of the Chief of Police against any department member for any violation of the department standard operating procedures and/or Code of Conduct. Only a command officer assigned to the Internal Affairs Division may prefer formal disciplinary charges.

B. CHARGE SPECIFICATION

1. A charge specification is a statement of facts which constitute the offense charged. Charge specifications shall contain clear and concise language, shall state the name and rank of the accused, and the date and place of the alleged offense.
2. Charge specifications shall be prepared and signed by a commanding officer of the Internal Affairs Division.

C. NOTIFICATION LETTER

1. If formal disciplinary charges are preferred against a department member, either sworn or civilian, the Internal Affairs Division shall personally serve the notification letter on the accused member along with a copy of the formal disciplinary charges and a copy of the investigating supervisor's summary of the investigation.
2. The notification letter shall provide an opportunity for the accused department member to file a *Department Memorandum* (form PM-9E) to the Chief of Police explaining the member's conduct.
3. A copy of the notification letter, formal disciplinary charges and the investigating supervisor's summary of the investigation shall also be sent to the accused member's labor organization, if applicable, via U.S. mail, which may be certified.

D. DEPARTMENT MEMORANDUM (PM-9E) REPORT SUBMITTED BY MEMBER

1. The accused department member may consult with a representative of their choice in the preparation of the *Department Memorandum* (form PM-9E). If the department member chooses to submit this report, it must be received by the Internal Affairs Division no later than 4:00 p.m. on or before the 10th day following the date the member received the notification letter. If the 10th day falls on a weekend or a holiday, this report may be submitted on the next regular business day.
2. The department member's *Department Memorandum* (form PM-9E) may include a statement of the accused member's side of the story, including any mitigating factors

or circumstances, and the name, address, telephone number, and nature of information possessed by any additional witnesses whom the member wishes department investigators to interview.

3. The Chief of Police shall consider the accused member's *Department Memorandum* (form PM-9E) before making any decision regarding guilt or innocence or imposition of discipline. If the department member chooses not to provide a report, the Chief of Police shall base his/her disciplinary decisions solely upon the information possessed by the department including the Discipline Matrix.

Note: Nothing contained herein shall preclude the Chief of Police from requiring a written statement if deemed necessary.

E. DISPOSITION

Charges preferred against any department member shall be heard and disposed of directly by the Chief of Police.

(WILEAG 4.2.1.2)

870.25 CIVILIAN MEMBERS FACING POSSIBLE DISCHARGE (WILEAG 4.2.1)

Civilian members facing possible discharge shall follow a due process procedure including notice of charges and an opportunity to respond in writing in the form the *Department Memorandum* (form PM-9E) to the Chief of Police.

(WILEAG 4.2.1.2)

870.30 NO FORMAL CHARGES BROUGHT

When no charges result against a member from an investigation, the Internal Affairs Division shall so inform the member as soon as practicable, or within 120 consecutive calendar days. The member shall also be informed that if new information on the matter subsequently comes to the attention of the department, the department may still bring charges against the member. If a new investigation is authorized based on new information, the member shall be notified of this fact by the Internal Affairs Division as soon as practicable.

Note: Nothing herein shall limit or otherwise impair the department's right to conduct a criminal investigation without notice to a department member except as it may be required under applicable law. Notifications under this section shall be made by the Internal Affairs Division.

870.35 OFFICIAL DISCIPLINE FORM (PD-40)

An *Official Discipline Form* (form PD-40) shall be used in all cases when a department member receives official discipline, other than a PD-30E, termination, or discharge, as the result of a department order.

870.40 OFFICIAL DISCIPLINE PROCEDURES (WILEAG 4.2.1, 4.2.2, 4.2.3, 4.2.4)**A. INTERNAL AFFAIRS DIVISION RESPONSIBILITIES**

The Internal Affairs Division shall:

1. Distribute the PD-40.
2. Complete the top portion of the PD-40 and deliver the PD-40 to the commanding officer of the member receiving official discipline.
3. Retain the original PD-40 after completion by the member's commanding officer.

B. COMMANDING OFFICER'S RESPONSIBILITIES

1. Upon receipt of the PD-40, the commanding officer of the member involved shall in a timely manner:
 - a. Provide a copy of the PD-40 to the member.
 - b. Ensure the member understands the specific infraction of the department's standard operating procedures and/or Code of Conduct that was committed to include the reason, scope and effective date of discipline.
(WILEAG 4.2.3.1)
 - c. Advise the member of his/her appeal and/or hearing rights.
(WILEAG 4.2.3.2)
 - d. Explain to the member the principles of progressive discipline and that any future incident(s), whether related to the current incident or not, may result in a more severe penalty.
 - e. Require the member to read those sections of department standard operating procedures and/or Code of Conduct that apply.
 - f. Sign and date the PD-40 and return the original to the commanding officer of the Internal Affairs Division.
2. Notify the Human Resources Division that the above was accomplished.

C. PD-40 RETENTION

The original PD-40 shall be retained at the Internal Affairs Division, and a copy shall be retained in the member's personnel file at the respective work location according to the current record retention schedule.

870.45 LETTER OF WRITTEN REPRIMAND

- A. A *Letter of Written Reprimand Form* (form PI-38) shall be used in all cases when a

department member receives formal discipline from the commanding officer of the Internal Affairs Division.

- B. A written status report chronicling all *Letter of Written Reprimand* issued by the commanding officer of the Internal Affairs Division shall be provided to the Inspector of Police of the Administration Bureau every thirty (30) days for review. The report will reflect the violation and the sanction category.

870.50 NON-DISCIPLINARY CORRECTIVE ACTION

- A. The purpose of non-disciplinary corrective action is to resolve a conduct problem or proactively address an area of concern regarding a member's conduct or performance by providing guidance in a timely manner. The employee does not experience any loss of rights, remuneration, or benefits. Providing non-disciplinary corrective action does not preclude the rights of the department to initiate an internal investigation into the same conduct. When an officer or employee violates the same component of the Code of Conduct, Standard Operating Procedures, Standard Operating Instructions or training four (4) or more times in a three-year period, the minor violation/infracton shall not be resolved through non-disciplinary corrective action. In such circumstances, formal investigation is required.
- B. Supervisors may contact the Internal Affairs Division to determine if the action should result in non-disciplinary corrective action or a formal investigation.
- C. If a member receives two (2) non-disciplinary corrective actions (NDCAs) in one year (2 NDCAs involving any type of violation) or three (3) NDCA alerts in a three (3) year period for the same violation:
1. The Internal Affairs Division shall notify the member's captain.
 2. The member's captain shall review the NDCAs and determine if further action is required (this may include but is not limited to policy review, remedial training, showing how to conduct body worn camera audits, improving workflow procedures, etc.).
 3. The member's captain shall document the course of action deemed appropriate to address the NDCAs in the "Course of Action" report in the personnel management software and submit the report in the personnel management software to the Internal Affairs Division.
- D. Non-disciplinary corrective action may include:
1. Counseling
- Counseling is a non-punitive component of the MPD disciplinary process intended to correct minor acts of employee misconduct and/or address potential concerns. Counseling affords supervisors the opportunity to proactively discuss improvement strategies with the employee in relation to work performance deficiencies, minor acts of misconduct and/or personal matters. Supervisors shall document the counseling

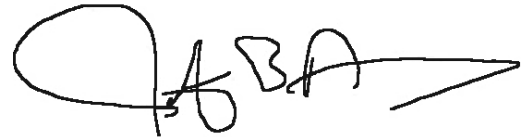
in the personnel management software if the conduct relates to a specific reported incident (use of force, pursuit, squad accident, traffic stop, Terry stop (field interview), no-action encounter).

2. Policy Review

Policy review is a non-punitive component of the MPD disciplinary process intended to correct minor violations of the Code of Conduct, Standard Operating Procedures or Standard Operating Instructions. Supervisors will conduct a policy review related to the violation, instructing the member to read and acknowledge the specific policy they violated. Supervisors shall document the policy review in the personnel management software if the conduct relates to a specific reported incident (use of force, pursuit, squad accident, traffic stop, Terry stop (field interview), no-action encounter).

3. Remedial Training

Remedial training is intended to correct or improve deficiencies in performance. Remedial training is not discipline and shall not be presented as such. It is intended to improve members' abilities and confidence in the performance of their duties. See SOP 082.30 (Training and Career Development) for further information regarding remedial training.

A handwritten signature in black ink, appearing to read 'J.B.N.' followed by a long horizontal stroke.

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk