



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

450 – PERSONNEL INVESTIGATIONS

GENERAL ORDER: 2023-62
ISSUED: November 1, 2023

EFFECTIVE: November 1, 2023

REVIEWED/APPROVED BY:
Assistant Chief Nicole Waldner
DATE: September 14, 2023

ACTION: Amendment to General Order 2021-26 (October 8, 2021)

WILEAG STANDARD(S): 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5, 1.9.6

ROLL CALL VERSION

**Contains only changes to current policy.
For complete version of SOP, see SharePoint.**

450.03 POLICY

It is the policy of the Milwaukee Police Department to openly and readily receive all complaints of misconduct reported by members of the public and/or department members and commits to fully, fairly, and objectively investigate allegations of misconduct. The Milwaukee Police Department is committed to holding its active members, both sworn and civilian, accountable for their actions through a fair, objective, and consistent disciplinary system that complies with due process.

450.05 DEFINITIONS

F. PLAUSIBLE

Reasonable or probable violation of standard operating procedures, the Code of Conduct, City of Milwaukee Ordinance(s) or Wisconsin State Law(s).

G. INVESTIGATOR

A detective assigned to the Internal Affairs Division.

450.10 RECEIPT OF CITIZEN COMPLAINT (WILEAG 1.9.1, 1.9.2)

A. The department shall accept all complaints submitted by members of the public on whatever form is submitted. Citizens who wish to express dissatisfaction, due to the acts or omissions of one or more department members, or due to department policies/procedures, shall be permitted to submit a complaint by any of the following means:

1. Submission of a *Citizen Complaint Report* (form PI-31) by mail, phone, email, or hand-delivery to a police station.
2. Phone call to any department work location;
3. In-person at any department work location.

Note: Individuals who wish to make a complaint by phone or in-person shall be immediately referred to a supervisor.

4. Using the department's online complaint submission form.

Note: If a complaint is received by any other means not specified above, the member receiving the complaint shall immediately refer it to a supervisor.

- B. Neither supervisors nor non-supervisory members shall deter, discourage, hinder or obstruct a citizen from making a complaint. Non-supervisory members are prohibited from questioning citizens as to the nature of the complaint. The refusal to accept a complaint, discouraging the filing of a complaint, informing or filing false or misleading information about a complaint's contents, shall be grounds for discipline, up to and including discharge from the department.
- C. If the complaint relates to a department member of another work location, the complaint shall be accepted without referring the complainant to that work location. The only exception to this section are complaints received by the Technical Communications Division, which shall immediately be routed to a supervisor at the district/bureau in which the allegation occurred.
- H. A supervisor completing or receiving a PI-31 shall provide the complainant with a copy of the report, unless the complaint is received by ~~mail or email~~ mail/email or taken over the phone. In addition, the supervisor shall provide the complainant with a copy of the "Complaint Procedure – A Citizen's Guide" pamphlet.
- J. All citizen complaints shall be reviewed by the commanding officer or designee of the Internal Affairs Division to determine if the complaint will be handled by a supervisor at the district station or an investigator assigned to the Internal Affairs Division. Citizen complaints that are not criminal in nature or a serious violation of standard operating procedures or the Code of Conduct may shall be assigned within 30 days of receipt to a supervisor at either the Internal Affairs Division, district station and/or an investigator assigned to the Internal Affairs Division respective Bureau. Complaints that are criminal in nature or are a serious violation of standard operating procedures or the Code of Conduct shall be assigned to either a supervisor or an investigator at the Internal Affairs Division.
(WILEAG 1.9.1.1, 1.9.1.2, 1.9.1.3)

450.25 PRELIMINARY INVESTIGATION PROCEDURES

Whenever a supervisor receives/accepts a citizen complaint or an internally generated complaint, the supervisor shall conduct a preliminary investigation as follows:

1. Interview the citizen complainant/department member to obtain enough details in which to summarize and reduce the complaint to writing. ~~That interview shall take place at a location other than police headquarters provided that the complainant can be located with reasonable efforts, and except for any complainant who is in custody of law enforcement authorities at the time of taking any such interview. If a person wishes or voluntarily agrees to be interviewed at a police facility, the interview may take place there.~~

8. Document the complaint in writing using the appropriate form (either a PI-32 or PM-9E). This documentation shall include the location of the interview, reference to any documents or evidence obtained, any citizen and/or department member witnesses identified, and any department members identified as a target of the complaint. This information shall also be documented on the *Personnel Investigation Checklist* (form PI-46).

Note: ~~The complainant must voluntarily agree to be interviewed at a police facility, and the documentation shall include that the complainant voluntarily agreed to be interviewed at a police facility.~~

450.35 STIPULATION

For a non-criminal allegation(s) in which a preponderance of evidence exists, the Internal Affairs Division may allow a member to stipulate to the allegation(s) in lieu of a personnel investigation. In such cases the Internal Affairs Division will supply the member with a stipulation agreement on form PM-9E. The member can 1) choose whether to stipulate to the allegation(s), 2) stipulate to the allegation(s) and provide a written response, or 3) decline to stipulate to the allegation(s) and request a personnel investigation. Additional instructions will be included to assist the member in making a decision.

450.40 INVESTIGATION PROCEDURES (WILEAG 1.9.3, 1.9.4)

A. CITIZEN COMPLAINT CONTACT

1. Whenever a commanding officer assigns a personnel investigation to a subordinate supervisor and there is a named citizen complainant, the investigating supervisor shall contact that complainant within **three (3) business** days of ~~receiving the investigation~~ said investigation being assigned. The investigating supervisor shall provide the citizen complainant with his or her name and work location telephone number, and the supervisor shall document the date and time of this contact in his or her investigative summary report. ~~The investigating supervisor shall also provide the complainant with periodic progress updates.~~
2. If the investigating supervisor is unable to contact the citizen complainant in the time allotted, he or she shall contact the Internal Affairs Division for further direction. In this circumstance, it may be necessary for the Internal Affairs Division to send a **14 day** contact letter to the complainant's last known address requesting that the complainant contact the investigating supervisor.
3. Upon contacting the complainant, the supervisor will make arrangements to interview the complainant. The interview shall take place at a location other than police headquarters provided that the complainant can be located with reasonable efforts, and except for any complainant who is in custody of law enforcement authorities at the time of taking any such interview. If a person wishes or voluntarily agrees to be interviewed at a police facility, the interview may take place there. The supervisor shall document the date and time of this interview in his or her investigative summary report.

Note: If the complainant wishes or voluntarily agrees to be interviewed at a police facility, the documentation shall include that the complainant voluntarily agreed to be interviewed at a police facility.

4. The investigating supervisor shall provide the complainant with a periodic progress update every 45 days he or she has the complaint. The supervisor shall document the date and time of the update in their investigative summary.

G. TRANSFER OF DIGITAL AUDIO FROM RECORDER TO COMPACT DISC

5. The supervisor shall label the investigative file copy of the compact disc ~~by using permanent marker~~ to include the following information:
 - b. Date/~~time~~ of the interview;
 - c. Rank/title and ~~last~~ name of the member interviewed;
 - d. Rank/~~title and name~~ ~~initials~~ of the interviewing supervisor.
6. The investigative file copy of the interview shall be stored in a compact disc sleeve to prevent damage to the disc.

Note: The department recognizes that some personnel investigations are more expansive than others and may include many member interviews. As such, the use of a Universal Serial Bus (BUS) flash drive may be utilized to store said interviews and shall be included as part of the investigative file copy.

- J. Complaints found to be not plausible as a result of the preliminary investigation may be designated as *Cover and Close*. The *Cover and Close* is the equivalent of a Commanding Officer's Summary Report and contains the results of a preliminary investigation and a disposition, which reflects no violation of the Code of Conduct, Standard Operating Procedures, City of Milwaukee Ordinance and/or Wisconsin State Law. The documentation associated with a Cover and Close chronicles that all complaints are handled appropriately and ensures all complaints are properly documented.

450.50 COMMANDING OFFICER RESPONSIBILITIES

- A. The commanding officer of a district or division receiving a personnel investigation shall review the reports to ensure that a complete and proper ~~preliminary~~ investigation was conducted and that all relevant reports, information, and evidence are contained within the investigative file.
- G. Upon completion of the personnel investigation, commanding officers shall forward the entire investigative file to ~~their respective assistant chief or designee~~ the Internal Affairs Division for review.
 1. The *Personnel Investigation Checklist* (form PI-46) shall be utilized to document the assignment, completion, and review of personnel investigations, as well as a general

- checklist for items included in and created for the investigation. This checklist shall be included with the entire investigative file when the investigation is forwarded to the ~~respective assistant chief, or designee, and~~ Internal Affairs Division for review.
2. Upon review of the file, the ~~assistant chief, or designee,~~ commanding officer of the Internal Affairs Division shall ensure the file is complete and all information required on the *Personnel Investigation Checklist* will be checked for inclusion and ~~checked off~~ for accountability ~~prior to forwarding the file directly to the Internal Affairs Division.~~
 3. ~~To ensure file completeness, all information required on the *Personnel Investigation Checklist* will be checked for inclusion and checked off for accountability.~~

450.55 INTERNAL AFFAIRS DIVISION RESPONSIBILITIES / AUTHORITY (WILEAG 1.9.1, 1.9.2, 1.9.3, 1.9.6)

- D. The Internal Affairs Division shall be responsible for notifying both the affected department member(s) and citizen complainant(s) regarding the results of personnel investigations. Notification letters and memorandums shall be made a part of the investigative file.
- E. The commanding officer of the Internal Affairs Division shall conduct a review of all personnel investigations after the completion of the investigation and affix the required stamp to the *Commanding Officers Summary Report* reflecting the appropriate disposition(s). Should the commanding officer of the Internal Affairs Division find cause to amend a violation recommended by another commanding officer, an additional memorandum will be filed highlighting the amended violations with the required stamp affixed.
(WILEAG 1.9.1.3)
- F. The commanding officer of the Internal Affairs Division shall cause a review of personnel investigations every six months to identify patterns of allegations concerning members of the department. If a pattern of allegations has been identified, including but not limited to three or more complaints against a member within 90 days or over a rolling one-year period, the Internal Affairs Division shall notify the member's captain and respective assistant chief of police, or designee. The member's captain shall review the identified pattern of allegations with the member and determine if training or further action is required to address the pattern of allegations. The member's captain shall document the course of action deemed appropriate to address the pattern of allegations in the "After Action Report" in the AIM System and track the report in AIM to the Internal Affairs Division. Information regarding a member who has received three or more complaints within 90 days or over a rolling one-year period shall also be provided forwarded to the assistant chief, or designee, of the Administration Bureau for further action.

450.60 INVESTIGATION STATUS

- A. Internal investigations not associated with a crime or critical incident shall be completed within 90 calendar days of being assigned. ~~Exceptions~~ Extension requests must be approved in ~~via~~ email and/or writing by the commanding officer of the Internal Affairs

Division or a higher ranking officer. An extension request may be approved for the following, but not limited to, reasons due to scheduling conflicts for the member, the member's respective union representation, or investigator: FMLA, military leave, and/ or medical leave. A written status report shall be submitted generated for to the commanding officer of the Internal Affairs Division for all open investigations exceeding 90 calendar days of initial assignment of such investigation and every thirty (30) days thereafter.

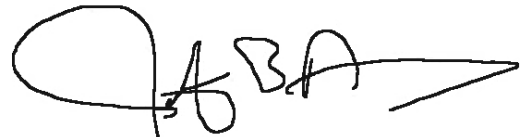
Note: An investigation is considered to be completed when the commanding officer of the Internal Affairs Division reviews the personnel investigation as outlined in 450.55 (E). An investigation may be reopened should the accused member forward new information as outlined in SOP 870.20(D)(2) that would warrant additional investigation, or at any time by the Chief of Police.

C. The Internal Affairs Division shall provide the accused department member with a periodic progress update every 45 days after the PI-21 interview has taken place.

450.70 FIRE AND POLICE COMMISSION INVESTIGATIONS

B. FIRE AND POLICE COMMISSION INVESTIGATIONS

2. If a member is under investigation for an alleged violation of the Code of Conduct, FPC rules, or standard operating procedures and is subject to an interview that could lead to disciplinary action, such interview by the FPC investigator or executive director of the FPC will comply with the requirements set forth in SOP 450.3540(D) Informing the Member Procedure. The form FPC-21 *Informing the Member Report* will be used by the FPC in place of the department form PI-21.



JEFFREY B. NORMAN
CHIEF OF POLICE