



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

460 – USE OF FORCE

GENERAL ORDER: 2021-XX
ISSUED: August 4, 2021

EFFECTIVE: August 4, 2021

REVIEWED/APPROVED BY:
Inspector Nicole Waldner
DATE: May 26, 2021

ACTION: Amends General Order 2020-23 (December 11, 2020)

WILEAG STANDARD(S): 5.1.1, 5.1.2, 5.1.3,
5.1.4, 5.2.1, 5.3.1, 5.3.2, 5.3.3

ROLL CALL VERSION

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

460.05 POLICY

It is the policy of the Milwaukee Police Department that members hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. It is the policy of the department to accomplish the department's mission with the cooperation of the public and with minimal reliance upon the use of physical force **consistent with the MPD's purpose of serving and protecting all people, including those suspected of crimes.** The Milwaukee Police Department is committed to resolving conflict through the use of professional communication skills, crisis intervention, and de-escalation tactics, when feasible. Members shall only use the force necessary to perform their duties and in accordance with department policy. **Unlawful or excessive force is expressly prohibited.**

460.25 AMOUNT OF FORCE (WILEAG 5.1.2, 5.1.3)

C. The firing of warning shots is prohibited. When feasible, **members should identify themselves as an MPD officer and give** a verbal warning ~~should be given~~ prior to the use of force likely to cause great bodily harm or death.

460.30 DUTY TO INTERVENE

Any officer who personally observes another officer using force, which the observing officer, **based on their training,** believes **or knows** to be beyond that which is objectively reasonable under the circumstances, shall reasonably attempt to intervene to prevent the use of such excessive force, if the observing officer is in a position to do so, and if any such intervention does not jeopardize safety. Any such intervening officer shall promptly report their observations, along with his/her own intervening actions to a supervisor. A failure to intervene in any unreasonable use of force, when there is an opportunity to do so, demonstrates a lack of courage, and a violation of the Code of Conduct **and of this SOP. Any supervisor to whom such intervention or failure to intervene is reported must comply with the reporting and investigation requirements of SOP 450.15.**

460.35 DISCHARGE OF FIREARM INCIDENTS (WILEAG 5.3.3)

B. ACCIDENTAL / UNINTENTIONAL DISCHARGE (ON-DUTY)

E. ACCIDENTAL / UNINTENTIONAL DISCHARGE (OFF-DUTY)

1. Whenever a police member accidentally or unintentionally discharges a department issued or personal firearm regardless of personal injury or property damage while off-duty, he/she shall notify their work location's on-duty shift commander who shall send a supervisor to conduct the use of force investigation and file the *Use of Force Report*.
 - a. If the member is assigned to a work location where there is not an on-duty shift commander (e.g., Training Division, Court Administration Division) he/she shall contact the on-duty shift commander of the district where the discharge occurred or the on-duty shift commander of the nearest district if the discharge occurred outside of the City of Milwaukee.
 - b. If the discharge occurred outside of the City of Milwaukee, the on-duty shift commander shall contact the commanding officer of the member who discharged their firearm to determine if a supervisor will be sent to investigate the discharge. If the member's commanding officer is unavailable (e.g., nights, weekends, city holidays), the on-duty shift commander shall contact the night watch commander.
2. If the on-duty shift commander is advised not to send a supervisor to investigate the discharge, he/she shall file a *Department Memorandum* documenting the incident as relayed by the off-duty member making the notification. The report shall be forwarded through the chain of command to the Internal Affairs Division.

460.50 USE OF FORCE REPORT (PF) (WILEAG 5.2.1, 5.3.1, 5.3.2)

B. WHEN TO FILE REPORT

1. The *Use of Force Report* shall be completed by a supervisory officer when a department member:
 - j. Draws or displays a firearm (including a shotgun or rifle) to effect an arrest or seizure of a person.

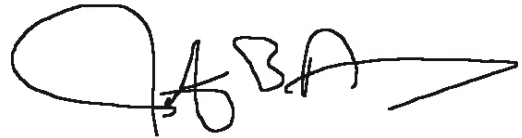
460.55 USE OF FORCE COMMITTEE

- D. The Use of Force Committee shall meet **at least** quarterly, or as otherwise directed by the Chief of Police, and shall focus on, but not be limited to, the following:
 3. Application and effectiveness of department policies and procedures concerning the use of force, **including whether there has been a violation of SOP 001.05.**
- E. The Use of Force Committee shall prepare a written report of the committee's finding and/or recommendations, and submit such report to the Chief of Police within ten (10) days of the completed quarterly or directed review. The Chief of Police, or designee, shall submit a copy of this report to the Fire and Police Commission executive director within twenty (20) days of the completed quarterly or directed review. **This report may**

be obtained through procedures established under Wisconsin Statutes related to public records.

460.60 FBI NATIONAL USE OF FORCE DATA COLLECTION

- A. The Federal Bureau of Investigation (FBI) collects national data for any incident where force is used by an officer that results in:
- The death of a person;
 - The serious bodily injury of a person; or
 - An officer discharges their firearm at or in the direction of a person.
- B. The commanding officer of the Internal Affairs Division shall ensure that any use of force that meets the criteria in subsection A is reported on a monthly basis via the *UFAD Form* in TraCS.

A handwritten signature in black ink, appearing to read 'JBA' with a stylized flourish extending to the right.

JEFFREY B. NORMAN
ACTING CHIEF OF POLICE

JBN:mfk