



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

450 – PERSONNEL INVESTIGATIONS

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

EFFECTIVE: August 4, 2021

REVIEWED/APPROVED BY:

Inspector Nicole Waldner

DATE: May 26, 2021

ACTION: Amendment to General Order 2019-21 (June 21, 2019)

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.**

450.05 DEFINITIONS

A. CITIZEN COMPLAINT

A citizen complaint is an allegation of a Code of Conduct violation, standard operating procedure, or criminal allegation committed by one or more department members. A citizen complaint can be made either orally or in writing, provided that the complainant is an adult, parent or legal guardian of a juvenile complainant, attorney representing an aggrieved party, or an interpreter representing a non-English speaking or hearing impaired complainant. Photo identification is not required for the purpose of submitting a citizen complaint.

A citizen complaint shall be documented in writing on a *Citizen Complaint Report* (form PI-31) by either the complainant or supervisor receiving the complaint. Subsequent investigation shall be documented on the *Citizen Complaint Supervisor's Report* (form PI-32).

Note: A citizen for the purposes of this policy means any person other than a member of the police department including persons who are not a United States citizen.

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. 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:

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.

450.20 SUPERVISOR REFERRALS

- A. Work location supervisors shall refer for an investigation any officer identified through supervisory review who has engaged in four (4) or more traffic stops, field interviews, no-action encounters, or frisks or searches that are unsupported by reasonable suspicion or probable cause, that are not properly reported or are insufficiently documented in a three (3) year period. The supervisor shall document this information in writing on a *Department Memorandum* (form PM-9E).
- B. A supervisor who refers an officer for an investigation shall consult with his/her commanding officer prior to obtaining a complaint number from the Internal Affairs Division.

450.2025 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:

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.

450.2530 MEDIATION**450.3035 STIPULATION****450.3540 INVESTIGATION PROCEDURES (WILEAG 1.9.3, 1.9.4)****F. PI-21 INTERVIEW PROCEDURES (OBTAINING ORAL STATEMENTS)**

Unless otherwise directed by the commanding officer of the Internal Affairs Division, oral statements shall be obtained from department members who are subject to personnel investigations.

The following procedures shall be followed when oral statements are obtained:

- 8. If, at any time, the MPD determines that a member lied or knowingly submitted false information during a PI-21 interview, that member may be discharged.**

I. COMMANDING OFFICER'S SUMMARY REPORT

Upon completion of a personnel investigation, commanding officers shall submit a summary report on a *Department Memorandum* (form PM-9E), regardless of whether

the personnel investigation is based upon a citizen complaint or an internally generated complaint. The commanding officer's summary report shall, if applicable, cite Code of Conduct violations with a brief statement on how each Code of Conduct section was violated. Commanding officers shall state their conclusion(s) at the end of their summary with any one or combination of the following dispositions:

1. Sustained

There is sufficient evidence to prove either the allegation(s) made in the complaint, or the allegation(s) identified through subsequent investigation. If sustained, the Code of Conduct violation shall be cited. **Commanding officer's Summary Reports that sustain a complaint may be obtained through procedures established under Wisconsin Statutes related to public records.**

5. No Code of Conduct Violation

No Code of Conduct violation occurred.

6. Policy Review

A violation occurred and a review of the specific policy violated is required for the member.

7. Counseling

A violation occurred and a review of the specific Code of Conduct Core Value violation is required for the member.

8. Remedial Training

A violation occurred and re-training is required for the member.

9. Resolved at District / Bureau Level

The incident / complaint is resolved in lieu of a formal investigation.

10. File Information Only

No investigation is required or needed.

11. File Pending Additional Information

There is not enough information for the department to conduct an investigation and it is pended until additional information is obtained.

12. Mediation

The incident / complaint is resolved by all parties involved meeting for the purpose of conflict resolution.

13. Termination / Discharge / Resigned / Retired

Internal Affairs Division use only.

Note: A combination of dispositions may be used when multiple allegations exist within the same complaint.

450.4045 CIVILIAN MEMBERS – RIGHT TO REPRESENTATION**450.4550 COMMANDING OFFICER RESPONSIBILITIES**

G. Upon completion of the personnel investigation, commanding officers shall forward the entire investigative file to their respective assistant chief or designee.

1. ~~The completed investigative file shall be contained in the Internal Affairs Division Investigative Package (form PI-46).~~ 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 shall forward the file directly to the Internal Affairs Division.
3. To ensure file completeness, all information ~~located~~ required on the ~~front of the Investigative Package~~ *Personnel Investigation Checklist* will be checked for inclusion and checked off for accountability.

450.5055 INTERNAL AFFAIRS DIVISION RESPONSIBILITIES / AUTHORITY (WILEAG 1.9.1, 1.9.2, 1.9.3, 1.9.6)

A. The commanding officer of the Internal Affairs Division shall make diligent inquiry into every complaint of misconduct on the part of a department member coming to his/her attention. **As part of such diligent inquiry, a specific finding must be made by the commanding officer of the Internal Affairs Division, as to whether any violations occurred under any policies or procedures governing use of force and SOP 001 Fair and Impartial Policing.**

The Open Records Division shall produce any related public records as required by and through procedures established under Wisconsin Statutes related to public records.

450.5560 INVESTIGATION STATUS**450.6065 REPORT ROUTING AND RETENTION (WILEAG 1.9.5)**

450.6570 FIRE AND POLICE COMMISSION INVESTIGATIONS

A handwritten signature in black ink, appearing to read 'J.B.N.' with a long horizontal stroke extending to the right.

JEFFREY B. NORMAN
ACTING CHIEF OF POLICE

JBN:mfk