



## Fire and Police Commission

La Keisha W. Butler  
Executive Director

Nelson Soler  
Acting Chair

Ann Wilson  
Fred Crouther  
Angela McKenzie  
Steven M. DeVougas  
Everett Cocroft  
Commissioners

### Memorandum

To: Director Regina Howard, MPD Office of Management and Planning

CC: Sergeant Mark Krowski  
Dave Gelting, Research and Policy Analyst  
Nelson Soler, Acting Chair

From: Clifton Crump, FPC Operations Manager

Date: 5/29/19

RE: Policy Review: SOP 520 Equal Employment Opportunity Policy

---

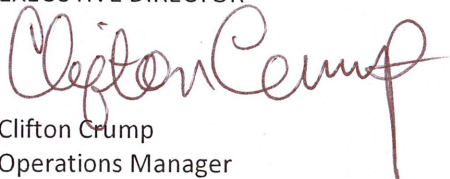
The Fire and Police Commission has completed our review of the above referenced department policy/procedure/instruction per FPC Rule IV, Section 3. The FPC Chair and Executive Director have determined that the above referenced department policy/procedure/instruction:

- Is administratively approved.
- Will be placed on the Regular FPC Meeting Agenda. Meeting Date: 6/6/19
- Is administratively denied.

If this policy will be placed on a regular FPC meeting agenda please provide our office with a suitably redacted version of the relevant documents for public distribution. Please contact our office if you have any questions.

Thank you,

LA KEISHA W. BUTLER  
EXECUTIVE DIRECTOR

  
Clifton Crump  
Operations Manager



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 520 – EQUAL EMPLOYMENT OPPORTUNITY POLICY

**GENERAL ORDER:** 2019-XX  
**ISSUED:** March 25, 2019

**EFFECTIVE:** March 25, 2019

**REVIEWED/APPROVED BY:**

Director Regina Howard  
**DATE:** January 31, 2019

**ACTION:** Amends General Order 2017-56 (November 10, 2017)

**WILEAG STANDARD(S):** 1.2.4, 1.2.5, 3.1.1, 3.1.2, 3.2.1, 3.2.2

### ROLL CALL VERSION

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

#### **520.50 SEXUAL MISCONDUCT**

- A. Sexual misconduct is defined as any behavior by an officer that takes advantage of the officer's position in law enforcement to misuse authority and power (including force) in order to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person. It also includes any communication or behavior by an officer that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming an officer and violates general principles of acceptable conduct common to law enforcement.
- B. Sexual misconduct may include, but is not limited to, the following:
1. Sexual contact by force (e.g., sexual assault, rape);
  2. Sexual shakedowns (e.g., extorting sexual favors in exchange for not ticketing or arresting a citizen);
  3. Gratuitous physical contact with suspects (e.g., inappropriate or unnecessary searches, frisks or pat-downs);
  4. Officer-initiated sexual contacts while on duty;
  5. Sexual harassment of colleagues/co-workers;
  6. Engaging in citizen-initiated sexual contact while on duty;
  7. Sexual behavior while on duty (e.g., masturbation, viewing and/or distributing pornographic images, sexting);
  8. Voyeuristic actions that are sexually motivated (e.g., looking in windows of residences for sexually motivated reasons);
  9. Unnecessary contacts/actions taken by officers for personally and/or sexually motivated reasons (e.g., unwarranted call backs to crime victims, making a traffic

- stop to get a closer look at the driver for non-professional reasons); and
10. Inappropriate and unauthorized use of department resources and/or information systems for other than legitimate law enforcement purposes.
- C. Members shall not use their position with the Milwaukee Police Department to coerce, persuade, force, or initiate sexual contact with any persons.
- D. Unless necessary in the performance of their official duties and with the approval of the member's commanding officer, members are prohibited from soliciting or engaging in sexual conduct or activity:
1. While on-duty;
  2. While on or off duty in a department vehicle or in or at a department or government facility/property;
  3. Utilizing department resources and/or information systems.
- E. All reports of sexual misconduct by department members will be thoroughly investigated by the Internal Affairs Division – Risk Management.
- F. Department members who engage in sexual misconduct will be subject to disciplinary action up to and including termination.



ALFONSO MORALES  
CHIEF OF POLICE



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 520 – EQUAL EMPLOYMENT OPPORTUNITY POLICY

**GENERAL ORDER:** 2019-XX  
**ISSUED:** March 25, 2019

**EFFECTIVE:** March 25, 2019

**REVIEWED/APPROVED BY:**

Director Regina Howard  
**DATE:** January 31, 2019

**ACTION:** Amends General Order 2017-56 (November 10, 2017)

**WILEAG STANDARD(S):** 1.2.4, 1.2.5, 3.1.1, 3.1.2, 3.2.1, 3.2.2

#### **520.00 EQUAL EMPLOYMENT OPPORTUNITY POLICY (WILEAG 1.2.4, 3.1.1)**

It is the policy of the Milwaukee Police Department to provide equal employment opportunity to all individuals with respect to recruitment, selection, training, promotion, retaining, application of benefits, performance evaluation, job assignment, transfer, and other terms, conditions, or privileges of employment. Specifically, the Milwaukee Police Department is committed to providing a work environment that is safe and free from employment discrimination, harassment, improper treatment, or inappropriate conduct based on race, sex, religion, national origin, ancestry, color, creed, age, sexual orientation, gender expression, marital status, disability, military status, or any other protected characteristic as defined by federal, state or local regulations. To achieve this end, department members shall uphold the highest standards of professionalism, respect and civility toward their associates and the community.

#### **520.05 RECRUITMENT AND SELECTION (WILEAG 3.1.2, 3.2.1, 3.2.2)**

The Milwaukee Fire and Police Commission shall be responsible for the recruiting and hiring of police aide, emergency communications operator I, emergency communications operator II and sworn police department personnel. The police department's Human Resources Division shall be responsible for the recruiting and hiring of other non-sworn police department personnel, subject to the approval of the Chief of Police and the Milwaukee Fire and Police Commission Board. All advertisements, job postings and applications shall state the Milwaukee Police Department is an equal opportunity employer.

(WILEAG 3.1.2.3)

##### **A. SWORN PERSONNEL INCLUDING POLICE AIDE, EMERGENCY COMMUNICATIONS OPERATOR I AND EMERGENCY COMMUNICATIONS OPERATOR II**

1. When vacancies occur applicants shall apply online at the Milwaukee Fire and Police Commission website link at [www.milwaukee.gov/fpc](http://www.milwaukee.gov/fpc).
2. Requirements to compete in examinations in the Milwaukee Police Department will be job related and established by the Milwaukee Fire and Police Commission Board.
3. Applicants meeting the minimum qualifications as determined by the Milwaukee Fire and Police Commission Board, shall undergo and successfully pass, prior to

an offer of employment, a battery of tests including a written examination, a physical fitness evaluation, an oral interview, a background investigation, a pre-employment medical examination, psychological evaluation and drug test. A detailed list of qualifications for each position can be found at the following link: <http://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Rules/FPCRules.pdf>, rules VI-XI.

4. Examinations shall be based upon information from job analysis or other information documenting actual job tasks and/or the knowledge, skills, abilities, or other characteristics required to perform job tasks; shall be developed in such a manner as to establish the relationship between the knowledge, skills, abilities, or other characteristics required for successful performance on the test, and those required for successful job performance; and shall be in compliance with applicable professional testing standards to ensure the fairness, reliability and validity of the examination process.
5. Applicants that successfully pass the examination process will be placed on an eligibility list with ranking based on test scores and preference points as determined by the Milwaukee Fire and Police Commission Board.
6. Final appointment for sworn personnel is contingent upon passing all pre-employment components, the number of vacancies and approval by the Milwaukee Fire and Police Commission Board.

#### B. NON-SWORN PERSONNEL

1. Recruitment and selection for non-sworn positions excluding police aide, emergency communications operator I and emergency communications operator II shall be the responsibility of the Human Resources Division. Non-sworn positions, excluding police aide, emergency communications operator I and emergency communications operator II, may be filled from City Service Commission lists, by promotion from within the police department, by competitive examination, or by other methods of selection as determined by the Milwaukee Fire and Police Commission Board.
2. Human Resources Division shall conduct the pre-employment testing procedures relevant to each non-sworn position excluding police aide, emergency communications operator I and emergency communications operator II. Examinations shall be based upon information from job analysis or other information documenting actual job tasks and/or the knowledge, skills, abilities, or other characteristics required to perform job tasks; shall be developed in such a manner as to establish the relationship between the knowledge, skills, abilities, or other characteristics required for successful performance on the test, and those required for successful job performance; and shall be in compliance with applicable professional testing standards to ensure the fairness, reliability and validity of the examination process.
3. Final appointment for all non-sworn personnel is contingent upon passing all pre-employment components, the number of vacancies and approval by the Milwaukee

Fire and Police Commission Board.

### C. RECORDS MAINTENANCE AND STORAGE

All selection materials/applicant files shall be stored in a secure area and the confidentiality of the contents shall be protected at all times whether in use or in storage. Availability of those records shall be limited to persons directly involved in the process.

#### **520.10 SEXUAL HARASSMENT**

A. Sexual harassment will not be condoned or tolerated by the Milwaukee Police Department. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made, either explicitly or implicitly, a condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and,
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

B. The following are examples of sexual harassment:

1. Verbal: Sexual innuendo, suggestive comments, jokes about gender specific traits, personal questions about an employee's social or sexual life style, sexual propositions;
2. Nonverbal: Suggestive or insulting noises, leering, making obscene gestures, displaying sexually explicit materials, indecently exposing oneself, engaging in voyeurism; and;
3. Physical: Pinching, caressing, coercing sexual relations, or sexual assault.

#### **520.15 INAPPROPRIATE CONDUCT**

The Milwaukee Police Department is a professional organization and each member is required to act accordingly. It is the responsibility of each member to engage in and promote workplace behavior that creates and maintains an environment of professionalism, respect, and effective teamwork. It is likewise the responsibility of each member to report behavior that damages this type of work environment. This section prohibits conduct that may not reach the level of harassment or discrimination as defined above, but that nonetheless is inappropriate in the workplace. The following are examples of inappropriate conduct:

1. Comments, pranks, teasing, jokes and any other inappropriate, non-work related

behaviors (verbal, electronic, printed or in any other medium) that demean people or have sexual, racial, ethnic, or religious themes.

2. Terms of endearment such as “doll,” “honey,” “sweetheart,” “stud,” “hottie,” “babe,” “darling,” etc.
3. Unsafe behavior that tends to endanger the work environment for others, such as horseplay or handling department issued equipment in an inappropriate manner.

#### **520.20 POLICY ON PRIVACY IN LOCKER ROOMS (WILEAG 1.2.5)**

- A. This policy ensures compliance with Wis. Stat. § 175.22, which requires a written policy on privacy in locker rooms.
- B. No person may use or operate a recording device capable of taking photographs or video recordings in department locker rooms and/or restrooms for any reason, except a law enforcement investigative purpose.
- C. A recording device is defined as a camera, video recorder, cellular phone, or any other device that may be used to record or transfer images.
- D. Members may expect a high level of privacy while using department locker rooms and/or restrooms. This expectation of privacy shall include not having their image taken by a camera or recording device without their consent.
- E. Interviewing, photographing, or videoing of department members by the media are prohibited from being conducted in any department locker room and/or restrooms.
- F. Any member who is aware of a violation of this policy shall immediately notify a supervisor.

#### **520.25 SUPERVISORS' RESPONSIBILITIES**

Prevention is recognized as the most effective means for the elimination of sexual harassment, discrimination, and a hostile work environment. Therefore, all supervisory personnel shall:

1. Act promptly and affirmatively when they observe behavior that violates this policy, and/or when they receive complaints of sexual harassment, discrimination, or inappropriate conduct.
2. Enforce and ensure that sexual harassment, discrimination, or inappropriate conduct does not occur and that a hostile or offensive work environment does not exist for any member.
3. Properly document and forward to the Internal Affairs Division - Risk Management any reported incident or complaint of sexual harassment, discrimination, or inappropriate conduct.

4. Ensure that all complaints of sexual harassment, discrimination, and inappropriate conduct are dealt with in strict confidentiality to preclude retaliation or further violations of this policy toward any involved member.

### **520.30 COMPLAINT RESOLUTION PROCESS**

- A. Any person who believes he/she has been subjected to employment discrimination, harassment, improper treatment, or inappropriate conduct on any such basis enumerated in the department's Equal Employment Opportunity Policy is encouraged to file a complaint, either in the form of a *Department Memorandum* (form PM-9E) or verbally, to any one of the following:
  1. Work location supervisor;
  2. Commanding officer of the work location;
  3. Internal Affairs Division - Risk Management;
  4. Human Resources Division.
- B. Complaints of this policy against members with the rank of Captain of Police and above by subordinate members shall be made in writing to the Chief of Police.
- C. Complaints filed under this policy shall be kept confidential so far as possible; however, investigations will result in communications concerning the complaint on a need to know basis. No person may be retaliated against for making a complaint under this policy or assisting others in making such complaints.
- D. Any department member receiving a complaint filed under this policy shall promptly document the allegation(s) and the circumstances involved, and forward such documentation to an appropriate supervisor as outlined in section (A)(1-4) above. Every effort shall be made to process a complaint in an expeditious manner.
- E. Any member found to have violated this policy; knowingly condoned, encouraged, or perpetuated an act or acts of sexual harassment, discrimination, or inappropriate conduct; or found to have in some way participated in retaliation or reprisal, shall be subject to disciplinary action up to and including dismissal from the department.

### **520.35 INVESTIGATION OF COMPLAINT RECEIVED AT THE WORK LOCATION**

- A. Supervisors receiving such a complaint shall confer with their commanding officer as soon as practicable. Upon receipt of a complaint, the commanding officer shall notify and consult with the Internal Affairs Division - Risk Management regarding how the complaint shall be investigated.
- B. When it is determined that the investigation will be conducted by the work location, the commanding officer shall:
  1. Ensure that a prompt, full, fair, and confidential investigation of the allegations is conducted which may include an interview of the complainant, witnesses, and subject member against whom the complaint was filed; and,
  2. Prepare a final report, which shall be forwarded to the respective bureau



commander. The report shall document the findings of the investigation and make appropriate recommendations as to the resolutions of the matter, which may include further investigation by the Internal Affairs Division – Risk Management. After review, reports filed with the assistant chief of police shall be forwarded to the Internal Affairs Division – Risk Management. The Internal Affairs Division – Risk Management shall review the final report and either endorses the recommended action, recommend another course of action, or direct further investigations. Upon final disposition of the complaint, the complainant and the subject member(s) against whom the complaint was filed shall be notified of the resolution of the matter.

C. Complaints received by the Human Resources Division shall be immediately forwarded, in their entirety, to the Internal Affairs Division – Risk Management.

#### **520.40 COMPLAINTS ASSIGNED TO THE INTERNAL AFFAIRS DIVISION – RISK MANAGEMENT**

When it is determined that the Internal Affairs Division – Risk Management shall investigate such complaints, they shall properly investigate the allegation(s) and prepare a final report. The report shall document the findings of the investigation and include a recommendation for resolution of the complaint. Upon final disposition of the complaint, the complainant and the subject member(s) against whom the complaint was filed shall be notified of the resolution of the matter.

#### **520.45 MAINTENANCE OF RECORDS OF COMPLAINTS**

The Internal Affairs Division – Risk Management shall maintain a record of all complaints of discrimination, harassment, and inappropriate conduct and submit an annual report to the Chief of Police.

#### **520.50 SEXUAL MISCONDUCT**

- A. Sexual misconduct is defined as any behavior by an officer that takes advantage of the officer's position in law enforcement to misuse authority and power (including force) in order to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person. It also includes any communication or behavior by an officer that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming an officer and violates general principles of acceptable conduct common to law enforcement.
- B. Sexual misconduct may include, but is not limited to, the following:
1. Sexual contact by force (e.g., sexual assault, rape);
  2. Sexual shakedowns (e.g., extorting sexual favors in exchange for not ticketing or arresting a citizen);
  3. Gratuitous physical contact with suspects (e.g., inappropriate or unnecessary searches, frisks or pat-downs);

4. Officer-initiated sexual contacts while on duty;
  5. Sexual harassment of colleagues/co-workers;
  6. Engaging in citizen-initiated sexual contact while on duty;
  7. Sexual behavior while on duty (e.g., masturbation, viewing and/or distributing pornographic images, sexting);
  8. Voyeuristic actions that are sexually motivated (e.g., looking in windows of residences for sexually motivated reasons);
  9. Unnecessary contacts/actions taken by officers for personally and/or sexually motivated reasons (e.g., unwarranted call backs to crime victims, making a traffic stop to get a closer look at the driver for non-professional reasons); and
  10. Inappropriate and unauthorized use of department resources and/or information systems for other than legitimate law enforcement purposes.
- C. Members shall not use their position with the Milwaukee Police Department to coerce, persuade, force, or initiate sexual contact with any persons.
- D. Unless necessary in the performance of their official duties and with the approval of the member's commanding officer, members are prohibited from soliciting or engaging in sexual conduct or activity:
1. While on-duty;
  2. While on or off duty in a department vehicle or in or at a department or government facility/property;
  3. Utilizing department resources and/or information systems.
- E. All reports of sexual misconduct by department members will be thoroughly investigated by the Internal Affairs Division – Risk Management.
- F. Department members who engage in sexual misconduct will be subject to disciplinary action up to and including termination.



ALFONSO MORALES  
CHIEF OF POLICE