



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

450.00 PURPOSE

The purpose of this standard operating procedure is to communicate the proper procedures to follow regarding personnel investigations. It is important to note the differences between a personnel investigation, which is an administrative inquiry, and a criminal investigation.

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.

B. INTERNALLY GENERATED COMPLAINT

An internally generated complaint is an allegation of a Code of Conduct or standard operating procedure violation committed by one or more department members. An internally generated complaint can be made by any department member. Internally generated complaints can be made either orally (to a supervisory member) or in writing, however, a complaint alleging misconduct on the part of a captain of police or higher rank shall be made in writing to the Chief of Police. An internally generated complaint may be initiated by a supervisory member based upon personal observation of misconduct or hearsay information that alleges misconduct.

An internally generated complaint shall be documented in writing on a *Department Memorandum* (form PM-9E). Subsequent investigation shall also be documented on a

PM-9E.

C. PRELIMINARY INVESTIGATION

A preliminary investigation occurs whenever a supervisory member receives/accepts a citizen complaint or internally generated complaint from the complainant. The supervisor who receives/accepts a complaint is the person who conducts the preliminary investigation, prior to submitting the complaint to their commanding officer. The preliminary investigation includes, but is not limited to: review of complaint, obtaining supporting documents or evidence or consulting the Internal Affairs Division.

D. INITIATION REPORT

An initiation report communicates the investigating supervisor's understanding of the complaint allegation(s), the identification of the accused department member(s), and potential procedure violation(s) based upon that supervisor's initial review of the complaint and any other information provided by the preliminary investigation. An initiation report can be completed on a PI-32 or a PM-9E, depending on whether the personnel investigation is based upon a citizen complaint or an internally generated complaint.

E. CITIZEN COMPLAINT MEDIATION

Citizen complaint mediation is a method to resolve a citizen complaint against a member. It is also a public relations tool to increase community awareness and understanding of police procedures. The mediation process is a voluntary, confidential procedure where a professional mediator helps the citizen and the employee resolve issues concerning the complaint.

Once a complaint is filed with either the Fire and Police Commission or Milwaukee Police Department, an initial investigation is performed. It may be determined that the issues raised could be best resolved through mediation. All parties are contacted and if they agree to participate, the case is assigned to the Milwaukee Mediation Center. The Milwaukee Mediation Center will then contact all parties to explain mediation and arrange a time, date, and location for the mediation.

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:
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 or discourage a citizen from making a complaint. Non-supervisory members are prohibited from questioning citizens as to the nature of the complaint. 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.
- C. *Citizen Complaint Reports* (form PI-31) shall be made available in English, Spanish, and Hmong, at police stations and public libraries across the City of Milwaukee.
- D. Whenever a citizen requests a *Citizen Complaint Report* (form PI-31), the department member to whom such request is made shall provide the citizen with a PI-31 and a copy of the "Complaint Procedure - A Citizen's Guide" pamphlet in English, Spanish, or Hmong.
(WILEAG 1.9.1.4)
- E. A supervisor accepting a citizen complaint shall obtain a complaint number from the Internal Affairs Division as soon as practicable.
- F. Citizen complaints shall be accepted from agents representing an aggrieved party. The representative shall also be given a citizen complaint form along with a copy of the "Complaint Procedure – A citizen's Guide" pamphlet. Said agents shall be limited to the following:
 1. An attorney representing the complainant.
 2. The parent or guardian of a minor child or the legal representative of an incompetent adult.
 3. An interpreter representing a non-English speaking or hearing impaired complainant.

Note: In other cases that do not meet the above criteria (e.g., a minor child without a parent or guardian present or an incompetent adult without a legal representative), the representative shall be provided access to a phone at the work location to make a telephonic complaint to the Fire and Police Commission at 414-286-5000.

- G. 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. In addition, the supervisor shall provide the complainant with a copy of the "Complaint Procedure – A Citizen's Guide" pamphlet.
- H. The citizen complaint shall be treated as confidential and the contents disclosed only as

necessary for investigation.

- I. 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. Complaints that are not criminal in nature or a serious violation of standard operating procedures or the Code of Conduct may be assigned to a supervisor at the district station or an investigator assigned to the Internal Affairs Division. Complaints that are criminal in nature or are a serious violation of standard operating procedures or the Code of Conduct shall be assigned to an investigator at the Internal Affairs Division.
(WILEAG 1.9.1.1, 1.9.1.2, 1.9.1.3)

450.15 RECEIPT OF INTERNALLY GENERATED COMPLAINT

- A. Whenever a department member reports alleged misconduct by another department member to a supervisor, that supervisor shall document the allegation in writing on a PM-9E.
- B. The supervisor may request that the complaining member also document the matter in writing (if the complaint is made orally), however, such written documentation shall not be required unless so ordered by the Internal Affairs Division. All internally generated complaints shall be reviewed by the Internal Affairs Division.
- C. A supervisor who accepts an internally generated complaint shall consult with his/her commanding officer prior to obtaining a complaint number from the Internal Affairs Division.
- D. The internally generated complaint shall be treated as confidential and the contents disclosed only as necessary for investigation.

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.

450.25 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.

2. Review any reports or evidence submitted by the citizen complainant or department member.
3. Attempt to identify citizen witnesses to the alleged misconduct.
4. Attempt to identify department member(s) that are either witnesses to the alleged misconduct or are the target of the complaint itself.
5. Determine if the allegation(s) is criminal or a violation of department standard operating procedures or Code of Conduct.
6. If the complaint is criminal in nature, consult your commanding officer and promptly notify the Internal Affairs Division. When in doubt, contact the Internal Affairs Division for guidance on how to proceed.
7. Obtain relevant supporting documents or evidence (that which can assist in either proving or disproving an allegation of misconduct) such as a PD-2, lineup, vehicle sign out log, CAD printout, audio or video recording or photographs, to include all body worn camera video and squad video of all members on scene.
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.

9. Promptly forward all documents, reports, and evidence to your commanding officer.
10. Investigations shall not be conducted in a manner that may reflect biases against complainants, including asking hostile questions to complainants; applying moral judgments related to the dress, grooming, income, life-style, or known or perceived criminal history of complainants; giving testimony by officers greater weight than testimony by complainants; providing summary reports that disadvantage complainants and are unrelated to facts developed in the investigation; issuing complaint dispositions that are not justified by the facts developed in the investigation; recommending inconsistent discipline for officer misconduct.

450.30 MEDIATION

- A. Mediation is a process that assists people in resolving conflicts or disputes. The mediation session offers people the opportunity to create their own mutually agreeable solutions with the assistance of a trained, impartial third party, a mediator. The mediator does not make decisions for the parties or determine who is right or wrong. Mediation is not a court hearing or a counseling session. Neither lawyers nor witnesses are needed, although, lawyers may attend to advise their clients.
- B. Mediation sessions are informal, structured discussions to help clarify the issues and move towards agreement. Parties are given the opportunity to listen to each other and to speak without interruption. If an agreement is reached, it may be written down and signed by the parties. A signed agreement is not required to conclude mediation. Before participating in a mediation session, the parties should think about possible solutions to the problem.
- C. Once the citizen complaint is reviewed by the Internal Affairs Division a determination will be made if the complaint is eligible for mediation. Each complaint is evaluated on its own merits to determine eligibility, including its value as a public relations tool. Mediation may be an appropriate disposition for any minor complaint that might otherwise have been categorized as sustained, not sustained, exonerated, or unfounded had a complete investigation been conducted. If it is determined that mediation is a viable solution both the complainant and the employee(s) involved will be contacted to arrange a mediation date and time.
- D. Once the mediation is over, the case is closed and no further action or discipline will be taken regarding the complaint.

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 3 days of receiving the investigation. 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 letter to the complainant's last known address requesting that the complainant contact the investigating supervisor.

B. INITIATION REPORT

The supervisor assigned to conduct a personnel investigation shall complete an initiation report as soon after being assigned the investigation as possible. Based upon a thorough review of the investigative file, the initiation report shall contain the following three (3) sections:

1. "On (date/time), I (investigating supervisor) was instructed by (initiating authority) to initiate an investigation regarding an allegation of misconduct on the part of (identify member)."
2. The second section shall include a concise statement of the alleged misconduct.
3. The third section shall state the following:

"If sustained, this allegation of misconduct is a violation of [cite the specific Code of Conduct or standard operating procedure, including the specific section] which states in part: [record only that portion of the Code of Conduct or standard operating procedure found to be in violation]."

Note: The outcome of a completed personnel investigation may differ from the violation(s) identified in the initiation report. Such differences do not make the initiation report inaccurate; therefore, investigating supervisors shall not alter the content of an initiation report.

C. PRE-INTERVIEW PROCEDURES

Prior to conducting a PI-21 interview of an accused department member, the investigating supervisor shall comply with the following requirements:

1. Review the investigative file, including any documents or evidence provided by the complaint and the preliminary investigation, to include all body worn camera video and squad video of all members on scene.
2. Collect and review any documentation or evidence relating to the allegation(s) that was not provided by the preliminary investigation but, nonetheless, is needed in order to conduct the investigation.
3. Identify and interview any citizen witnesses to the alleged misconduct.
4. Identify and interview any department members that are witnesses to the alleged misconduct and who are not a target of the investigation. If in doubt as to whether a member should be interviewed pursuant to a PI-21, consult your commanding officer

or the Internal Affairs Division.

5. Prepare for the PI-21 interview of the accused member(s) by formulating and drafting questions to ask the accused member(s). The investigating supervisor shall ensure that he/she is adequately prepared to conduct the PI-21 interview in advance of actually conducting the interview.
6. Whenever scheduling conflicts occur between the investigating supervisor and an accused member, and in order to expedite the completion of the investigation, the investigating supervisor may with the approval of his/her commanding officer prepare interview questions in writing and delegate the interview to another supervisor. In this instance, the investigating supervisor shall be responsible for summarizing the interview in writing based upon a review of the audio recording.

D. INFORMING THE MEMBER PROCEDURES – (FORM PI-21)

If a department member is under investigation for an alleged violation of the Code of Conduct or standard operating procedure and is subject to an interview for any reason, which could lead to disciplinary action, demotion or discharge from the Milwaukee Police Department, such interview shall comply with the following requirements:

1. The supervisor assigned to conduct a personnel investigation shall, prior to obtaining any information from an accused member (the target of the investigation), inform the accused member in a timely manner that the matter is a personnel investigation, not a criminal investigation, or a claim/lawsuit investigation.
2. If there is any possibility that the matter being investigated could result in a criminal proceeding, the investigating supervisor shall advise the accused member that: "This is a personnel investigation. The answers you give and the fruits thereof, cannot be used against you in any criminal proceeding."
3. Prior to conducting an interview that requires an accused member to provide oral statements, the investigating supervisor shall complete the *Internal Investigation-Informing the Member Report* (form PI-21).

Note: A PI-21 shall be issued for each subsequent oral statement obtained from the same member.

4. The supervisor shall request that the department member sign the PI-21 report. If the member refuses to sign the PI-21, the supervisor shall place the word "refused" on the signature line.
5. The original PI-21 shall become a part of the investigative file. A copy shall be given to the department member.
6. The department member under investigation shall be informed of the nature of the investigation prior to any interview by including a brief synopsis of the allegation(s) on the PI-21. Enough information shall be included so that the member is able to prepare for the interview.

7. If proper investigation requires that the member provide information such as memorandum book entries or notes then the member shall be ordered to bring that information to the interview. This order shall be made in writing on the PI-21.
8. Prior to any interview, the investigating supervisor shall advise the member that: "The refusal to respond during this interview, or any response which is untruthful, can result in suspension or discharge from the Milwaukee Police Department."
9. The investigating supervisor shall record on the PI-21 a date, time, and location that the oral interview will take place. Although not required, interviews should be scheduled at least seven (7) days after issuing the PI-21. The member may request an earlier interview provided that the member has an opportunity to obtain appropriate representation for the interview.
10. Whenever a department member chooses to participate in an interview either without representation present or less than seven (7) days in advance of when the PI-21 was issued, the investigating supervisor and member shall verbally confirm such agreement at the start of the recorded interview.
11. If, for whatever reason, a scheduled PI-21 interview has to be rescheduled to a different time or date, it is not necessary to re-issue a PI-21. The investigating supervisor shall note the revised schedule on the original PI-21 and place his/her initials next to the revision. Further, the rescheduled interview shall take place as soon as practicable, provided the accused member has a reasonable opportunity to obtain the presence of and/or to consult with a representative of his/her choice before and/or during the interview.
12. PI-21 interviews shall be scheduled Monday through Friday [excluding holidays as defined by Wis. Stat. § 230.35(4)(a)] between the hours of 6:00 a.m. and 9:00 p.m. If an interview is not concluded by 9:00 p.m., the investigating supervisor shall use his/her discretion to continue the interview beyond 9:00 p.m.

Note: This provision does not apply to PI-21 interviews that are related to an incident involving death or great bodily harm or where the Chief of Police determines that exigent circumstances require an immediate interview.

E. CERTIFIED LABOR ORGANIZATIONS

The department will not prohibit employees, whether or not they are the target of an investigation, from discussing ongoing internal investigations with a representative of a certified labor organization, unless such limitation is warranted by actual and specific concerns about the effect such communication may have upon the integrity of the fact finding process of the investigation. The Chief of Police reserves the right to determine, subject to this section, when investigations shall not be discussed with representatives of certified labor unions.

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:

1. An accused department member may have a representative of his/her choice present during an interview.
2. Only a supervisor shall obtain oral statements. A second supervisor shall be present at all times during the interview, however only the interviewing supervisor shall speak during the recorded portion(s) of the interview.
3. While recording is in progress, any communication between the supervisors shall be made in writing. Likewise, any communication between the accused member and his/her representative shall be made in writing.
4. The supervisor obtaining an oral statement shall use a digital audio recorder provided by the department.
5. The supervisor obtaining an oral statement shall inform the accused member that the statement is being recorded and the digital audio recorder shall be in plain view.
6. Follow the outline of the *Guidelines for Oral Interviews* (form PI-54E), a copy of which shall be located in each interview room used to obtain personnel investigation oral statements.
7. Ensure that each question that is asked of an accused member is adequately answered. For example, a supervisor may ask a member a question, however the member's response may not actually provide the information sought by the question. It is incumbent upon the supervisor to repeat or, in the case of a misunderstanding of the original question, to rephrase until the question is adequately answered.

Note: A PI-21 interview relates to a personnel investigation dealing with alleged violation(s) of Code of Conduct or standard operating procedure. These matters are not of a criminal nature; therefore, investigating supervisors shall not advise members of their constitutional (Miranda) rights.

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.

G. TRANSFER OF DIGITAL AUDIO FROM RECORDER TO COMPACT DISC

1. At the conclusion of a PI-21 interview, the interviewing supervisor and the accused member shall proceed to a computer equipped with a compact disc writer, at which time the supervisor shall transfer the audio content of the interview from the digital

- audio recorder to two (2) compact discs.
2. After the data transfer, the supervisor shall ensure that the audio content of the interview was successfully downloaded to each of the compact discs.
 3. Prior to disconnecting the digital audio recorder from the computer and after ensuring the successful transfer of data, the supervisor shall delete the interview from the recorder.
 4. The supervisor shall provide one (1) compact disc to the member.
 5. The supervisor shall label the investigative file copy of the compact disc by using permanent marker to include the following information:
 - a. Internal Affairs Division file number;
 - b. Date/time of the interview;
 - c. Rank/title and name of the member interviewed;
 - d. Rank/title and name 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.

H. INVESTIGATOR'S SUMMARY REPORT

The investigating supervisor shall prepare a summary report on a PI-32 or a PM-9E, depending on whether the personnel investigation is based upon a citizen complaint or an internally generated complaint. Upon conclusion of the investigation, the investigating supervisor shall prepare a detailed summary of the investigation, which shall include the following sections:

1. The initiating section shall be formatted to state the following: "On (date), I (primary investigator) was instructed by (initiating authority) to investigate an allegation(s) of misconduct on the part of (department member) assigned to (current work location)."
2. The allegation section shall include a concise statement describing the allegation of misconduct, including the date, time and location of the offense.
3. The investigation section shall include a detailed, sequential/chronological narrative that summarizes the investigation. As part of an investigative summary, all information contained within this section must be supported by other documents/evidence within the investigative file. For example, if in the summary report, an investigator references a statement made by a witness when interviewed, then a detailed narrative of that interview should be contained within the investigative file under a separate report. Additionally, if an investigator makes reference to facts contained in a document (such as a PD-2, line-up, subpoena),

then that document or a copy of that document should be included within the investigative file. Interviews obtained pursuant to a PI-21 do not need to be reduced to writing on a report other than the investigator's summary report since the audio recording serves as evidence of the information obtained from the interview.

Note: Avoid using such general terms as subdued, restrained, placed under control and refrain from expressing personal opinions.

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.**

2. Not Sustained

There is insufficient evidence either to prove or disprove the allegation(s).

3. Exonerated

The incident as alleged occurred, however the department member's actions were lawful/proper.

4. Unfounded

The allegation(s) is false or not factual.

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.

450.45 CIVILIAN MEMBERS – RIGHT TO REPRESENTATION

Civilian members subject to a personnel investigation shall be afforded the right to representation in the same manner as police members pursuant to this standard operating procedure.

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.
- B. For internally generated complaints that come to the attention of a commanding officer, the commanding officer shall determine whether a formal personnel investigation is

required and if so, shall contact the Internal Affairs Division and obtain a file number, if applicable.

- C. The commanding officer shall immediately forward all original documents and any evidence obtained directly to the Internal Affairs Division.
- D. Whenever the Internal Affairs Division assigns a personnel investigation to a work location, the commanding officer of that work location shall immediately assign a supervisor to conduct the investigation.
- E. Commanding officers shall maintain a log to track all pending personnel investigations assigned to their work location.
- F. Commanding officers shall submit a written summary for each completed personnel investigation as outlined in 450.40(I).
- G. Upon completion of the personnel investigation, commanding officers shall forward the entire investigative file to their respective assistant chief or designee.
 - 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 shall forward 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)

- 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.

- B. Personnel assigned to the Internal Affairs Division (Internal Investigations Section, Special Investigations Section, and Civil Investigations Section) are the designees of the Chief of Police as it relates to their investigations. As such, while performing these

duties, personnel so assigned shall exercise the authority of the Chief's office under the direction of the commanding officer of the Internal Affairs Division.

- C. Orders issued by supervisors assigned to the Internal Affairs Division (Internal Investigations Section or Special Investigations Section) pertaining to a personnel investigation shall be obeyed, regardless of the rank of the department member receiving the order.
- 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 memos 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.
(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. 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 to the assistant chief 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 days of being assigned. Exceptions must be approved in writing by the commanding officer of the Internal Affairs Division or a higher-ranking officer. A written status report shall be submitted 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.
- B. The status report shall include the reason for the open status and what steps are needed to complete the investigation and the estimated time of completion.

Note: The above provision does not prohibit the inquiry into the status of any investigation at any time by the Chief of Police, or his/her designee.

450.65 REPORT ROUTING AND RETENTION (WILEAG 1.9.5)

- A. Personnel investigation files are strictly confidential. No copies are to be made of any

personnel investigation documents or evidence (audio or video recording, for example) without authorization from the commanding officer of the Internal Affairs Division.

- B. When a personnel investigation has been completed, all documents and evidence relating to the investigation shall be forwarded to the Internal Affairs Division. The Internal Affairs Division shall serve as the central repository for all personnel investigation files.
- C. Personnel investigation files shall be retained in accordance with the existing retention schedule for such files.

450.70 FIRE AND POLICE COMMISSION INVESTIGATIONS

A. CITIZEN COMPLAINT PROCESS

1. The Milwaukee Fire and Police Commission (FPC) citizen complaint process addresses allegations against department members for violations of the Code of Conduct, department standard operating procedures, or FPC rules. The FPC may independently investigate a complaint filed with the FPC and discipline department members under procedures set forth in Wis. Stat. § 62.50, Milwaukee City Charter sec. 22-10, and FPC rules. When a complaint is filed directly with the FPC, the department will assist in investigating the complaint when requested by the executive director of the FPC.
2. The FPC may review and audit complaint investigations and monitor the citizen complaint process conducted by the Milwaukee Police Department in accordance with Milwaukee Code of Ordinances Chapter 314.
3. When a complaint is filed with the FPC and the department concerning the same incident, the Chief and executive director shall determine whether the department or FPC will conduct an independent or joint investigation.
4. At the direction of the FPC board or executive director, and in accordance with FPC rules, citizen complaints filed with the FPC may be resolved through Rapid Resolution Complaint Inquiry Procedure (RRCI), mediation, trial, or other procedures established by the FPC.

B. FIRE AND POLICE COMMISSION INVESTIGATIONS

1. Department members will, within seven (7) days, fully and truthfully respond to all inquiries from the executive director of the FPC, or his/her designee, who is investigating citizen complaints or citizen inquires made through the FPC.
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 450.35(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.

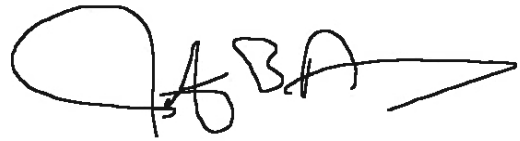
3. A member who is under investigation for an alleged violation of the Code of Conduct, FPC rules, or standard operating procedures may have a representative of his/her choice present during an interview.
4. The investigator obtaining an oral statement will use a digital audio recorder provided by the FPC and will inform the accused member that the statement is being recorded and the digital audio recorder will be in plain view.
5. At the conclusion of a FPC-21 interview, the interviewing investigator will provide a copy of the digital recording to the member.

C. RAPID RESOLUTION COMPLAINT INQUIRY PROCEDURES

Rapid Resolution Complaint Inquiry (RRCI) is a citizen complaint filed with the FPC and then forwarded to the Milwaukee Police Department for a quick resolution. These complaints do not appear upon initial review to be a violation of the Code of Conduct, FPC rules, or standard operating procedures. A RRCI can include, but is not limited to, inquiries into the quality of service, including questions concerning the behavior or action taken by a department member or department policies. It can also include the propriety of a department member's actions, such as whether the action or behavior followed proper departmental policy or procedure. Once a determination is made by the FPC executive director to utilize RRCI, the following procedure applies.

1. The FPC will contact the appropriate commanding officer and provide him/her with the necessary information in order to conduct a RRCI. The commanding officer will either contact the complainant themselves or forward the RRCI to the appropriate supervisor in order to provide a "rapid resolution."
2. Once received, the investigating supervisor shall contact the complainant as soon as possible to find out the particulars of their complaint and resolve any questions or concerns with the complainant.
3. The commanding officer or supervisor who investigated the complaint shall then contact the FPC either via phone at 286-5000 between the hours of 8:30 a.m. - 4:30 p.m. or via email at fpc@milwaukee.gov and provide the following information:
 - a. The complaint number assigned to the RRCI.
 - b. Name and work location of the supervisor who handled the complaint.
 - c. Date the RRCI occurred.

- d. Name of the individuals contacted as well as a brief synopsis indicating the outcome and/or resolution of the contact.

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