



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

004 – WHISTLEBLOWER PROTECTION

GENERAL ORDER: 2022-XX
ISSUED: May 26, 2022

EFFECTIVE: May 26, 2022

REVIEWED/APPROVED BY:
Assistant Chief Nicole Waldner
DATE: April 7, 2022

ACTION: Amends General Order 2021-29 (November 23, 2021)

WILEAG STANDARD(S): 5.1.5

004.00 PURPOSE

It is the purpose of this policy to complement departmental integrity and avoid hostile treatment of fellow employees by requiring the mandatory reporting of serious infractions of law and/or department policy, procedure, or the Code of Conduct and by prohibiting retaliatory conduct or action against employees who make such reports in accordance with Wisconsin state statutes and department policy.

004.05 POLICY

The Milwaukee Police Department prohibits retaliatory conduct against or interference with an employee who reports, assists, or seeks to report breaches of law and/or department policy, procedure, or the Code of Conduct.

004.10 DEFINITIONS

A. ACTIVE BYSTANDERSHIP FOR LAW ENFORCEMENT (ABLE)

Training provided to Milwaukee Police Department Members with the aim of creating a police culture in which officers routinely intervene as necessary to prevent misconduct, avoid police mistakes, and promote officer health and wellness.

B. AFFIRMATIVE DUTY

The personal responsibility and obligation of an employee to report wrongdoing rather than to provide such information only when requested.

C. FALSE REPORT

A report that is not made in good faith and is based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or is made with the purpose of harassing or wrongly incriminating another employee.

D. GOOD FAITH REPORT

A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of law and/or departmental policy,

procedures, or the Code of Conduct.

E. RETALIATORY CONDUCT

Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could seriously impair the efficiency, safety, or effectiveness of that employee, this department, or both. Such conduct may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.

F. SERIOUS ACTS OF MISCONDUCT

A deliberate act or failure to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action includes suspension, demotion, reassignment, or discharge from the department.

004.15 DUTY TO REPORT MISCONDUCT

- A. All employees of the Milwaukee Police Department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, or the Code of Conduct. Sworn members also have a duty to report noncompliant uses of force when they witness another law enforcement officer use force that does not comply with the standards under [Wis. Stat. § 175.44\(2\)\(b-c\)](#). Failure to report shall result in corrective or disciplinary action.
- B. Serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, or the Code of Conduct should be reported to the complaining employee's immediate supervisor. If the supervisor is suspected of involvement in the misconduct, the report should be made to the next higher ranking employee in the chain of command.
- C. In uncommon situations involving highly egregious offenses or illegality that may have serious or broader departmental or governmental implications, a complaint may be made directly to the Chief of Police, or designee. Examples include, but are not limited to, broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.
- D. All employees have an affirmative duty to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.

- E. This policy does not limit an employee's right to make public disclosures that are deemed to be of public concern and that might be protected speech under law. Employees enjoy limited First Amendment rights and are encouraged to consult SOP 570 Public Information Policy and SOP 685 Social Networking Sites.
- F. This policy in no way limits the right of employees to file complaints or grievances with outside governmental authorities or to initiate legal action, when done so in good faith. Individuals taking such actions are afforded the same protections against retaliation as other employees.

004.20 RETALIATORY CONDUCT (WILEAG 5.1.5)

- A. Retaliatory actions against employees who make good faith complaints or disclosures of misconduct against another employee are forbidden. Such acts will form the basis for charges of misconduct, resulting in serious disciplinary action. Any complaint of retaliatory conduct shall be submitted to the complaining employee's supervisor. If the supervisor is the subject of, or is involved in the complaint, an employee shall submit the complaint to the next higher ranking employee in the chain of command.

- B. WHISTLEBLOWER PROTECTION UNDER [WIS. STAT. § 175.44\(5\)](#)

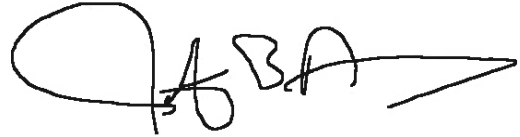
Sworn members may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with such treatment because the sworn member reported, or is believed to have reported, any noncompliant use of force as required under [Wis. Stat. § 175.44\(3 or 4\)](#), intervened to prevent or stop a noncompliant use of force as required under [Wis. Stat. § 175.44\(4\)](#), initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force as required under [Wis. Stat. § 175.44\(3 or 4\)](#).

- C. The department will not tolerate retaliation against an employee for exercising their duty to intervene or engaging in a good faith act of intervention to promote employee health or wellness in accordance with the ABLE program. A good faith intervention is considered a protected activity as the department is committed to providing a culture in which employees are free from harassment and retaliation.
- D. Employees who have been subjected to retaliatory conduct by fellow employees are encouraged to seek assistance through personal counseling or other services as available from the Human Resources Division, department wellness team, or the City of Milwaukee Employee Wellness Program.

004.25 PREVENTION OF MISCONDUCT

- A. Prevention of serious employee misconduct and promotion of a principled and effective work environment requires that all employees abide by this policy.

- B. First-line supervisors bear a responsibility to ensure that all employees under their supervision fully understand the importance of adherence to law and/or departmental policies, procedures, and the Code of Conduct and that they also understand the department's commitment to ensuring employee compliance. First-line supervisors shall also monitor their staff and provide support to those who are directly affected by retaliatory conduct.

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

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk