



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

870 – SUSPENSIONS / OFFICIAL DISCIPLINE

GENERAL ORDER: 2022-XX
ISSUED: August 1, 2022

EFFECTIVE: August 1, 2022

REVIEWED/APPROVED BY:
Assistant Chief Nicole Waldner
DATE: June 24, 2022

ACTION: Amends General Order 2017-25 (April 25, 2017)

WILEAG STANDARD(S): 4.2.1, 4.2.2, 4.2.3, 4.2.4

ROLL CALL VERSION

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

870.10 FORMAL DISCIPLINE (WILEAG 4.2.1)

B. TYPES OF DISCIPLINE

4. Demotion of rank.
5. Termination Discharge from department.
6. Termination (applicable for probationary members only)

Note: With the exception of the commanding officer assigned to the Internal Affairs Division, who may only impose a District Level Written Reprimand to any department member (below the rank of Captain), all formal discipline shall be rendered by the Chief of Police.

C. DISCIPLINE MATRIX

A guide which identifies factors that shall be considered by the Chief of Police during his/her disciplinary decision process for a violation of a standard operating procedure or Code of Conduct.

DG. RECOGNITION OF EMPLOYMENT RIGHTS AND PROCEDURAL SAFEGUARDS

870.15 SUSPENSION PROCEDURES (WILEAG 4.2.1, 4.2.2)

B. NOTIFICATION AND TEMPORARY SUSPENSION OF MEMBER REPORT (PD-41E)

1. The supervisory commanding officer, or member of higher rank, who suspended the member shall notify the Internal Affairs Division as soon as practicable. The supervisory officer shall also submit a *Temporary Suspension of Member Report* (form PD-41E) to Internal Affairs Division.
2. Whenever a supervisory commanding officer, or member of higher rank, suspends

any department member assigned to a different work location, the supervisory officer he/she shall promptly notify the commanding officer of the suspended member as well as the assistant chief or inspector of police executive command staff via email.

C. EQUIPMENT

1. Any department member under suspension shall immediately surrender the following items of department-issued equipment, if applicable, to the suspending supervisory officer or designee a supervisor from the member's current work location when practicable. In circumstances where a supervisor from the member's work location cannot be present, any supervisor on scene may be used. If no supervisor is available, a supervisor from the Internal Affairs Division shall collect the required equipment and deliver it to the member's assigned work location. The surrendered equipment shall be retained in a secure place at the member's assigned work location and returned to the member by their commanding officer or designee upon returning to duty. The equipment shall not be inventoried. In extraordinary cases, the equipment may be stored at another work location as determined by the Chief of Police or designee.

k. Body worn camera (if applicable).

D. REPORTING TO COMMANDING OFFICER

Any department member whose suspension with pay exceeds seven (7) consecutive calendar days shall report to their commanding officer, or shift commander if the commanding officer is unavailable, on at least a weekly basis (or more often as determined necessary by the commanding officer) during the member's normal duty hours. Such meetings allow for the service of departmental correspondence and the exchange of any other information that may be important for the member during an extended period of leave.

E. MEMBER RESPONSIBILITIES

2. Police members who are suspended or discharged pending appeal are relieved of the responsibility to perform those tasks requiring the exercise of official police power action. Such police members are not deemed to be peace officers and shall not go armed with a concealed or dangerous weapon (as defined by state statutes), in an official capacity.
(WILEAG 4.2.1.2)

870.20 FORMAL DISCIPLINARY CHARGES (WILEAG 4.2.1, 4.2.2)

B. CHARGE SPECIFICATION

1. A charge specification is a statement of facts which constitute the offense charged. Charge specifications shall contain clear and concise language, shall state the name and rank of the accused, and the time date and place of the alleged offense.

C. NOTIFICATION LETTER

1. If formal disciplinary charges are preferred against a department member, either sworn or civilian, the Internal Affairs Division shall personally serve the notification letter on the accused member along with a copy of the formal disciplinary charges and a copy of the investigating supervisor's summary of the investigation.
2. ~~This~~ The notification letter shall provide an opportunity for the accused department member to file a *Department Memorandum* (form PM-9E) to the Chief of Police explaining the member's conduct.
3. A copy of the notification letter, formal disciplinary charges and the investigating supervisor's summary of the investigation shall also be sent to the accused member's labor organization, if applicable, via U.S. mail, which may be certified.

D. DEPARTMENT MEMORANDUM (PM-9E) REPORT SUBMITTED BY MEMBER

1. The accused department member may consult with a representative of their choice in the preparation of the *Department Memorandum* (form PM-9E). If the department member chooses to submit this report, it must be received by the Internal Affairs Division no later than 4:00 p.m. on or before the 7 10th day following the date the member received the notification letter. If the 7 10th day falls on a weekend or a holiday, this report may be submitted on the next regular business day.
3. The Chief of Police shall consider the accused member's *Department Memorandum* (form PM-9E) before making any decision regarding guilt or innocence or imposition of discipline. If the department member chooses not to provide a report, the Chief of Police shall base his/her disciplinary decisions solely upon the information possessed by the department including the Discipline Matrix.

Note: Nothing contained herein shall preclude the Chief of Police from requiring a written statement if deemed necessary.

870.35 OFFICIAL DISCIPLINE FORM (PD-40)

An *Official Discipline Form* (form PD-40) shall be used in all cases when a department member receives official discipline, other than a PD-30E, termination, or discharge, as the result of a department order.

870.45 DISTRICT LEVEL WRITTEN REPRIMAND

- A. A *District Level Written Reprimand Form* (form PI-38) shall be used in all cases when a department member receives formal discipline from the commanding officer of the Internal Affairs Division.
- B. A written status report chronicling all *District Level Written Reprimands* issued by the commanding officer of the Internal Affairs Division shall be provided to the Inspector of Police of the Administration Bureau every thirty (30) days for review. The report will reflect the violation and the sanction category.

870.4550 NON-DISCIPLINARY CORRECTIVE ACTION

A. The purpose of non-disciplinary corrective action is to resolve a conduct problem or proactively address an area of concern regarding a member's conduct or performance by providing guidance in a timely manner. The employee does not experience any loss of rights, remuneration, or benefits. Providing non-disciplinary corrective action does not preclude the rights of the department to initiate an internal investigation into the same conduct. When an officer or employee repeatedly violates the same component of the Code of Conduct, Standard Operating Procedures, Standard Operating Instructions or training four (4) or more times in a three-year period, the minor violation/infraction may shall not be resolved through non-disciplinary corrective action. In such circumstances, formal investigation is recommended required.

C. Non-disciplinary corrective action may include:

1. Counseling

Counseling is a non-punitive component of the MPD disciplinary process intended to correct minor acts of employee misconduct and/or address potential concerns. Counseling affords supervisors the opportunity to proactively discuss improvement strategies with the employee in relation to work performance deficiencies, minor acts of misconduct and/or personal matters. Supervisors shall document the counseling on a *Department Memorandum* (form PM-9E) or in the AIM system if the conduct relates to a specific reported incident (use of force, pursuit, squad accident, traffic stop, Terry stop (field interview), no-action encounter), or in their official memorandum book.

~~a. In circumstances where a supervisor elects to document the counseling in their official memorandum book, they shall be prepared to attest to those circumstances at a later date.~~

2. Policy Review

Policy review is a non-punitive component of the MPD disciplinary process intended to correct minor violations of the Code of Conduct, Standard Operating Procedures or Standard Operating Instructions. Supervisors will conduct a policy review related to the violation, instructing the member to read and acknowledge the specific policy they violated. Supervisors shall document the policy review on a *Department Memorandum* (form PM-9E) or in the AIM system if the conduct relates to a specific reported incident (use of force, pursuit, squad accident, traffic stop, Terry stop (field interview), no-action encounter).

3. Remedial Training

Remedial training is intended to correct or improve deficiencies in performance. Remedial training is not discipline and shall not be presented as such. It is intended to improve members' abilities and confidence in the performance of their duties. See SOP 082.4530 (Training and Career Development) for further information regarding

remedial training.

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