



# Milwaukee Police Supervisors' Organization

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October 20, 2022

**DELIVERED VIA EMAIL AND HAND-DELIVERY**

Milwaukee Fire and Police Commission  
C/O Leon Todd, Executive Director  
Milwaukee City Hall  
200 East Wells Street Room 706  
Milwaukee, WI 53202

Mr. Todd and Commissioners:

We are writing to you today regarding file #FPC21828 which appears as Item 7 on your just-released October 20, 2022 Regular Meeting Agenda. The reason for the late submission is that we were not made aware of this proposal until the aforementioned agenda was posted publicly.

We would appreciate your sharing this letter with the Commissioners prior to their taking action on this file, as it contains essential information they may not be aware of. This file/matter relates to a proposed modification to MPD Standard Operating Procedure (SOP) 870.

The current version of SOP 870 was approved by your Honorable Body in April, 2017. Similar versions existed well before and contained essentially similar provisions as far as the instant matter. This modification presents new, radical modifications which run afoul of employee's due process rights, among other things. This proposal attempts to retroactively legitimize violations of existing SOP that the MPD has already committed, including at least one violation scheduled for hearing on October 31 and November 1 before an impartial arbitrator.

As you eloquently explained in your most recent Annual Report (relevant pages attached), the FPC, and only the FPC, has the responsibility and authority to approve and/or modify all department policy. The Police and Fire Departments must manage within those policies. Inherent in this structure, MPD cannot unilaterally change SOP nor can they operate outside of the policy/procedures already approved by your Honorable Body. Unfortunately, here MPD Command already has.

In November of 2021, the MPSO became aware of a situation in which the Internal Affairs Division Commander (then Captain) Inspector Craig Sarnow imposed *Formal Discipline* on an employee well outside the bounds of SOP 870. The MPSO filed an employee grievance on that action and met with Chief Norman and his staff on February 8, 2022 and expressed these grave concerns to Chief Norman. The Chief and his staff offered no valid authority for their violation of SOP 870; Instead stating that they have done this in other matters. Following exhaustive research and demands for such records, MPSO received documents showing that the MPD issued formal discipline without notice to MPSO as the exclusive representative of the affected supervisors, without following the required procedures in SOP 870 as it then existed. Then, however, instead of taking action on violation(s) of FPC ordered SOP, on April 18, 2022 Chief Norman advised the MPSO (pursuant to a requirement to do so in our labor agreement) that he was now proposing to change the SOP to comport with what his staff had done in the November 2021 matter, and the others. MPSO met again with Chief Norman's staff on May 26, 2022 and renewed our objections and concerns on this matter. Now, with the public release of your agenda, and no notification by MPD, we became aware that Chief Norman is advancing this matter, despite years of, as his staff reported and documents show, they 'already are doing it.' By purporting to ratify these prior instances of unlawful discipline, the proposed

change deprives supervisors of due process the City has traditionally afforded to law enforcement employees, without legitimate reasons therefor.

For these and other more detailed reasons, the MPSO requests you look deeply into this matter before acting on the proposal. Please feel free to contact me any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. P. Klusman".

Thomas P. Klusman  
Labor Relations Manager  
Milwaukee Police Supervisors' Organization

Attachments (3)



# ABOUT THE FIRE AND POLICE COMMISSION

Under state law and City Charter, the Fire and Police Commission (FPC) oversees the Milwaukee Fire Department (MFD) and Milwaukee Police Department (MPD). The FPC sets overall policy and standards while the chief of each department manages daily operations and implements the FPC's policy directions and goals. In addition to policy direction, FPC functions include establishing recruitment and testing standards for positions in MFD and MPD, rendering decisions in appeals by members of either department who have been disciplined by their chief, independently investigating and monitoring citizen complaints, and disciplining employees for misconduct.

The FPC, supported by a full-time professional staff, exercises its oversight function through regular meetings with both department chiefs and their staffs, by conducting research and analysis of policies and procedures, by implementing reforms, and by direct public input through the individuals appointed to the FPC board.

The individuals who serve as part-time board members spend many hours each week working on FPC business. They serve as the public's voice in fire and police operations and as a means of ensuring more responsive and effective city government. The board members' concerns reflect the Milwaukee community's. Their priorities include initiatives to promote constitutional policing, increase public safety, and maintain effective responses to fire and medical emergencies.



# POLICY REVIEW

Though the responsibilities for the daily management of the Police and Fire Departments fall on the respective chiefs, the FPC has the responsibility and authority to approve and/or modify all policy decisions for the departments. And because this authority rests in the hands of city residents appointed by the elected mayor of the city, the ultimate authority on the policies of the Police and Fire Departments rests with the city's residents themselves. All new and amended policies for the Police and Fire Departments are reviewed by the chair and the executive director of the FPC and all substantive changes to policy are placed on a regular meeting agenda for public comment and review by the full board.

When a change is sought by the departments, the information is communicated to the FPC. Staff review and outline the changes, supplying the board with analysis to enable informed decisions.

The policy oversight function of the FPC board is key to community input into the day-to-day functions of the departments and provides an avenue to increase understanding of those functions.

The active role FPC commissioners take in the policy deliberating process has the potential to push the evolution of the departments toward a more fair, modern, and responsive future.

Following the completion of the review process by FPC staff, the policy changes are routed to three possible resolutions:

- **Administrative Approval:** minor changes approved by the chair and executive director
- **Administrative Denial:** minor changes that are unacceptable and are denied by the chair and executive director
- **Regular Meeting Vote:** these changes are often referred first to the FPC's Policies and Standards Committee for discussion and debate, then returned to the full board for a vote



# POLICY REVIEW CONT'D

In 2021, the FPC board approved **40** new or amended policies for the Milwaukee Police Department. These included items of great public interest, such as:

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## **SOP 001 – Fair and Impartial Policing**

- Affirming MPD's commitment to anti-racist principles

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## **SOP 003 – Community Oriented Policing**

- Articulating MPD's commitment to community-oriented policing

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## **SOP 004 – Whistleblower Protections**

- Clarifying that police officers have an affirmative duty to report serious acts of misconduct by other officers and protecting reporting officers from retaliation

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## **SOP 320 – Canines**

- Adding new requirements and restrictions for canine deployment

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## **SOP 460 – Use of Force**

- Banning the use of chokeholds under any circumstance and establishing that officers must file a use of force report when they draw or display a firearm

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## **SOP 970 – Search Warrants**

- Completely banning Milwaukee police officers from seeking and executing no-knock search warrants

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## **SOI – Sensitive Crimes Division**

- Creating greater safeguards for evidence related to sensitive crimes and the privacy of complainants

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## **SOI – Traffic Safety Unit**

- Creating a Traffic Safety Unit that is committed to community partnership with the goal of creating a safer city by enforcing traffic laws, educating and partnering with the community in solving traffic problems, and recommending traffic-engineering changes

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## **MPD Discipline Matrix**

- Establishing a uniform and standard application of discipline for police officers
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 Standard Operating Procedure (SOP)

 Standard Operating Instruction (SOI)