

March 29, 2021

To: Fire and Police Commissioners and Executive Director
From: Paul Mozina
Re: Send FPC21056 Standard Operating Instruction SENSITIVE CRIMES DIVISION
back to the Policies and Standards Committee

The updates to SOI SENSITIVE CRIMES DIVISION were drafted in haste by the MPD back in late July 2020 in response to the directives issued to former MPD Chief Morales by this Board. Directive 1.e. stated:

That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to perform an audit and present a Standard Operating Procedure regarding safeguarding of evidence related to sensitive crimes, as well as the privacy of complainants and potential suspects within fifteen (15) days from today's date (July 20, 2020)

MPD's rushed response to FPC Directive 1.e. was necessarily superficial — and subsequently inadequate. Where is the MPD's audit? Have Commissioners and the Executive Director seen it? Can the People see it? What SOPs, SOIs, databases, systems/applications, file systems (both digital and physical) and locked secured areas, relevant to the safeguarding of evidence and the privacy of complainants and potential suspects involved in sensitive crimes, did the MPD examine?

Directive 1.e. was the FPC's response to the leaking of the video and investigatory file directly related to the recent Settlement Agreement between Jane Doe and the MPD, which includes the following in the MPD's Public Acknowledgement and Apology:

In August 2020, we submitted to the Fire & Police Commission changes to our Standard Operating Instruction to ensure evidence held at our Sensitive Crimes Division (SCD) is more securely protected. We also codified our expectation that all SCD members respect and ensure the privacy of all complainants and victims and do not release personal information without their consent or as required by law.

Commissioners, the MPD's proposed changes to SOI SENSITIVE CRIMES DIVISION are woefully inadequate. Please send this item back to the Policies and Standards Committee and conduct an in-depth review of the audit you requested from the MPD. A thorough review will show that the following SOIs and SOPs are directly impacted by the requirements of the Settlement Agreement:

SOI SEXUAL ASSAULT INVESTIGATIONS
SOI SENSITIVE CRIMES DIVISION
SOP 030 — WRITTEN DEPARTMENT DIRECTIVES
SOP 112 — SEXUAL ASSAULT
SOP 150 — COURT PROCEDURES
SOP 560 — PROPERTY

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SOP 710 — VICTIM/WITNESS RIGHTS AND ASSISTANCE

SOP 750 — AUDIO-VIDEO RECORDED INTERVIEWS/INTERROGATIONS

I will send you my recommendations for proposed changes in the above mentioned SOIs and SOPs that, if implemented, would insure the MPD's compliance with the Settlement Agreement. My recommendations for SOI SENSITIVE CRIMES DIVISION are below.

Sincerely,

Paul Mozina

Additions are enclosed in [...] brackets and italicized.

SOI SENSITIVE CRIMES DIVISION

G. The SCD shall ensure that all evidence [*and documentation*] related to investigations is collected and inventoried pursuant to department policies. SCD members shall ensure that [*any systems or applications e.g., Case Track, and file storage systems both: digital on network servers, computer workstations or media storage devices; and printed copies, containing any investigative files, videos or reports related to the case, are protected from view by any person not explicitly authorized by the head of the Criminal Investigation Bureau. All media storage devices such as CDs, DVDs, Thumb Drives etc., and all printed document(s) related to the case, must be properly secured in a locked area accessible only by the member actively performing the investigation and their immediate supervisor(s).*] ~~any media storage device(s) or printed document(s), to include any working copies, are protected from public view and properly secured in a locked area by the member responsible for the media storage device(s) or printed document(s).~~

H. SCD members shall respect and ensure the privacy of all complainants and victims and shall not release the identity, address, or personal information of any complainant or victim without their consent except when in accordance with state law or if the victim is in danger (e.g., ~~discovery, open records request,~~ Amber Alert, Green Alert, Silver Alert).

I. SCD members shall respect and ensure the privacy of potential suspects [*applying the same level of protection and security for the identity of any*]

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potential suspect(s) as that given to victims and witnesses described in G. above.] ~~in accordance with the law or if the information is in the public's interest.~~