

# Milwaukee Police Department

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## Discipline Matrix

**July 2021**

## **Milwaukee Police Department Discipline Matrix**

### **PURPOSE**

This document identifies factors that will be considered in the disciplinary decision process for alleged breaches of the Code of Conduct. It is critical that a system of discipline be established that contributes to minimizing abuse of police authority and promotes the department's reputation for professionalism. Each department member must understand and be guided by the standards that have been established in this Code.

It is recognized and understood that department members will make judgmental errors from time to time in carrying out their responsibilities. While each error in judgment offers an opportunity for the department and the member to learn, it is also understood some errors will have greater consequences than others will for the public, the department and the member.

The department has an obligation to make its expectations as clear as possible to its members. The department has an equal obligation to make the consequences for failing to meet those expectations clear. There are often circumstances that may have contributed to errors of judgment or poor decisions that need to be considered when determining the appropriate consequences for conduct found to be improper.

Disciplinary action must be imposed in a consistent and fair manner. Consistency is defined as holding everyone equally accountable for unacceptable conduct. Fairness is defined as understanding the circumstances that contributed to the conduct while applying the consequences in a way that reflects this understanding. In order to ensure that members are treated in a consistent and fair manner, the application of consequences for conduct that is not in keeping with the department's expectations will be based upon a balanced consideration of factors. Following the careful consideration of all applicable factors in any disciplinary review, every effort will be made to determine the consequences that consistently and fairly fit each specific incident.

**This discipline matrix may be modified from time to time as new violations are added, discipline disposition trends change, and priorities for our members evolve. It does not supersede any applicable law or collective bargaining agreement provision.**

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### **DISCIPLINE (AGGRAVATING/MITIGATING FACTORS)**

#### **EMPLOYEE MOTIVATION**

The department exists to serve the public. One factor in examining a member's conduct will be whether or not the member was acting in the public's interest. A member who violates a policy or procedure in an effort to accomplish a legitimate police purpose, and who demonstrates an understanding of the broader public interest inherent in the situation, will be given more positive consideration in the determination of consequences than one who was motivated by personal interest. From time to time, it may be difficult to distinguish between public and personal interest. As an example, arresting a dangerous criminal is in the public's interest. However, violating the criminal's Constitutional rights in order to do so is not in the public's interest. The greater public interest is for the police to carry out its responsibilities while protecting the public's Constitutional guarantees. However, if a member attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures, the desire to encourage creativity may carry significant weight in determining any discipline that might result.

#### **DEGREE OF HARM**

The degree of harm that an error causes is also an important aspect in deciding the consequences of a member's conduct. Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the department and community. For example, an error that causes significant damage to a vehicle could be examined in light of the repair costs. Harm can also be measured in terms of the personal injury the error causes, such as the consequences of an unnecessary use of force. Another way in which harm can be measured is the impact of the error on public confidence. An employee who engages in criminal conduct could affect the public confidence in the department if the consequences do not send a clear, compelling message that the conduct will not be tolerated.

#### **EMPLOYEE EXPERIENCE**

The level of experience of department members is a discipline factor. A relatively new member (or an experienced member in an unfamiliar assignment) will be given greater consideration when judgment errors are made. Conversely, a member who makes a judgment error that would not be expected of one who has a significant amount of experience may expect sanctions that are more serious.

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### **INTENTIONAL/UNINTENTIONAL ERRORS**

Errors can be classified as intentional or unintentional. An unintentional error is an action or decision that turns out to be wrong, but based upon the information available at the time it was taken, seemed to be in compliance with policy and the most appropriate course. Unintentional errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm. Department members will be held accountable for these errors but the consequences will be more corrective than punitive unless the same errors persist.

An intentional error is an action or a decision that an employee makes that is known (or should be known) to be in conflict with law, established training or procedures or the Code of Conduct. Generally, intentional errors will be treated more seriously and carry greater consequences than unintentional errors. Within the framework of intentional errors, there are certain behaviors that are entirely inconsistent with the responsibilities of the police profession. These include lying, theft, physical abuse of citizens, and other equally serious breaches of the trust placed in members of the police profession.

The nature of law enforcement responsibilities and expectations require that police officers be truthful. It is recognized; however, that it is sometimes difficult to determine if one is being untruthful. A member will face possible discharge from the department when it is clear that the member is intentionally engaging in an effort to be untruthful. This is particularly true for our sworn members. It is also a serious breach to have engaged in theft, physical abuse of citizens and other criminal behavior.

### **DISCIPLINE MATRIX**

The disciplinary matrix lists Code of Conduct violations and sanction categories of A through E. The least punitive discipline is category A with discipline becoming more severe as the categories progress to category E. Because certain Code of Conduct violations may include a wide range of facts and circumstances, certain violations contain multiple sanction categories. In addition, because there are hundreds of different policies included within the Standard Operating Procedures (SOPs), only the most frequently disciplined SOP violations are included in the discipline matrix. Any violation not explicitly included in the discipline matrix is subject to the full range of sanction categories.

In each category, there is a recommended guideline of discipline. These guidelines are based on comparable discipline for each violation from Internal Affairs Division cases in years past.

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### REPEATED ACTS

- Repeated acts of category **A** violations within **ONE YEAR** will increase the repeated violation into category **B**.
- Repeated acts of category **B** violations within **TWO YEARS** will increase the violation to category **C**.
- Repeated acts of category **C** violations within **THREE YEARS** will increase the violation to category **D**.
- Repeated acts of category **D** violations within **FIVE YEARS** will increase the violation to category **E**.
- Repeated acts of category **E** violations within **TEN YEARS** may result in **DISCHARGE FROM THE DEPARTMENT.**

The discipline matrix categories may not necessarily be sequentially followed in cases where there may be a number of violations or in cases where there are particularly egregious circumstances. The matrix is considered a guideline only and it is within the Chief of Police's discretion to deviate from the matrix based on the individual case.

CATEGORY A
Conduct violation in a single incident that has a minimal negative impact on the operations of the department.
<b>Disposition may include:</b> Non-Disciplinary Action (Counseling; Policy Review; Remedial Training)

CATEGORY B
Violations that have more than a minimal negative impact on the operations or reputation of the department or that negatively impact relationships with other officers, agencies, or the public. This includes repeated acts from Category A within the time frame listed above.
<b>Disposition may include:</b> Non-Disciplinary Action (Counseling; Policy Review; Remedial Training); District Level Written Reprimand; Official Reprimand

CATEGORY C
Violations that have a pronounced negative impact on the operations or reputation of the department or on relationships with employees, other agencies, or the public. This includes repeated acts from Category B for the time frame listed above.
<b>Disposition may include:</b> District Level Written Reprimand; Official Reprimand; Suspension of 1-5 days

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<b>CATEGORY D</b>
Violations that involve a substantial risk of officer or public safety. This includes repeated acts from Category C from the time frame listed above.
<b>Disposition may include:</b> Suspension of 6-10 days

<b>CATEGORY E</b>
Violations that include acts of serious misconduct or acts of criminal conduct. This includes repeated acts from Category D from the time frame listed above and/or any conduct that will effectively disqualify a sworn member from continued employment as a law enforcement officer.
<b>Disposition may include:</b> Suspension of 10 or more days; Demotion and/or both (Suspension + Demotion); Discharge or Termination (Termination applies to Probationary members only) from the Department.
<b>***For Repeated Acts the Disposition may include:</b> Suspension of 20 or more days; Demotion and/or both (Suspension + Demotion); Discharge or Termination (Termination applies to Probationary members only) from the Department ***

The following dispositions are considered formal discipline:

1. District Level Reprimand
2. Official Reprimand
3. Suspension
4. Demotion
5. Discharge/Termination

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**In addition to the discipline listed in the matrix above, the Chief of Police reserves the right to impose the following, which are not considered to be formal discipline: transfer of assignment and extension of probation, counseling, alcohol/drug assessment, psychiatric evaluation, fitness for duty evaluation, or any other training, treatment, or evaluation reasonably deemed necessary by the Chief of Police.**

The following dispositions are considered non-disciplinary:

1. Counseling
2. Remedial Training
3. Policy Review

Code of Conduct Violations		Category				
		A	B	C	D	E
1.00	<b>COMPETENCE</b>					
<b>We are prudent stewards of the public's grant of authority and resources. We are accountable for the quality of our performance and the standards of our conduct. We are exemplary leaders and exemplary followers.</b>						
1.01	All members within their probationary period shall be evaluated on their conduct and fitness for the performance of their duties. If a member's conduct or performance of duties is not satisfactory for continued service to the department, the member shall be discharged, with no right of appeal to the Board of Fire and Police Commissioners.					X
1.02	We cooperate with our colleagues, other agencies and citizens to ensure public safety, improve the quality of urban life, protect those who cannot protect themselves and enforce the law.					
	<b>a) Failure to cooperate with colleagues to ensure public safety.</b>			X		
	<b>b) Failure to cooperate with law enforcement colleagues.</b>			X		
	<b>c) Failure to enforce the law.</b>			X		
1.03	All department members shall render service to the community promptly and efficiently. When not answering a call for service, members shall use their time to accomplish the mission of the department.			X		
					X	
1.04	Police investigations shall at a minimum be based upon reasonable suspicion or an actual or possible offense or crime. Investigations shall be conducted and reports shall be prepared in a prompt, thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.					
	<b>a) Failure to file reports.</b>		X	X		
	<b>b) Failure to fully investigate.</b>			X	X	
1.05	All department members shall be familiar with department policy, procedures and training and shall conduct themselves accordingly.					
	<b>a) Department Policy</b>	X	X	X	X	X
	<b>b) Procedures</b>	X	X	X	X	X
	<b>c) Training</b>	X	X	X		
1.06	All department members shall report for duty at the time designated by their supervisors.					
	<b>a) Absent without leave.</b>		X	X		
1.07	All department members shall report to court at the time designated by their subpoena.			X		
				X		

Code of Conduct Violations		Category				
		A	B	C	D	E
1.08	All department members shall report fit for duty, and not be impaired as a result of drinking alcohol, using a drug for non-medical purposes, intentionally misusing a prescription drug or substance abuse.					X
1.09	No department member shall consume, purchase or possess any intoxicating liquor and/or fermented malt beverage while on duty or in uniform except with the approval of the Chief of Police or designee.					
	<b>a) Purchasing of any intoxicating liquor/fermented malt beverage while on duty.</b>		X	X		
	<b>b) Consumption of any intoxicating liquor/fermented malt beverage while on duty.</b>					X
1.10	All department members are responsible for the condition and safeguarding of their personal and department issued equipment. Department members shall not deface, damage, destroy, modify, or carelessly or inappropriately use any department property without permission to do so.			X		

2.00	COURAGE					
<b>We place the safety of others before our own and accept our moral responsibility to take action against injustice and wrongdoing. Police members are expected to take prudent risks on behalf of the public.</b>						
2.01	Police members are required to discharge their duties with composure and determination and in time of danger or adversity shall act together and assist each other in the restoration of peace and order.			X		
2.02	Members shall oppose and, if possible, prevent any violation of the Code of Conduct and report violations if they occur. Members will not be punished, but will be protected and supported, for reporting a violation of the Code of Conduct, unless the report is shown to be malicious or ill founded.			X		
2.03	Failure to intervene when a violation of the Code of Conduct occurs, or is about to occur, shall be treated the same as if the member committed the violation.	X	X	X	X	X

3.00	INTEGRITY					
<b>We recognize the complexity of police work and exercise discretion in ways that are beyond reproach and worthy of public trust. Honesty and truthfulness are fundamental elements of integrity. It is our duty to earn public trust through consistent words and actions. We are honest in word and deed.</b>						
3.01	Our behavior shall inspire and sustain the confidence of our community. Whether on or off duty, department members shall not behave in such a way that a reasonable person would expect that discredit could be brought upon the department, or that it would create the appearance of impropriety or corruptive behavior.			X	X	X

Code of Conduct Violations		Category				
		A	B	C	D	E
3.02	Members shall avoid regular or continuous associations with persons or groups they reasonably believe, know or should know are planning to, or are engaged in, criminal behavior, or who advocate the overthrow of government, such that the association would undermine the public trust or affect the member's credibility or integrity. The exceptions are associations that are necessary in the performance of duty or familial relationships of which the Chief of Police or designee is cognizant.			X	X	X
3.03	Police members shall exercise powers of arrest, search, seizure and surveillance only when it is lawful, necessary and proportionate to do so.		X	X		
3.04	Department members shall treat the official business of the department as confidential, not imparting it to anyone, either orally, electronically or in writing, except those for whom it is intended or under due process of law.			X	X	X
3.05	Department members shall obey local ordinances and state and federal laws, whether on or off-duty. Any violation of ordinances or laws in any jurisdiction shall be reported to the member's supervisor as soon as practical.					
	<b>a) Department members arrested for first offense OWI ordinance violation</b>					X
	<b>b) Department members arrested for second offense OWI ordinance violation</b>					X
	<b>c) Department members arrested/cited for ordinance violation (to exclude OWI)</b>			X	X	
	<b>d) Department members arrested and/or convicted for criminal violations.</b>					X
3.06	Department members shall not use their official position or membership in the Milwaukee Police Department to unnecessarily interfere with the personal affairs or professional responsibilities of any person or agency.			X		
3.07	Members shall not suggest or recommend a specific attorney to anyone who has been arrested or to someone on their behalf nor become involved in the employment of an attorney for any victim of a crime or accident.		X			
3.08	Department members shall not accept nor solicit, either directly or indirectly, anything of value, including a gratuity, money, reward, gift, fee, loan or special consideration as a consequence of their office. Members are not precluded from receiving very minor courtesies and gratuities (i.e., small amounts of food or non-alcoholic drink) provided that it is not sought nor in exchange or expectation of official favor.			X	X	
3.09	All sworn members, and civilian members designated as emergency personnel, are bound by City of Milwaukee Charter Ordinance provisions regarding residency and are required to establish and maintain their actual and bona fide residence within 15 miles of the jurisdictional boundaries of the City of Milwaukee throughout their period of employment with the department. The Fire and Police Commission (FPC) has listed the civilian positions that are classified as emergency personnel pursuant to Wis. Stat. § 66.0502(4)(b) in FPC Rule V.					X

Code of Conduct Violations		Category				
		A	B	C	D	E
3.10	All department members shall be forthright and candid, orally or in writing, in connection with any administrative inquiry or report.					X
3.11	Department members are required to be complete, honest and accurate with respect to all relevant facts and information pertaining to any criminal or civil investigation, report or inquiry. No department member shall knowingly or with reckless disregard for the truth sign or make any false official statement.					X

4.00	LEADERSHIP					
<b>We seek to influence human behavior to achieve organizational goals that serve the public while developing individuals, teams and the organization for future service. We accept our responsibility to be leaders, both within the community and among our peers, and for the actions of our colleagues and ourselves. We are all responsible for the performance, reputation and morale of the department.</b>						
4.01	We will work together and set an example that embodies respect, compassion, integrity and efficiency.			X		
4.02	Leadership is not solely positional and no rank has unique privileges. The only privilege of rank is increased responsibility.			X		
4.03	Personal failure to intervene to prevent or stop misconduct, when there is an opportunity to do so, demonstrates not only a lack of courage, but also a failure of leadership.			X	X	
4.04	Supervisors shall be role models for delivering truly professional, impartial and effective police service. Supervisors shall ensure that the individuals for whom they are responsible carry out their professional duties correctly. Supervisors must put the department's mission first, in both word and action, and do nothing to interfere with its accomplishment.					
	<b>a) Failure to be a role model for professional police service.</b>			X	X	X
	<b>b) Failure to ensure members carry out duties correctly.</b>			X		
4.05	Supervisors shall ensure the individuals for whom they are responsible are supported, guided on the professional performance of their duties and encouraged to further their professional development. Supervisors have a particular responsibility to secure, promote, improve and maintain professional standards and integrity through the provision of advice and guidance. Supervisors have an obligation to commend exemplary behavior, a responsibility to correct substandard behavior and a requirement to discipline when needed.		X	X		

Code of Conduct Violations		Category				
		A	B	C	D	E
<b>5.00</b>	<b>RESPECT</b>					
<b>We hold life in the highest regard. We treat all citizens and colleagues with dignity and respect, and are fair and impartial as we perform our duties.</b>						
5.01	Department members shall treat the public and each other with courtesy and professionalism. Civility and patience are valued attributes, while profane or insolent language or actions undermine the public's confidence.					
	<b>a) Failure to be civil and courteous.</b>		X	X		
	<b>b) Failure to treat another member with courtesy and professionalism.</b>		X	X		
	<b>c) Failure to treat the public with courtesy and professionalism.</b>		X	X		
5.02	Members shall act with fairness, self-control, tolerance and impartiality when carrying out their duties.			X		
5.03	Members shall promptly obey any proper or lawful order emanating from any officer of higher rank. Any improper or unlawful order should be reported to a supervisor of higher rank.			X		
5.04	A conflicting order shall be brought to the attention of the member giving the order. If this member does not change the order, the order shall stand and this member shall bear full responsibility.		X			
<b>6.00</b>	<b>RESTRAINT</b>					
<b>We use the minimum force and authority necessary to accomplish a proper police purpose. We demonstrate self-discipline, even when no one is listening or watching.</b>						
6.01	Police members shall exercise restraint in the use of force and act in proportion to the seriousness of the offense and the legitimate law enforcement objective to be achieved.					
	<b>a) Failure to exercise restraint in proportion to the offense.</b>			X		
	<b>b) Excessive use of bodily force.</b>			X	X	X
6.02	Members shall not subject any person to torture or cruel, inhumane or degrading treatment or punishment. No circumstances whatsoever may be invoked as a justification for torture or other cruel, inhumane or degrading treatment or punishment.			X	X	X

Standard Operating Procedure Violations		Category				
		A	B	C	D	E
<b>Citizen Contacts, Field Interviews, and Search and Seizure</b>						
<b>SOP</b>						
085.10	Failure to adhere to department policy regarding contact protocol		X			
085.25	Improper search and/or frisk and/or failure to properly document		X			
085.30	Failure to adhere to department policy regarding vehicle contact protocol		X			
085.45	Failure to adhere to department policy regarding search incident to a lawful arrest		X	X		
085.65	Failure to adhere to department policy regarding strip searches			X	X	

<b>Prisoners and Booking</b>						
090.05	Treatment of Prisoners			X	X	X
090.10(A)	Failure to adhere to department policy regarding physical restraint of prisoners			X		
090.15	Failure to render medical attention				X	X
090.30(A)	Failure to conduct a search prior to a conveyance		X	X		
090.45(G)	Failure to adhere to department policy regarding cell block checks			X	X	X
090.185(F)	Failure to adhere to department policy regarding hospital guard duties		X	X		

<b>Domestic Violence</b>						
114.05	Failure to investigate a domestic violence complaint in accordance with department policy.			X		
114.10	Failure to make a mandatory arrest related to a DV complaint			X		

<b>Communications</b>						
250.40(A)(2)	Failure to notify dispatch regarding changes in status		X			
250.60(A)	Failure to utilize inter-district dispatching to ensure a timely response to an expired priority one assignment.			X		

<b>Uniforms and Equipment</b>						
340.30	Appearance Standards		X			
340.50(F)	Failure to safeguard Department Equipment			X		

<b>Use of Force</b>						
460.50(C)	Failure to notify immediate supervisor as soon as possible when a member uses force.			X		
460.45	Failure to call for medical attention for an individual following a use of force.			X		
460.25	Amount of Force			X	X	X
460.30	Duty to intervene			X	X	X

Standard Operating Procedure Violations		Category				
		A	B	C	D	E
<b>Hand-Held Chemical Agent</b>						
465.15	Failure to provide required first aid for subjects affected by chemical agents.			X		
465.10	Failure to follow guidelines for use of hand-held chemical agents.		X	X		
<b>Electronic Control Device</b>						
467.20	Failure to follow guidelines for use of electronic control devices.		X	X		
<b>Equal Employment Opportunity Policy</b>						
520.15(1)	Inappropriate Conduct			X		
520.15(3)	Unsafe Behavior			X		
520.10	Sexual Harassment					X
<b>Property</b>						
560.15(A)	Failure to retain and safeguard all property coming into the possession of the department.		X	X		
560.15(B)	Failure to properly inventory property coming into possession of the department.			X		
<b>Towing of Vehicles</b>						
610.05	Failure to thoroughly search a vehicle prior to a tow.		X			
<b>Department Owned Vehicles and Property</b>						
640.15(A)(2)	Failure to operate a department vehicle in a safe and courteous manner.			X		
<b>Vehicle Crashes</b>						
650.40(A)(1)	Failure to promptly report a crash with a department vehicle operated by a member.		X	X		
<b>Vehicle Pursuits and Emergency Vehicle Operations</b>						
660.05	Failure to exercise due regard during a pursuit/operating as an emergency vehicle [also 660.35 (A)(2)]			X		
660.10(A)	Failure to utilize emergency lights and sirens during emergency operations			X		
660.20(C)	Failure to have required justification for a vehicle pursuit.			X		
<b>Social Networking Sites</b>						
685.15(A)(5)	Posting content to a social networking site that was disruptive to the mission of the department.			X	X	X
685.15(A)(6)	Members representing themselves as a member of the department on personal SNS's		X	X		
685.15(A)(8)	Failure to treat the official business of the department as confidential and imparting it on a social networking site.		X	X		

Standard Operating Procedure Violations		Category				
		A	B	C	D	E
685.15(A)(11)	Transmitting pictures of official department activity without express written permission.		X	X		

Crime Scene Investigations						
725.15	Failure related to Initial Response Response Responsibilities (Investigator & Supervisor)		X	X		
725.20	Failure related to Scene Investigation Responsibilities (Investigator & Supervisor)		X	X		
725.25	Failure related to Evidence Collection (Investigator)		X	X		

Mobile Digital Video and Audio Recording Equipment (MDVR)						
730.05	Failure to activate MDVR when required by policy.			X		

Body Worn Camera						
747.25(C)(2)	Failure to activate body worn camera when required by policy.			X		

Controlled Substances						
760.12(E)	Failure to adhere to department policy regarding the inventory of controlled substances		X			

LESB						
	Defense and Arrest Tactics			X	X	X
	Firearms Safety			X	X	X

Face Coverings						
211.10	Failure to abide by department policy and/or directive	X				

Off-Duty Employment						
400.15/20	Failure to abide by department policy as it relates to off-duty employment request/approval		X			

Drug Test						
770.50	Positive test result (non-legitimate reason per MRO) and/or Refusal to submit/Disciplinary Action					X