

MPD Rules & Procedures

RULE 1 - ADMINISTRATION - CHIEF OF POLICE

1/010.00 Subject to the jurisdiction of the Board of Fire and Police Commissioners, the general administration and control of the Police Department is vested in the Chief of Police, who shall be responsible and accountable for the government, efficiency, and general good conduct of said Department.

1/010.05 The Chief of Police, in the exercise of his/her duties, subject to the prior approval of the Board of Fire and Police Commissioners, shall have the power to propose and enforce rules and regulations for the government of members of the Department.

In case of emergency, the emergency to be determined by the Chief of Police, the Chief shall have the right to establish or modify a rule or rules unilaterally, and such rule and rules shall become effective immediately. The Chief shall immediately inform the Board of Fire and Police Commissioners, in writing, of the rule change and reason therefor, and said rule shall remain effective until the next meeting of the Board.

Any rule proposed by the Chief of Police shall be subject to review and approval by the Board of Fire and Police Commissioners. The Board may prescribe rules. The Chief of Police may not suspend any rule prescribed by the Board. The Chief of Police may not issue any Department Order which shall change the District Boundaries, known as Territorial Divisions, or the organizational structure of the Police Department, known as the Departmental Divisions of Service, without first presenting such changes to the Board of Fire and Police Commissioners for review. The rules of the Police Department shall be made available to the public by the Police Department at a cost not to exceed the actual copying cost. Copies of the Milwaukee Police Department rules and regulations shall be made available for inspection by the general public by placing a copy of such rules at all district stations, City Library and its branches, and in the Legislative Reference Bureau of the City of Milwaukee.

1/010.10 It shall be the duty of the Chief of Police to cause the public peace to be preserved and to enforce all the laws and ordinances of the City of which the Police Department must take cognizance; and whenever any violation shall come to the knowledge of the Chief, the Chief shall cause the required complaint to be made and obtain the evidence necessary for the successful prosecution of the offender or offenders.

1/010.15 The Chief of Police shall make all appointments and promotions in the Department, subject to the confirmation of the Board of Fire and Police Commissioners.

1/010.20 The Chief of Police may at his discretion punish by dismissal, demotion, or suspension any member of the Department guilty of violating any of its rules and regulations. However, when

such suspension shall exceed a period of five (5) days, or in case of demotion or dismissal, notification shall be made to the Board of Fire and Police Commissioners and such suspended, demoted, or dismissed member may appeal from such order to said Board within ten (10) days of the date of such suspension, demotion, or dismissal.

1/010.25 The Chief of Police shall cause to be kept such books and records as may be specifically provided by Ordinance and shall report to the Board and Common Council at the end of each month the number of arrests made during such month, together with the causes of arrest; and the Chief shall give such other information to the Board and Common Council as may be required from time to time. The Chief of Police shall notify the Fire and Police Commission within five (5) working days the name of any sworn employee who resigns from the Police Service. The Chief of Police shall cause to have distributed to each such sworn employee a questionnaire provided to the Police Department by the Fire and Police Commission. Upon completion the questionnaire shall be returnable directly to the office of the Fire and Police Commission by the employee on or before completion of the last duty day. The Chief of Police shall also cause to be made and kept such other books and records of the proceedings of the Department which the Chief may consider necessary.

1/010.30 The Chief of Police shall maintain and have custody of all property of the Department, including but not limited to, all books and records which shall be available and subject to inspection by the Board.

1/010.35 Pursuant to Wisconsin State Statutes, Chapter 19, the Chief of Police shall be the legal custodian of all department records and shall designate one or more persons to act in the absence

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RULE 3 - RESPONSIBILITY OF COMMAND - RANK

1/030.00 During the temporary absence of a Commanding Officer, when no other provision is made by competent authority, the command automatically devolves upon the subordinate present next in seniority to such Commanding Officer. Seniority is determined: first, by rank; second, by continuous service in the rank.

1/030.05 The relative rank in position of officers on the Department shall be as numerically designated:

- 1. Chief of Police**
- 2. Assistant Chief of Police**

3. Deputy Chief of Police

4. Police Commander

5. Deputy Inspector of Police

6. Captain of Police

7. Lieutenant of Police/Lieutenant of Detectives

8. Police Sergeant

It is intended that Lieutenants of Detectives shall exercise the authority of their designated rank only when necessary in the investigation of criminal cases and in such other emergencies where conditions require that in the best interests of the service they use such authority. However, they shall not unnecessarily countermand any orders of supervisory officers, or needlessly interfere with the specific duties of any members ranking below them. Similarly, other ranking officers not enumerated above may be called upon in certain circumstances to exercise authority over persons of lesser rank, but shall not unnecessarily countermand orders of supervisory officers.

1/030.10 Whenever supervisory officers, in the necessary performance of their duties, give orders to any subordinate members not attached to their district, bureau or division, they must exercise great care that such orders do not unnecessarily conflict with those of the Commanding Officer of the district, bureau or division to which such members are assigned. Whenever orders so given are important or require the subordinates receiving them to leave their regular posts or assignments, the supervisory officer giving such orders shall, as soon as practicable, inform such subordinate's Commanding Officer of the action taken.

1/030.15 The Commanding Officer of the Training Bureau shall exercise authority over all persons subordinate to the rank of Assistant Chief of Police in areas of training and special services for which he/she has responsibility, subject to the orders of the Chief of Police.

1/030.20 During the absence of the Chief of Police, the Assistant Chief of Police, or a Deputy Chief of Police, as designated by the Chief of Police, shall perform all the duties of the Chief of Police, except to appoint, promote or demote members of the Department, or to dismiss any supervisory officer or head of any bureau. The person performing such duties shall be known as the Acting Chief of Police.

1/030.25 The Acting Chief of Police shall be particularly careful to carry out the orders of the Chief of Police, previously given. Such orders shall not, except in cases of extreme emergency, be countermanded or set aside; and when such action is taken, the Acting Chief shall report in writing to the Chief of Police, the reasons in each instance.

1/030.30 In the event of a vacancy in the Office of the Chief of Police, during such vacancy the Assistant Chief of Police shall perform all of the duties of the Chief of Police and carry the working title of Acting Chief of Police.

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RULE 4 - GENERAL RULES AND REGULATIONS

(Rev. 5/00)

2/005.00 All employees of the Police Department shall be known as members of the Department. Members who are designated by Charter Ordinance as Police Officers with police powers shall comprise the "police force."

2/010.00 All members of the Department shall familiarize themselves with all the provisions of the Department's Rules and Procedures Manual within 30 days of the issuance thereof.

It shall be the duty of all members of the Department to thoroughly familiarize themselves with such provisions of the Department's Rules and Procedures Manual as deal specifically and generally with the duties of their rank, grade, or position, within 20 days from the date of assuming that rank, grade or position.

Police recruit officers shall familiarize themselves with all the provisions of the Department's Rules and Procedures Manual prior to graduation.

Failure on the part of members of the Department to acquaint themselves with and abide by the provisions of the Department's Rules and Procedures Manual as hereby directed shall be considered neglect of duty and shall subject such members to disciplinary action.

2/015.00 Members of the police force shall, at all times within the boundaries of the City, preserve the public peace, prevent crime, detect and arrest violators of the law, and protect life and property.

They shall conform to, abide by and enforce all the criminal laws of the State of Wisconsin and the ordinances of the city of Milwaukee of which the Department must take cognizance and they shall render their services to the City with zeal, courage, discretion, and fidelity. They shall render their services to the City in an efficient manner.

Members shall also observe the laws and ordinances in effect in any other jurisdiction while within such jurisdiction.

2/020.00 Except as otherwise herein provided, members of the police force shall devote their whole time and attention to the service of the Department and they are expressly prohibited from engaging in any other business or occupation. Members of the police force represented by a labor organization may engage in another business or occupation in accordance with the provisions of the labor agreement in force between the member's labor organization and the city of Milwaukee. Members of the police force not represented by a labor organization may engage in another business or occupation as approved by the Chief of Police.

2/025.00 Members of the police force shall have regular hours assigned to them for active duty each day, and when not so employed they shall be considered "off duty." Normal hours of work shall consist of work shifts of eight (8) consecutive hours which in the aggregate results in an average work week of forty (40) hours. The regularly scheduled eight hour shift shall be established by the Chief of Police in accordance with the foregoing. Members of the police force shall, however, be always subject to duty although periodically relieved from the routine performance of it. They are always subject to orders from proper authority and to call from civilians. The fact that they may be technically "off duty" shall not be held as relieving them from the responsibility of taking required police action in any matter coming to their attention at any time.

2/030.00 Members shall promptly obey any lawful order emanating from any officer of higher rank. Should any such order conflict with a previous order from any other ranking officer, with any general or special order, or any provision of the Rules and Procedures Manual, the member to whom such order is given shall respectfully call attention to such conflict of orders, and if the officer giving the last order does not change it to eliminate such conflict, the order shall stand and the member giving such order shall bear full responsibility. Further, the member obeying the order shall not be held in any way responsible for disobedience of any orders theretofore issued. If any unlawful order is given to any member, such member shall promptly report such fact to the Chief of Police.

2/035.00 Members shall promptly communicate in writing to their commanding officer any violation of the Department Rules and Procedures Manual or disobedience of orders by any other member that may come to their knowledge.

2/040.00 Members shall reside in the city of Milwaukee except when on vacation, or as otherwise provided in these rules. Whenever members leave the City for more than seventy-two (72) hours (except when on vacation), they shall furnish their commanding officer with sufficient information so that they may be enabled to communicate with them without delay.

2/045.00 When members are assigned to a work location for permanent duty, they shall immediately report their correct residence addresses on Form PN-2 to their respective commanding officers, and shall also report any changes in such addresses as soon as practical,

i.e., their next tour of duty. Commanding officers or heads of bureaus shall promptly submit such information to the Administration Bureau. Members shall also report the telephone numbers in their residences, or in the event they have no telephone, the number of the nearest telephone through which they may be reached in cases of emergency.

2/050.00 Members of the police force are required to discharge their duties with composure and determination, and in time of extreme peril they shall act together and assist and protect each other in the restoration of peace and order. Whoever shrinks from danger or responsibility shall be considered guilty of gross neglect of duty and unworthy of a place in the service.

2/055.00 Members are prohibited from affiliating with any organization or body, the constitution of which embraces provisions which might in any way exact prior consideration and prevent the proper and efficient functioning of the Department, and which further require members to ignore their obligations to uphold and defend the constitution and laws of the United States, the state of Wisconsin and the city of Milwaukee, as well as all lawful orders of their supervisory officers.

2/060.00 Courtesy and civility toward the public are demanded of all members of the Department and any conduct to the contrary shall not be tolerated. Members in their conduct and deportment shall be civil and orderly, and shall at all times be attentive and zealous in the discharge of their duties, controlling their tempers and exercising the utmost patience and discretion. They must refrain from using coarse, violent, profane, or insolent language. When required to act, members must do so with firmness and sufficient energy to perform their duties, but they must never subject a person to any greater indignity than is necessary. Members shall be civil and respectful toward each other.

2/065.00 Members shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person.

2/070.00 All members of the Department are visible representatives of the City and its Police Department. Members while on duty must dress as set forth in Rule 9 unless, on account of weather or other sufficient cause arising from the immediate discharge of duty, dress becomes soiled or disarranged, in which case it shall be put in proper condition as soon as circumstances permit. Members shall as often as is necessary examine and clean equipment and keep it always in good, serviceable condition. During duty hours, all members of the Department shall keep their uniforms and civilian clothing neat, clean in appearance, and businesslike.

2/071.00 Members of the Department shall be well groomed unless expressly authorized by their supervisors when their duty assignments, duties, or other necessity requires a departure from this rule.

Appearance

Members of the police force and police aides, while on duty, shall conform to the following standards:

A. **HAIR**

1. Males

Hair shall be neat, clean and shall not interfere with full vision. The length of hair for males will not extend past the top of the shirt collar at the center of the back. Hair may extend over the ears, but shall be no longer on the sides than the middle of the ear. The hair must be neatly clipped and shaped at the top and sides to present a well groomed appearance and shall not interfere with the proper wearing of a uniform cap.

2. Females

The length of hair for females, on duty, will not extend past the bottom of the shirt collar at the center of the back. When on duty, hair for females shall be neat, clean, and not interfere with full vision in any way. The hair may extend over the ears, but shall be no longer on the sides than the bottom of the ear. If the hair is worn over the ears, it must be feathered or curled on the sides but shaped closely to the side of the head to present a well groomed appearance. Hair styles shall not interfere with the proper wearing of or alter the original shape of the uniform cap.

B. **SIDEBURNS**

Sideburns may be worn if they are neatly trimmed and do not extend below the middle of the ear.

C. **MUSTACHES**

Mustaches may be worn provided they do not extend above, beyond or below the normal hairline of the upper lip, are maintained in a neat, clean manner presenting a groomed appearance and do not interfere with the wearing of necessary police equipment or expose the wearer to undue risk or hazard.

D. **BEARDS**

Beards of any kind are prohibited, unless authorized by the Chief of Police.

E. **JEWELRY**

No facial or ear jewelry of any kind shall be worn. Necklaces may be worn by uniformed members as long as they are not visible. Wrist jewelry may be worn but restricted to one piece per wrist. Rings may be worn as long as they do not interfere with the performance of duty or endanger the safety of the member or others.

F. **FINGERNAILS**

Fingernails must be kept clean and trimmed to a reasonable length so as not to interfere with the performance of duty. Members of the police force and police aides in uniform may wear clear transparent or neutral nail polish.

G. **MAKEUP**

Makeup, if worn, shall be subdued.

H. **TIE BARS/TIE PINS**

Members in uniform and wearing a necktie may wear one tie bar, or tie tack. If worn, the tie bar or tie tack shall be horizontal and level. Tie bars and tie tacks shall be professional in appearance and subject to the discretion of the member's commanding officer.

2/075.00 Members of the Department, shall not take part or be concerned either directly or indirectly in making or negotiating any compromise or arrangement for any criminal or any person who has suffered by their act with a view to permitting such criminal or other person to escape the penalty of the law. Members, shall not recommend to any said prisoner the employment of any person as their attorney, or suggest the name of any attorney to a prisoner with a view to their defense at any time. Nor shall they either directly or indirectly interfere or interest themselves in any manner whatever in the employment of any attorney to aid any victim of an accident, or other person.

2/080.00 Members of the Department shall not request the aid of any person outside of the Department to have them transferred to another assignment or beat, or to have them restored to any assignment or beat from which they have been removed by order of a supervisory officer, or to have them promoted to a higher rank in the service; nor shall they knowingly permit any

petition to be prepared or presented by citizens in their behalf requesting such transfer, restoration, or promotion.

2/085.00 All members of the police force are equally responsible for the enforcement of the traffic laws and ordinances. The special delegation of the enforcement of certain laws and ordinances to particular divisions or bureaus of the Department does not relieve members of other divisions or bureaus from the responsibility of taking prompt and proper police action relative to violations of any laws or ordinances observed by them or coming to their attention, and of which the Department takes cognizance.

2/090.00 Members of the Department shall not consume any intoxicating liquor and/or fermented malt beverages while on duty without approval of the Chief of Police. Members of the Department shall not purchase or possess any intoxicating liquor and/or fermented malt beverages while on duty or while in uniform, except with the approval of the Chief of Police or in the performance of official police duties.

2/095.00 Members of the Department are prohibited from being under the influence of an intoxicant both on or off duty. For the purpose of this rule, "under the influence of an intoxicant" means that the person's condition is impaired to such an extent that their capacity for rational action or conduct is substantially lessened because of the consumption of an alcoholic beverage. Such persons shall immediately be suspended and charges preferred against them.

2/100.00 No intoxicating liquor and/or fermented malt beverages shall be brought into or kept in any Department building or part thereof, nor in any building designated for and/or used in part or whole for police purposes, except when officially seized, or for training purposes or with the permission of the Chief of Police.

2/105.00 Any member who is intentionally untruthful, either orally or in writing, whether under oath or otherwise, shall be subject to charges inasmuch as untruthfulness is a serious disqualification for the police service.

2/110.00 Members of the Department shall communicate promptly to their commanding officer all catastrophes, crimes, suicides, attempted suicides, fires, serious accidents, and all important public occurrences, complaints, and information of which the Department takes cognizance, which may come to their attention. Members shall not withhold "tips" or information with a view to personal achievement or for any other reason.

2/115.00 When members of the police force are called to, or happen upon, the scene of a crime, they shall at once investigate and note all particulars and obtain the names and addresses of witnesses and all other important details; and they shall as soon as practicable communicate the facts obtained to the commanding officer, or designee, of the district in which the crime occurred; except, members of the Criminal Investigation Bureau or Special Operations Bureau, who shall communicate such facts directly to the officer in charge of said bureau. Investigating members shall make a written report as soon as practicable to their commanding officers. Members of the police force making such investigation shall deliver at the scene of the crime all evidence and information obtained in the case to any members of the Criminal Investigation Bureau who may be assigned to such case, upon their arrival. Members of the police force shall prevent unauthorized persons from entering upon the scene of a crime.

2/120.00 Members of the police force, when investigating an alleged crime or suspicious death, shall exercise every precaution to avoid destroying or lessening the evidence on bodies, effects, and surrounding property, and particularly avoid destroying fingerprints by unintelligent or careless handling of any weapon or other article.

2/125.00

City Ordinance 350-35 2 a. and c.

Any exempt or nonexempt city employee may be a candidate for any political office and may actively campaign therefore without jeopardizing his or her employment with the city. Any exempt or nonexempt city employee who desires to become a candidate for political office, in all instances where there is a contest for such offices, shall be required to take a leave of absence without pay commencing on the date on which he or she files nomination papers for such office and continuing until the elimination of the candidate in the primary election, if any, or until the day after the general election in which such employee may be a candidate. The requirement to take a leave of absence shall not apply to employees represented by the Milwaukee Police Association, Local #21, IUPA, AFL-CIO, or the Milwaukee Police Supervisors Organization in those instances where such employees are candidates for a nonpartisan, part time political office.

It shall be the duty of all employees affected by this section to forthwith advise their immediate supervisor of such political candidacy, and of such supervisor to forthwith give notice to the Chief of Police.

2/130.00 Members of the Department shall treat as confidential the official business of the Department. They shall not impart it to anyone except those for whom it is intended, or as directed by their commanding officer, or under due process of law; and they shall not make known to any person, whether or not a member of the Department, any special order which they may receive, unless required by the nature of the order.

2/135.00 No member of the Department shall speak on behalf of the Department unless authorized to do so by the Chief of Police. Commanding officers shall impart to representatives of

the press, upon establishing their identity, current news, provided the ends of justice are not compromised. (Refer to S.O.P., 3/570.00, regarding Public Information Policy.)

2/140.00 Members of the Department shall treat their supervisory officers with respect and their demeanor toward their associates in the Department shall be courteous and considerate. They shall guard themselves against envy, jealousy, or other unfriendly feeling; and they shall refrain from all communications to their discredit, except to their supervisors whom it is their duty to inform of every neglect or disobedience of orders that may come to their knowledge.

2/145.00 Members of the police force shall not serve civil process; neither shall they render assistance in civil cases, except when the City of Milwaukee is a party. They shall, however, prevent breaches of the peace and quell disturbances growing out of such matters and take the persons breaking the peace into custody, if necessary. Members of the Department shall not testify in civil cases unless legally summoned to do so.

2/150.00 Any and all witness fees paid to members of the Department for attendance or testifying in court where the information or knowledge testified to or sought to be elicited has been acquired by said members in the performance of their official duty shall be immediately deposited through the respective District Station cash register for transmittal to the City Treasurer.

2/155.00 Members of the Department shall not communicate verbally or in writing, directly or indirectly, in any manner or form, any information which may enable persons involved in criminal acts or city ordinance violations to escape arrest or punishment, or which may permit them to dispose of or secrete any money, goods, or other valuables unlawfully obtained.

2/160.00 Members of the Department while on duty or while acting in an official capacity shall not engage in political or religious discussions to the detriment of discipline, and shall not speak disparagingly of the nationality of any person.

2/165.00 Members of the Department shall be punctual in reporting for duty at the time designated by their supervisors. Habitual failure to report promptly at the time directed shall be considered gross neglect of duty.

2/170.00 Members while on duty and in uniform shall not carry umbrellas, packages, bundles, or newspapers. Members in uniform shall not read newspapers while on active duty and in public, except when otherwise directed by proper authority; nor shall they, while in uniform, walk or stand with their hands in their pockets.

2/170.01 While on duty, members of the Department shall not have in their possession, or use, any unauthorized uniforms or equipment. For the purposes of this rule authorized uniforms and equipment are those issued by the Department, or other items expressly authorized by a supervisor for use in the accomplishment of police duties.

2/170.02 Members of the Department are permitted to transport Department-authorized work materials and other non-prohibited items (citation books, rain gear, body armor, lunch, etc.) by means of a gym-type bag or briefcase, of common design and color; provided, that such gym-type bag or briefcase does not bear any type of advertising, logos, or other identification which may be deemed detrimental to the Department.

The following items shall not be contained within or transported by means of such gym-type bags or briefcases: Items required to be placed on inventory; unauthorized weapons; alcoholic beverages; controlled substances and paraphernalia; personal radios, cameras, tape recorders, and televisions; as well as any other items without enumeration which may be deemed inconsistent with the efficient conduct of police duties.

2/170.03 Officers assigned to uniformed foot patrol are prohibited from using gym-type bags or briefcases except to and from work.

2/170.04 The Department reserves the right to open and inspect any such gym-type bag or briefcase transported by or otherwise in the possession of a member provided the member whose gym-type bag or briefcase is inspected is present during such inspection. The City shall continue to be held blameless against loss, theft or damage. Members are specifically required to cooperate with superior officers in order to facilitate such inspection.

2/175.00 Members of the police force shall not smoke while in uniform and in public, either on or off duty; nor in any building, facility, or vehicle, owned or controlled by the Milwaukee Police Department; nor shall they chew gum or tobacco while in ranks during roll call or at any time in a manner conspicuous or unsightly. Members of the police force not in uniform and civilian employees shall not smoke in any building, facility, or vehicle, owned or controlled by the Milwaukee Police Department.

2/180.00 Members of the Department shall not accept, directly or indirectly, from any person liable to arrest or to complaint, or in custody, or after discharge, or from any friend or friends of any such person, any gratuity, fee, loan, reward, or gift whatsoever. They shall not accept from

any person any money, reward, gift, or other compensation for services rendered in line of duty, except such rewards in money as may be approved by the Chief of Police, to be disposed of as provided in Section 2/185.00 of this Manual.

2/185.00 All monies received as rewards, presents, gifts, or emoluments by members of the Department for services rendered in the line of duty, other than salaries, shall be promptly relinquished to their respective commanding officers, together with a written statement of the circumstances under which such monies were received; and such commanding officers shall immediately forward the money to the Commanding Officer of the Administration Bureau, who shall in turn, upon approval of the Chief of Police, deliver such monies to the City Treasurer, unless the donor of any such rewards, presents, gifts, or emoluments, except standing rewards, specifically designates that the money shall be paid to the Milwaukee Police Athletic Association, the Police Relief Association, the Milwaukee Police Association, the Milwaukee Police Supervisors' Organization, or to the Policemen's Annuity and Benefit Fund, when such monies shall be delivered to the respective treasurers of said associations or fund.

2/190.00 Members of the Department while on duty shall not collect or receive any money, property, or other thing of value from citizens or other persons for any purpose without the permission of the Chief of Police. Department members while on duty shall not circulate subscription papers, sell tickets, or collect money from any person for any purpose, without permission from the Chief of Police.

2/195.00 Members of the Department shall not permit the use of their photographs or names depicting their official position for advertising purposes, or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise without the express permission of the Chief of Police.

2/200.00 Members of the police force shall not apply for any search warrant or other warrant, nor serve any such warrants, without the knowledge and approval of their commanding officers. Commanding officers shall be responsible for contacting the appropriate bureau commander or designee for approval. If the warrant involves gambling, narcotics, prostitution or liquor law violations, the commander of the Vice Control Division shall be contacted. All other requests shall be made to the commander of the Criminal Investigation Bureau. The bureau commander granting approval shall assign a member of her/his command to assist in obtaining and serving the warrant.

2/205.00 Members of the Department shall be incompetent bail for any person arrested and shall in no case become bail for any person under arrest.

2/210.00 Members of the Department are prohibited from making or causing to be made any duplicates of signal box keys or of any other Department keys without the approval of the Chief of Police.

2/220.00 Members of the police force when requiring a chemical analysis of any substance for use as evidence shall place that substance on inventory, prepare a written request for chemical analysis and submit both to their commanding officer, who shall forward these items to the Property Control Section. The Property Control Section shall forward these items to a designated laboratory for analysis.

If the substance is food or drink and it is believed to have been poisoned, or becomes poisonous because of improper storage or not being properly cared for, it shall be inventoried in its original container. This substance along with a written request for chemical analysis shall be forwarded to the Property Control Section. The Property Control Section shall forward the substance to a designated laboratory for examination.

2/225.00 Members of the Department, when required to appear in court, are to be punctual in attendance, and shall appear in uniform except those who are not required to wear a uniform. Non-uniform members shall dress according to Section

2/900.05 G. They shall have the cases for which they are responsible properly prepared, the witnesses properly listed, and all property which is to be used as evidence available for presentation to the court.

2/225.01 Members shall at all times be attentive and respectful toward magistrates. When giving testimony, they shall speak calmly and explicitly in a clear, distinct, and audible tone in order to be easily heard by court and jury, and shall not chew gum or tobacco.

2/225.02 They shall testify with the strictest accuracy, confining themselves to the case before the court, and neither suppress or overstate the slightest circumstance with a view to favoring or discrediting any person. When cross-examined, they shall answer with the same readiness and civility as when testifying in support of the charge, remembering that the ends of justice shall be promoted by showing a desire simply to tell the whole truth, whether it is for or against the defendant.

2/230.00 Members of the Department shall not seek free admission for themselves or others to theaters or other places of amusement nor shall they ask for or accept a free pass upon any common carrier without approval of their commanding officer.

Members of the police force, when in uniform and riding free, shall not occupy seats in a public conveyance to the exclusion of paying passengers.

2/245.00 Any member of the Department who may be placed temporarily in the position of a member of higher rank by proper authority shall exercise the authority and perform the duties of such higher position, and shall be held responsible in like manner as if regularly appointed to such higher office. Such member shall be careful not to interfere with or countermand any order issued by the member whose place is temporarily occupied, except in exigent police circumstances.

2/250.00 Members shall not seek or accept from any person any money or other compensation for damages sustained or expenses incurred by them while on duty, unless they have submitted a written notice to the Chief of Police and have received permission to do so.

Members shall not commence civil action for damages sustained in the line of duty without first submitting a report of the matter in writing to the Chief of Police advising the Chief of their intentions to do so.

2/255.00 Members of the Department shall give their name, proper rank, and badge number if applicable, in a respectful manner to any person who may request it. This rule does not apply to members of the Department when those members are assigned to duty requiring that their identity or another member's identity be kept confidential.

2/255.01 Members of the Department shall give all proper information carefully, courteously and accurately, to persons requesting it, avoiding all unnecessary conversation or controversy.

2/260.00 Members of the police force shall not knowingly enter any place or premise known to be regularly used for criminal activity, except in the performance of duty, and if required to enter any such place, they shall report the fact to their commanding officer as soon as practicable, except as may be otherwise ordered.

2/265.00 Members of the Department shall be responsible for the good care of all Department property assigned to their use or keeping and shall promptly report to their commanding officer the loss of, damage to, or unserviceable condition of such property. Roughness or carelessness in the handling of such property will not be tolerated. Members shall not deface, damage, or destroy any Department property. They shall not alter without permission or convert to unauthorized use any Department property either through willfulness or negligence.

2/265.01 Members assigned to Department vehicles shall be responsible for the care of the vehicles, radio and other equipment, exercising a high degree of care over all such vehicles and equipment in order to keep at a minimum the costs of repairs and maintenance. Commanding

officers shall assign responsibility for the washing and proper servicing of vehicles assigned to their command.

2/265.02 At each shift change, the member assigned to a Department vehicle will conduct an inspection of that vehicle to determine if the vehicle is in serviceable condition. It shall be the responsibility of members assigned to a Department vehicle to see that their vehicle is supplied with gasoline and oil and returned in a clean condition at the end of their tour of duty. They shall examine the vehicle and report as soon as possible, on the form provided, any defect, damage or alteration which may be found. The shift commander shall be notified immediately of any such defect, damage or alteration.

2/265.03 If a Department vehicle is obviously unsafe and/or is not operating satisfactorily, members shall immediately report same to their shift commander so that a determination can be made as to whether or not the vehicle is fit for police service. If any members fail to report a defect, it shall be assumed that it occurred during their tour of duty.

2/268.00 Members of the Department feeling aggrieved at the treatment or orders of a supervisory officer, or members wishing to call attention to any matter of police business or neglect of duty, or to make suggestion for the improvement of the service, shall consult with their commanding officer and if the matter is not resolved satisfactorily shall communicate in writing and such report shall be forwarded by the commanding officer to the Chief of Police. When necessary, such communication shall be followed by a personal interview. Failure of a supervisory officer to forward such communication through official channels shall be treated as a serious dereliction of duty. (See SOP 3/530.00.)

2/270.00 Whenever a complaint is made by a person that another has violated a city ordinance or state statute, Department members must not under any circumstances reveal the name of the complainant, except under due process of law, or when it is absolutely necessary to do so in the performance of duty.

2/275.00 No member of the Department shall make false official reports, or knowingly enter or cause to be entered in any Department books or records any inaccurate, false, or improper information.

2/280.00 Members of the police force shall investigate all cases of injury to persons or damage to property on the public streets, sidewalks, alleys, or other public places which may come to their attention.

2/285.00 Members of the police force having knowledge of any vehicular accident, or when at the scene of any accident on the public streets, sidewalks, alleys, other public places, or private or public parking lots shall immediately investigate and take prompt measures to obtain all information and evidence which would be of value in determining whether a violation of the law was involved and other causal factors. The person or persons responsible shall be detained if lawful, or efforts made to secure their cooperation until a proper investigation is made.

2/285.01 Names and addresses of all principals and witnesses, together with their statements, shall be obtained and necessary measurements taken to complete the "Wisconsin Motor Vehicle Accident Report" and "Supplementary Accident Report."

2/285.02 In cases of vehicular accidents involving serious injury, death, or extraordinary circumstances, members of the Department shall immediately report to the dispatcher who shall dispatch a supervisor to the scene. The supervisor shall then contact the appropriate shift commander with information relating to the accident. The shift commander will notify the Field Deputy Inspector or designee who will make a determination whether or not to notify members of the Accident Investigation Section.

2/285.03 In all other cases of vehicular accidents involving injury or damage to property, members of the police force will consult with their commanding officer to determine when the required reports are to be completed.

2/290.00 Members of the police force shall investigate accidents on the public streets, sidewalks, alleys, or other places, and in cases of injury to persons or damage to property alleged to have been caused by any obstruction, accumulation of snow and ice, or other matter or defect, members shall complete a "Report of Injury to Person or Property on Public Highway" (Form CA-46).

2/290.01 Members shall examine such defects carefully and enter in their memorandum books the general description and location, definitely and accurately, including the measurements in feet or inches of depressions or obstructions, such as the circumference, the diameter, the length, and the width. All members are cautioned to bear in mind that they may be called upon to testify in a damage suit against the city many months or even years after the occurrence of an accident and it is expected that they shall be able to testify definitely about the facts in the case, so that courts may be able to pass upon the legal questions involved.

2/290.02 Upon completion of the investigation, the officer shall promptly contact his commanding officer, who in turn, will call the complaint operator at City Hall and relate all pertinent information as to location, type of injury, and apparent cause (slippery sidewalk, etc.).

2/290.03 In cases of injury to persons or damage to property alleged to have been caused by an obstruction, accumulation of snow and ice, or other matter or defect, members of the Department shall, in the event they are asked for information about the proper procedure to be followed by persons contemplating legal action against the city for injuries or damages sustained through any of the causes aforesaid, inform such persons of the provisions of the state law applying in such cases, namely, that no such action shall be maintained against the city unless, within 120 days after the happening of the event causing such damage, notice in writing signed by the party, his agent, or attorney shall be given to the Mayor or City Clerk, stating the place where such damage occurred, and describing generally the insufficiency or want of repair which occasioned it and that satisfaction therefor is claimed of the city. (Also see SOP 3/950)

2/295.00 Members of the police force shall be vigilant in observing the condition of the public thoroughfares, and shall promptly report any defects in or obstructions on any street, roadway, alley, or sidewalk, and shall, if necessary, take prompt action in barricading them during the day and in barricading and placing lights thereon at night, and shall immediately report such fact to the commanding officer of the district in which such condition exists.

2/300.00 No game of chance for stakes or wagers shall be played in any station house or other Department building.

2/305.00 It shall be the duty of every member of the police force to master thoroughly the subject of first aid to the injured, as taught in the Training Bureau in order that such member may be prepared to apply first aid promptly and properly in any emergency cases which may come to such member's attention. Any member failing to render first aid whenever necessary, or who may be found incompetent to do so, shall be charged with neglect of duty.

2/310.00 Members of the police force shall, during their regular or extended hours of duty, have with them a regulation memorandum book in which they shall enter the names of persons taken into custody by them and such particulars in each case as may be important in a trial thereof, and in which they may be called upon to testify; and also all assignments, investigations, and other transactions, information, and matters of importance relative to the discharge of their official duties. Members of the police force shall preserve and maintain their memorandum books, both current and past, and shall produce them for inspection upon the request of a supervisor. Only books issued by the Department shall be used.

2/315.00 All members of the police force who are assigned to classes in the Training Bureau shall attend such classes as long as they are in the service of the Department unless otherwise directed by the Chief of Police.

2/320.00 Except in a serious emergency, members shall not use any Department vehicle for any reason without the knowledge or permission of their commanding officers. In the event of an emergency requiring members to use a Department vehicle without the knowledge or permission of their commanding officer, they shall notify their commanding officer of such use as soon as practicable. Members are strictly prohibited from using any privately-owned vehicle on duty without permission from their commanding officer.

2/325.00 Members of the Department shall promptly report to their commanding officers any accident with any Department motor vehicle operated by them or in their charge. All accidents involving police department and city owned vehicles shall be investigated and reported in accordance with SOP 3/650.

2/330.00 Members of the Department who may have occasion to inquire about their duties concerning any matters whatsoever shall seek such information from their supervisory officers and not from any source outside of the Department, unless they are so instructed.

2/335.00 All original appointments to the Police Department shall be for a probationary period, continuation in the service being dependent upon the conduct of the appointees and their fitness for the performance of the duties to which assigned, as indicated by reports of their supervisory officers and by reports of Department designated medical examiners. If, during that period, members prove unsatisfactory, their services from the Department shall be terminated, and they shall not be entitled to an appeal to the Board of Fire and Police Commissioners from such disposition.

2/340.00 Authority in the Department shall be exercised with firmness, fairness and respect. Supervisory officers shall sustain their subordinates when appropriate and avoid, as far as circumstances warrant, censuring subordinates in the presence of others. Supervisory officers are forbidden to injure or discredit those under their authority by tyrannical or capricious conduct or by abusive language.

2/345.00 Members of the Department, when making written reports, shall legibly sign their full names thereto, along with their rank and work location. When sent on an investigation, members shall upon returning "in service" report, either by telephone or radio, what action was taken in the matter and file a written report, when necessary. In those instances whereby members are unable to return to an "in service" status, prior to the end of their shift, they shall communicate by telephone or radio to their dispatcher the applicable coded disposition.

2/350.00 The furniture, files, and other equipment of the Police Department buildings shall remain where officially placed and shall not be moved from such offices or places, or the location of equipment and furnishings changed in any manner without the commanding officer's

approval. No calendar, poster, picture, advertising matters, or other things shall be hung on the walls of any facility under the control of the Police Department, without permission of the commanding officer.

2/355.00 Whenever members of the Department resign or are discharged, or in any way vacate their office, they shall surrender to their commanding officer or designee all the property in their possession belonging to the Department. In case of the death of a member of the Department the respective commanding officer shall obtain the member's badge and all other Department property and make proper disposition of it.

2/360.00 Except for members of the Communications Division, any Department members answering a Department telephone shall promptly respond by giving the name of the work location to which they are attached, their rank or title, and their surname. All members of the Department when calling someone in the performance of their duty shall identify themselves in a like manner.

When monitoring emergency calls, members assigned to the Communications Division shall answer with the words, "Milwaukee Emergency Operator, Number" and give their assigned number. For non-emergency calls, they shall respond with "Milwaukee Police Operator, Number" and give their assigned number.

2/365.00 Bills for authorized expenses incurred by members of the Department in connection with their official duties shall be promptly submitted to their respective commanding officers. Such expense vouchers shall be made on regulation forms and shall bear an itemized account of expenditures. After reviewing such vouchers, the commanding officer shall forward them to the Budget and Finance Division.

2/370.00 Members of the Department, upon appointment and before being assigned to any duties in the Department, or upon promotion to other positions in the Department, shall take and subscribe an oath of office or affirmation administered by the City Clerk or other authorized person in such form as may be required.

2/375.00 Members of the Department shall report to their respective commanding officers or heads of bureaus/divisions any change in their domestic status while in the Department with reference to marriage, divorce, or death of spouse and respective district commanders or heads of bureaus shall promptly submit such reports to the Personnel Division.

2/380.00 Sleeping, idling, or loafing while on duty is a serious dereliction and any member of the Department guilty of such misconduct shall be subject to charges of neglect of duty.

2/385.00 Department stationery shall not be used for personal correspondence nor shall any Department property whatsoever be used for private purposes.

2/390.00 Members of the Department may obtain stationery, office equipment, and all other necessary supplies only upon requisitions forwarded and approved by the proper commanding officers or heads of work locations.

2/395.00 Members of the Department shall not enter into official Department correspondence over their signatures; nor shall they convey official Department communications by telephone or otherwise outside of the city, except when properly authorized by their commanding officer.

2/400.00 Members of the Department shall not make long distance telephone calls through the Department telephone system except on official Department business and with prior approval of their shift commander. The member making such call shall promptly complete the required form, which shall be submitted to their shift commander for transmittal to the Communications Division, except as otherwise provided.

2/410.00 Police officers shall furnish such information or render such aid to all persons when requested as is consistent with their duties. They shall display or carry their badge in accordance with Rule 9. (See 2/255.00)

2/415.00 During hours of duty, members of the police force shall report by telephone or radio, to a supervisor at such times as may be directed by their commanding officer. This, however, shall not prevent a member from remaining at any particular place for any length of time if their presence is required on legitimate and necessary police business. Any member who fails to report as directed shall satisfy their supervisory officer that there was sufficient cause for such action.

2/420.00 Members who are assigned to patrol a specific district shall not leave that district without the permission of a supervisory officer, except in emergency situations. When members leave their assigned districts due to an emergency, they shall communicate that fact and the reason therefore to their immediate supervisor as soon as practicable. Dispatchers shall not authorize members to leave their assigned district unless: an emergency situation exists; members have authorization to do so from a supervisory officer; or when necessary to respond to a call for service in accordance with established dispatch procedures.

2/425.00 Members shall not have in their possession, without the knowledge and consent of their commanding officer, a key to any premises upon or near their beat or squad precinct, or any Department facility.

2/430.00 A patrol wagon shall be used only for the transportation of prisoners, sick and injured persons when serious emergencies necessitate same, and the movement of police officers in the necessary performance of duty, and not for any other purpose, except upon authorization of a commanding officer, and then only on police business.

2/435.00 No photographs or records shall be permanently removed from the cabinets or files in the Identification Division except on approval of the Chief of Police. For purposes of identification, photographs or records may be removed temporarily by order of the commanding officer of the Technical Services Bureau but shall be replaced as soon as possible; and a record of such removal, with the name of the person receiving the photographs or records, together with the day and date, shall be kept on file until such removed photographs or records are returned.

2/445.00 When appropriate, a police officer may use force in the performance of duty. However, the degree of force used shall be only that which a reasonable police officer would deem necessary, given the same circumstances and information.

Force that is intended or likely to cause great bodily harm or death, may only be used:

1. If reasonable under all the circumstances then existing to prevent great bodily harm or death to the officer or a third party; or
2. When necessary to prevent a suspect's escape and the officer has probable cause to believe that the suspect presently poses a significant threat of great bodily harm or death to the officer or others.
3. To kill an animal if the officer or another person is threatened with serious bodily harm by the animal or otherwise to provide for the safety of the general public.
4. To kill an animal that has been so badly injured that its destruction would prevent further suffering.

The firing of warning shots is prohibited. When feasible, a verbal warning should be given prior to the use of force likely to cause great bodily harm or death.

Discharging firearms at or from moving vehicles will be justified only when the use of force likely to cause great bodily harm or death would be authorized.

In the course of vehicular pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, driving alongside the pursued vehicle while it is in motion or the use of roadblocks is prohibited.

In all cases where a firearm is discharged by a member, a defensive chemical agent is used, a baton, or any other use of force is used in the performance of duty (excluding training), such members shall as soon as possible notify their immediate supervisor. Members of the Department having knowledge of such uses of force shall as soon as possible also notify their immediate supervisor. [See Standard Operating Procedures regarding officer involved shootings/use of force.]

2/450.00 Any member of the Department may be ordered to submit to an examination, at any time, to determine whether a member is physically, mentally, or emotionally fit for the proper performance of duties. The aforementioned examination may be conducted by either a medical doctor, licensed clinical psychologist or a psychiatrist.

2/455.00 Members of the police force are strictly forbidden to argue with prisoners, to speak to them unnecessarily, to address them in obscene or profane language, or to threaten them. Members of the police force guilty of unnecessarily striking or manhandling a prisoner or mistreating them in any manner shall be subject to dismissal. A member of the police force having supervision of any police building, bureau or office, to which prisoners are conveyed or in which they are detained, shall be responsible for the proper and humane treatment of such prisoners.

2/460.00 Whenever members of the police force make an arrest or at any time have in their personal custody a prisoner not confined in a cell, they shall always keep them in sight and use the utmost precaution to prevent such prisoner from escaping or injuring anyone. If a prisoner escapes because of negligence or carelessness on the part of such member of the force, it shall be considered gross neglect of duty. The prisoner shall under no circumstances be left in the custody of any civilian member of the Department, except when absolutely necessary in an emergency.

2/465.00 All members shall conform to and abide by the provisions of the Department's Equal Employment Opportunity and Anti-Sexual Harassment Policies. (See 3/520.00)

2/475.00 Members of the Department occupying a Department vehicle or a personal vehicle in the performance of duty (with the permission of their commanding officer) shall wear safety belts. The belts shall be worn properly adjusted and securely fastened. Arrestees and other passengers shall be required to use available safety belts in accordance with established procedures.

This rule does not apply to a member:

1. While operating an authorized emergency vehicle under circumstances in which compliance could endanger the safety of the operator or another.
2. Who submits a written communication from a physician that he/she is unable to wear a safety belt for bona fide medical reasons.
3. (Refer to S.O.P., 3/080.05, 3/080.15, 3/140.80 regarding Transportation of Arrestees.)

2/480.00 Police Department members should not normally convey citizens in Department vehicles except on official Department business. However, when in the course of their duties members of the police force come upon a victim of crime or a person who in their judgment requires assistance for security reasons such person may be transported to a secure location or the nearest police facility. When such action is deemed desirable or necessary the Department member shall, prior to taking such action, contact and notify a supervisor or shift commander of such action.

2/485.00 Members of the Department equipped with a radio unit shall constantly monitor all descriptions, information, calls for service, and respond promptly when their unit is requested. They shall not interrupt while any alarm or message is being transmitted.

2/490.00 Members of the Police Department shall conform to and abide by the Rules and Regulations of the Department, observe the laws and ordinances in force in the City of Milwaukee, and render their services to the City with zeal, courage, discretion and fidelity. Members of the Police Department shall also observe the laws and ordinances in effect in any other jurisdiction while within such jurisdiction.

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RULE 5 - ABSENCE

2/500.00 Leaves of absence in excess of the number of days allowed by ordinance, and as otherwise provided in these regulatory procedures, in any calendar year shall be without pay, and shall be granted only in cases of extreme necessity.

Applications for such leaves shall be made in writing to the commanding officer of the district or to the head of bureau to which the member making such application is assigned. Such application shall state in clear and definite terms the nature of the emergency necessitating such leave of absence, which shall be investigated by the applicant's district commander or by the head of the bureau; and such application shall be forwarded to the Chief of Police with recommendation for approval or disapproval.

2/500.05 As a condition precedent to the approval of any request for a leave of absence without pay, members shall be required to present themselves for physical examination, where such leave is for more than twenty days. Such examination shall be conducted by a police physician, and a report shall be made by such physician relative to the general physical condition of the applicant, who shall again be examined upon the expiration of such leave by the same physician, if possible, who conducted the prior examination, and a report of the examination shall be made to the Chief of Police.

2/500.10 Whenever members of the Department are injured or sick, rendering them unable to perform the duties to which assigned, they shall immediately notify their commanding officers of this fact. Members shall relate the location from which notification is being made and a telephone number at which they can be reached.

In all such cases, the District or Bureau Commander shall cause Section I of Form PS-16 (Application for Sick Leave or Injury Pay) to be completed and immediately forward the yellow copy to the Medical Section of the Personnel Bureau. (The white original of multipurpose Form PS-16 shall be provisionally retained at the District or Bureau for use as directed hereinafter, and the pink copy of Form PS-16 filed in the member's personnel jacket at the District/Bureau.)

Effective August 1, 1985, civilian employees of the Department shall be required to submit to their commanding officer acceptable medical substantiation from a private physician or dentist certifying the nature and seriousness of the sickness for each instance of sick leave exceeding three (3) consecutive work days.

Members whose absence due to sickness or injury extends beyond seven (7) consecutive days shall personally make an appointment with a Police Physician on the first weekday thereafter and report to the office of such Police Physician, unless their condition is such that it makes such visit impractical. In such case the member shall contact the Police Physician by telephone and advise him of the circumstances. Such member shall be subject to the orders of the Police Physician.

When permission is granted by a Police Physician for members to leave their residence after seven (7) days to further recuperation while on sick leave, or on the effective date of a duty-incurred injury, the District or Bureau Commander shall cause Section II of Form PS-16 to be completed. If members telephone to report that they will be returning to duty, the District or Bureau Commander shall cause Section III of Form PS-16 to be completed.

Sickness and disability leave (Injury Off Duty) may be permitted without requiring the member to submit a doctor's certificate, provided that the member completes Section IV of Form PS-16 (Application for Sick Leave or Injury Pay). The white original of Form PS-16 shall be forwarded to the Personnel Bureau, Medical Section, immediately after a member returns to work and either completes Section IV of said form, OR presents a doctor's certificate.

Members may be required by their commanding officer to furnish a doctor's certificate for each absence regardless of duration, if the commanding officer is informed or believes that the member is misusing sick leave. Under such circumstances, the City shall not be responsible for any fee charged by the doctor.

Members unable to furnish a required doctor's certificate, upon declaring themselves fit for duty, shall not be prevented from returning to duty. Such member shall be carried "sick without pay" for the period of sick absence until they furnish the doctor's certificate.

Members appointed to the Police Officer position classification on or after August 1, 1985, shall not be entitled to the injury pay benefits provided hereinbefore for any injury they may sustain while on duty prior to the start of field training during the period of time they are assigned to the Police Training Bureau for recruit training. Such members shall instead be covered by State of Wisconsin Workers' Compensation Act (WCA) temporary disability benefits during such period, including all applicable terms and conditions provided for in the WCA.

Members appointed to the Police Aide position classification on or after April 11, 1985, shall not be entitled to the injury pay benefits provided hereinbefore for any injury they may sustain while on duty. Such members shall instead be covered by State of Wisconsin Workers' Compensation Act (WCA) temporary disability benefits during such period, including all applicable terms and conditions provided for in the WCA.

2/500.15 Sick and disability leave shall cover necessary absence from duty of a member because of illness or pregnancy related disability, bodily injury or exclusion from employment because of exposure to communicable disease. However, sick and disability leave shall not be construed to include any disabling condition due solely or in part to intemperance or moral delinquency as determined by medical examination or other verified information. The term "Sick" shall also apply to any member suffering a disabling mental or nervous affliction recognized by the medical profession.

2/500.20 The requirement that female members submit to an examination by a Police Physician prior to commencing a pregnancy leave is hereby waived pending revision of this rule. In the interim, the only requirement for commencing a pregnancy leave shall be that the member provide her commanding officer with medical certification from her attending physician attesting to her unfitness for duty due to the pregnancy.

The existing practice that pregnant females submit an 'In the Matter Of' report to their commanding officer informing him/her of the pregnancy and the anticipated delivery date shall remain in effect. This report shall be accompanied by a medical certification from the attending physician confirming the pregnancy. Female officers shall include in their report a request to be placed on limited duty status during the pregnancy. Such members do not have to be examined by a police physician.

(For more detailed information, employees should consult their current labor contract.)

2/500.25 Except as provided for hereinafter, members of the Department who meet the requirements of the foregoing in the determination of the Chief of Police shall be granted sick leave with full pay during such absence for a period equal in the aggregate to fifteen days excluding regularly scheduled off days falling within such period for each year of service in the Department, less any previous periods of sick leave with full pay, other than periods of absence from duty because of injury sustained in the actual performance of police duty of not more than one year per duty injury.

In computing previous periods of sick leave prior to January 1, 1952, with full pay, for the purpose of this section, it shall be assumed that such periods did not exceed, in the aggregate, fifteen days for each year of service. During the period of January 1, 1952 to January 1, 1962, the number of sick days granted per year was twenty. Beginning with January 1, 1962, with the establishment of new data processing procedures, the annual sick days with full pay each year was reduced to fifteen.

Eligibility for sick leave with pay for members newly appointed to City employment after August 1, 1985, shall begin after completion of six months of active service in the Police Department, but sick leave credit shall be earned from date of appointment. Eligibility for sick leave with pay, for employees appointed to City employment prior to August 1, 1985, shall begin as soon after regular appointment as any sick leave credit has been earned.

Members who have not applied for and received either a leave of absence without pay or a disability pension within ninety days of exhausting their sick and injury pay benefits and who are medically incapacitated for duty shall be subject to discharge.

Any member who is found ineligible to continue to receive a disability pension who shall fail to apply for return to duty when such disability pension has been terminated or who fails to pass a satisfactory medical examination or for some other reason fails to return to duty within ninety days shall be eligible for reappointment to the police service exclusively as provided by applicable rules and regulations of the Board of Fire and Police Commissioners governing reappointment of resigned former members of the Department.

Notwithstanding any other provisions of this section, no single period of sick leave with full pay shall extend beyond a period of three hundred and sixty-five days regardless of length of service.

2/500.30 Members of the Department shall not leave their residence or place of confinement for any purpose without obtaining the permission of a Department physician and the member's commanding officer, by telephone or otherwise, during the first seven (7) days of absence due to sickness or injury, EXCEPT as elsewhere provided for in these Regulations and Standard Operating Procedures for members of the police force on duty-incurred injury status.

However, during said first seven (7) day period, District/Bureau Commanders will grant permission to members to be absent from the residence for reasonable times for these specific purposes:

- A. To keep scheduled appointments with physicians, dentists, physical therapists, and/or hospitals, or clinics, whether or not related to the officer's present sickness or injury.
- B. To purchase food, household necessities and medication for the officer's present injury or illness or for the health care of minor children.
- C. To attend religious services.
- D. To register to vote or to vote in elections for Municipal, County, State, or Federal offices, or in regularly scheduled union elections.

- E. To engage in physical exercise recommended in writing by an attending physician.
- F. To answer court subpoenas in cases arising out of the officer's employment.
- G. To report to headquarters or other police facilities when ordered to do so by a supervisory or commanding officer.

Members shall make such requests by contacting their commanding officer or shift commander. In making the request, the member will state the purpose or purposes in leaving the residence, the destination or destinations, the planned time of departure, the method of transportation, and the estimated time of return to the residence. Upon returning to their residence, members will contact their commanding officer or shift commander to notify the Department of their return.

Members of the Department absent from duty in excess of seven (7) days due to sickness or injury shall be permitted to leave their residence or place of confinement and to travel freely within the confines of Milwaukee County so long as they have first obtained a written statement from their personal physician stating that such travel will further their recuperation and the member has first presented the personal physician's statement to a Police Department physician who has approved same in writing. A POLICE PHYSICIAN GRANTING SUCH PERMISSION SHALL IMMEDIATELY NOTIFY THE COMMANDING OFFICER of the district or bureau to which such member is assigned and inform the commanding officer of the purpose for which such permission was granted.

Members of the police force absent from duty due to a duty-incurred injury shall be permitted to leave their residence or place of confinement so long as they have first obtained a written statement from their personal physician stating that such travel will further their recuperation and the member has first presented the personal physician's statement to a Police Department physician who has approved same in writing. Whenever members of the police force, authorized to leave their residence or place of confinement when on duty-incurred injury status, leave the confines of Milwaukee County, they shall provide their commanding officer written advance notice of this departure indicating on the notice the time period that the member will be out of Milwaukee County, location(s) where the member can be reached and, if the location has an address and/or telephone number, the address and/or telephone number of the location(s). While outside the confines of Milwaukee County, members shall be required to notify their commanding officer of their whereabouts by telephone and of any changes in the locations indicated on the advance notice. During any fifteen (15) day period, the member shall not be permitted to remain outside the confines of Milwaukee County for more than fourteen (14) consecutive calendar days. Nothing herein shall limit or diminish existing requirements subjecting members to the orders of a police physician or the requirement that members appear before, or report to, a Police Medical Panel for periodic examination.

Notwithstanding any other provision of this rule, Department members may leave their residence or place of confinement when absolutely necessary in an emergency in which case the member shall report the circumstances connected therewith to the member's commanding officer or bureau head as soon as practicable.

2/500.35 The granting of permission to leave the County when on sick or injury leave shall be only upon the recommendation of a police physician; and, provided further, that members of the police force comply with the provisions set forth in Subsection 3/010.75 of these procedures relating to use of vacation during duty-incurred injury leave status. An applicant for such leave shall be examined

by a police physician, and a report thereof, together with recommendations, shall be submitted to the Chief of Police.

2/500.40 Members of the department who have been on sick or injury leave, and are reported fit for return to duty by a police or attending physician, who fail to report at their regular starting time, shall be considered absent without leave.

2/500.45 FUNERAL LEAVE

A. MEMBERS TO BE GRANTED LEAVE

Members of the Department shall be granted a paid leave of absence in case of the death of a relative as provided in the applicable labor contract.

B. NON-MANAGEMENT EMPLOYEES

Non-Management/Non-Represented employees and management pay plan (civilian management) employees can take up to three work days off (instead of calendar days) in case of the death of a brother, sister, mother-in-law, father-in-law, grandchild, brother-in-law, sister-in-law, stepparent or stepchild, in addition to spouse, child or parent. This is provided that the workdays fall within a ten consecutive calendar day period beginning with the day of death.

C. CHANGE OF REGULAR OFF DAY PERMITTED

In the event of the death of any other relative not specifically covered by the current labor contract, members shall be permitted to change their next regular day off so they may attend the funeral.

2/500.50 Bureau/District Commanders shall immediately notify the Chief of Police when a police officer is directly involved in a shooting incident resulting in the death or life-threatening injury of another. The respective commanding officer shall then either relieve from all police duty the officer(s) involved in the incident, or assign him/her to station house police duty and immediately submit a written report relating to such action to the Chief of Police. Upon completion of a full investigation of the incident, the respective commanding officer shall submit his/her findings in writing to the Chief of Police.

Police officers assigned to station house duty, pursuant to the above, shall be strictly assigned to routine office duties (Servicing telephone requests, filing, Daybook and other record entries, etc.). They shall be strictly enjoined from coming in contact with prisoners and they shall not be assigned to duty, such as, (1) wagon driver, (2) wagon attendant, (3) booking and searching of prisoners, (4) keeper of jail, (5) building security.

In the event an unusual number of officers are involved in an incident from a single Bureau/District and are relieved from all police duty or assigned to station house duty, the commanding officer of the Personnel/Administration Bureau shall cause such number of personnel to be transferred to said Bureau/District to ensure proper police coverage.

A Police officer directly involved in a shooting incident resulting in the death or life-threatening injury of another, or a police officer who used force upon a person, which results in death or great bodily harm to another, for the good of the service and the welfare of the officer, shall either be relieved from all police duty by the Chief of Police, no later than at the start of the next regularly scheduled duty day, or be temporarily assigned to station house police duty, with all pay and benefits continuing. "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

The Chief of Police or designate shall immediately notify the Office of the District Attorney in the event of the death of an individual while the police are effecting an arrest, or while an individual is in police custody. The Chief of Police or designate shall further notify the Executive Director of the Commission at the beginning of the next business day.

The Chief of Police shall immediately report such relief from duty or reassignment to the Fire and Police Commission by submission of a written report to the Executive Director of the Fire and Police Commission, and provide a copy of such report to the Milwaukee County District Attorney. This report shall detail the identity of the officer, or officers so relieved or reassigned, and identify the incident causing such relief from duty or reassignment. Any officer relieved or reassigned under this section remains a member of the Department and subject to all rules and regulations.

Upon completion of a full investigation of the incident, with the resultant determination by the Chief of Police that no additional administrative investigation is required, and a further determination having been made by the Chief of Police that there has been no violation of Police Department rule or state law, the Chief of Police shall prepare a written report to the Executive Director of the Fire and Police Commission with at least three working days' notice that the Chief intends to reinstate any officer relieved or reassigned to their full police duties. Being relieved from duty, under this rule, is not disciplinary in nature, and does not intimate any impropriety of conduct by such officer.

A leave of absence, with pay, for one day may be granted by a commanding officer to any member of his command in case of serious illness to his immediate family or other extraordinary emergency.

2/500.55 Absence from duty without leave of any member of the Department shall be followed by forfeiture of pay for time absent, and charges shall also be preferred against the members by the district commander or head of the bureau, unless otherwise directed by the Chief of Police. An unexplained absence without leave of any member of the Department for three days shall be considered grounds for discharge.

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RULE 6 - SUSPENSIONS AND RESIGNATIONS

2/600.00 Whenever it is considered necessary, for the reason of any violation of the Rules and Regulations of the Department, and for the preservation of good order, efficiency and discipline, Captains of Police, or higher ranks, may suspend from duty, any subordinate members of the Department, until the circumstances can be reported in the manner prescribed to the Chief of Police, and by the Chief approved and confirmed. However, no member of the Department above

the rank of lieutenant, or the head of a bureau, shall be suspended from duty, except by the Chief of Police.

2/600.05 In every case of suspension, the supervisory officer so ordering shall as soon as practicable notify the Chief of Police or designee. A written report shall be submitted, stating the name of the accused, the particular rule or order violated, and the specific charges, with the names and addresses of all witnesses.

2/600.10 Whenever any commanding officer suspends any member of the Department assigned to another work location, the commanding officer of such suspended member shall be promptly notified.

2/600.15 Any member of the Department under suspension shall immediately surrender the following items of equipment to the suspending officer or designee:

- A. Issued Handgun
- B. Badge of Office
- C. Cap Shield
- D. I.D. Card
- E. Call Box Key

These items of equipment are to be retained in a secure place at the member's assigned work location and returned to the member by the commanding officer upon termination of the suspension. These items shall not be inventoried. In extraordinary cases, the equipment may be stored in another location determined by the Chief of Police or designee.

2/600.20 A suspended member of the Department shall not be restored to duty pending investigation or hearing of the charges for which the member was suspended, except by direction of the Chief of Police.

2/600.25 Members of the Department shall not wear their uniforms during any period of suspension. Suspended members of the Department and members dismissed pending appeal shall conform to and abide by the Rules and Regulations of the Department. Failure to comply with Department rules and regulations during the period of suspension shall subject the suspended member to additional charges of misconduct. Such members of the police force are relieved of the responsibility to perform those tasks requiring the exercise of official police power. Such members

of the police force are not deemed to be peace officers and shall not go armed with a concealed or dangerous weapon as defined by State Statutes.

2/600.30 Members of the Department wishing to resign from the service shall submit written notice of such intention to the Chief of Police on Form PI-4 (In the Matter Of Report). Such notice of resignation shall be effective at the time indicated therein, or if no time is therein indicated, then upon delivery of the written resignation to the Chief of Police or duly authorized delegate.

RULE 7 - COMPLAINTS - INQUIRIES

2/700.00 Complaints in writing shall be made to the Commanding Officer of the Internal Affairs Division by all work location commanding officers or by officers of higher rank against any subordinate member of the Department for any alleged violation of the Rules and Procedures Manual which may come to their attention.

2/700.05 Commanding officers shall maintain a Record of Disciplinary Incidents (Form PD-31) in their members' work location personnel file. They shall cause to be recorded on a member's Record of Disciplinary Incidents Form all disciplinary actions and a brief summary, including disposition, of the incident. No entry shall be recorded on a member's PD-31 without notification of that member.

2/700.10 The Internal Affairs Division shall make diligent inquiry into every complaint of delinquency or misconduct on the part of a member of the Department coming to their attention.

2/700.15 When a complaint is made at a Department work location by a citizen against any member of the Department, the statement of the complainant shall be reduced to writing by the investigating supervisor in accordance with Section 3/455 - Citizen Complaints. This procedure shall be followed even if the member complained of is assigned to another work location. The complainant shall not be referred to that other work location.

2/700.20 Commanding officers receiving any complaint shall review the report, and after consulting with the Internal Affairs Division either assign an investigating supervisor or forward the matter to the Internal Affairs Division.

2/700.25 Commanding officers are strictly responsible for promptly forwarding all complaints against members to the Internal Affairs Division.

2/700.30 When an internal investigation has been resolved, the Internal Affairs Division shall be the central repository for all original documents relating to the investigation. As soon as administratively possible, the subject of the investigation shall be notified that the investigation is closed.

2/700.35 Complaints against supervisory or other higher ranking officers by subordinate members of the Department shall be made personally or by letter to the Chief of Police, whenever circumstances make such course necessary or consistent.

2/700.40 Any member of the Department whose character has been compromised may have an inquiry made to determine the accuracy and truthfulness of any accusations made against that member.

2/700.45 Any member of the Department may be dismissed from the service or suffer such other punishment as the Chief of Police may direct when charged with any act or omission contrary to good order and discipline, or constituting a violation of any of the provisions of the Rules and Procedures Manual, or of any Department order.

2/700.50 Formal disciplinary charges may be preferred, with the approval of the Chief of Police, against any member of the Department for any violation of the Rules and Procedures Manual. The Commanding Officer of the Internal Affairs Division only is authorized to prefer formal disciplinary charges as provided.

2/700.55 A charge is the designation of a specific offense committed by the accused member, each distinct offense being the subject of a separate charge. Charges shall be prepared and signed by the commanding officer of the Internal Affairs Division. Whenever charges shall be preferred against any member of the Department who has been before found guilty of any offense, the specifications shall state the facts of such prior finding of guilt and the date thereof.

A specification is a statement of facts which constitute the offense charge. It shall be drawn in clear and concise language and shall state the name and rank of the accused, and the time and place of alleged offense, with certainty, so far at least to say, "At or near such a place, on or about such a day." If the offense has been committed more than once, or in more than one way, there should be distinct specifications. Each specification shall be complete in itself, and shall not refer to facts or particulars in other specifications.

2/700.60 When charges are preferred against members of the Department, the commanding officer to which such accused is attached shall cause to be recorded on the Record of Disciplinary Incidents (Form PD-31) kept for that purpose, under day and date, the fact of such charges having been preferred and the substance in them, in brief, and the order of the Chief of Police relative to their disposition.

2/700.65 Any member against whom charges have been made, who shall attempt directly or indirectly, by threat, appeal, persuasion, or the payment or promise of money, to secure the withdrawal or abandonment of such charges, or to prevent the attendance of witnesses, or who at any time before final judgment shall cause any person to intercede personally, or by letter, in the member's behalf, in any manner whatsoever with any official in or outside of the Department, or with any other person, shall be subject to the charges of act contrary to good order and discipline.

2/700.70 Charges preferred against any member of the Department shall be heard and disposed of directly by the Chief of Police.

2/700.75 Judgements of the Chief of Police acquitting, reprimanding, suspending without pay, demoting, or discharging any member of the Department, together with the substance of the charges on which they are based, shall be read at all roll calls within the seventy-two hours next succeeding the receipt thereof by respective commanding officers.

RULE 8 - MEMBERSHIP IN AUTHORIZED ORGANIZATIONS

2/800.00 For the efficient operation and general good conduct of the Department, any member of the Milwaukee Police Department who is either an officer or trustee of more than one authorized organization of the Department, shall be permitted time off for such duties as such officer or trustee for only one such organization, when meetings are held during the member's tour of duty, provided, that the member submit in writing, a request to the member's District/Bureau/Division Commander stating the name of the organization, the date, time and purpose of such meeting. The District/Bureau/Division Commander shall record the time spent away from duty by the member and forward a report to the Payroll Section for filing. Any time off taken by such member for duties of any other organization cannot be taken during the member's regular tour of duty. Regular off days may be changed to permit members who are officers of more than one authorized organization to attend meetings of such organizations.

Where such member is an officer or trustee of more than one such organization, the member shall file with the Chief of Police, in writing, the name of the organization the member has selected for purposes of time off during the member's regular tour of duty, and such selection may not be changed without permission of the Chief. The authorized organizations of the Department are:

The Policemen's Relief Association of the City of Milwaukee

The Policemen's Annuity and Benefit Fund of Milwaukee

The Policemen's Athletic Association

The Employees' Retirement System of the City of Milwaukee

The Deferred Compensation Board

2/800.05 The Policemen's Athletic Association shall consist of members of the Department who actively participate in activities sponsored by the Association and those other members of the Department who assist in the administration of the Association and its activities. No athletics, recreational activities, or musical organizations purporting to be sponsored by the Police Department or any division of the Police Department shall be engaged in, except by members of the Policemen's Athletic Association and under its sponsorship.

2/800.10 Officers of the Association shall be a president, vice president and a secretary-treasurer, appointed by the Chief of Police. The secretary-treasurer shall be a member of the Personnel/Administration Bureau. In addition, there shall be a Board of Directors composed of nine (9) members who shall be elected annually to take office as of May 1 of each year. The Board of Directors shall consist of one (1) member to be elected from each of the district stations, one (1) to be elected from the personnel composed of the Criminal Investigation Bureau, Juvenile Division, and Vice Control Division (vote in the Criminal Investigation Bureau), and one (1) member to be elected from the personnel composed of the Technical Services Bureau, Personnel/Administration Bureau, and Training Bureau.

Candidates for such election shall be limited to members of the Department who file a petition for nomination, signed by no less than twenty-five (25) members of their respective district, bureau, or group. Such petitions may be circulated beginning as of April 1 of each year. Commanding officers with whom such petitions are filed shall promptly forward them to the Personnel Division where ballots shall be prepared for an election to be held in the respective district stations and bureaus as indicated herein on the fourth (4th) Monday, Tuesday and Wednesday of April. After the balloting has been completed, commanding officers will seal the ballot boxes and deliver them to the Administrative Division where they will be opened and counted by four (4) senior members of the Administrative Division at 10:00 a.m. on the day following the election. Candidates may be present at the counting of the ballots.

The candidate receiving the highest number of votes shall be declared elected. The appointed officers, together with the elected officers and the manager of the Band, shall constitute the Board of Directors and shall be responsible for the proper conduct of, and exercise control over, the activities of the Association, subject to such limitations as may be imposed by the Assistant Chief of Police.

2/800.15 The Board of Directors shall approve all applicants for membership in the Association's activities, and only Department members approved by the Board, as revealed by its minutes, shall be permitted to participate in athletics and other activities sponsored by the Association. The Board shall also approve all members chosen as managers of groups of teams of active participants. Any member of the Department applying for membership in the Police Band shall, in addition to the provisions contained herein, receive approval in writing of the member's respective district or bureau commander and by the Police Band Director.

2/800.20 The secretary-treasurer of the Association shall keep a record of all monies received and disbursed in and from the Athletic Association fund. All disbursements shall be made by check signed by the secretary-treasurer and countersigned by the Assistant Chief of Police. All monies for, or contributions to, said fund shall be approved by the Assistant Chief of Police. The secretary-treasurer shall also keep an inventory of all equipment and other property used or controlled by the Association showing dates of purchase, cause to whom assigned, repairs and replacements, or other dispositions. The Board of Directors may, with the approval of the Assistant Chief of Police, cause the Association to maintain a separate fund under the same terms and conditions as contained herein, but for the purpose of regulating the income and expenditures of the Police Band.

2/800.25 Whenever there shall be a Police Band, duly authorized by the Association and approved by the Assistant Chief of Police, there shall be a Band Director appointed by the Assistant Chief of Police and who shall have full authority to enforce all disciplinary Department regulations so far as they are applicable to members of the Band. The director shall be responsible for the general conduct of the Band and shall report in writing to the Assistant Chief of Police all misconduct of the members.

2/800.30 The Police Band may perform at such civic, patriotic, or charitable occasions, and at such other times as the Assistant Chief of Police may approve. Regular band rehearsals shall be at such times and places as may be directed.

2/800.35 The Police Band uniforms shall be in conformity with the specifications prescribed by the Assistant Chief of Police.

2/800.40 All musical instruments, sheet music, and other property used by the Police Band are the property of the Police Department and shall be promptly returned by members when severing their connection with the Band.

2/800.45 The Band Director shall appoint a manager of the Band, with the approval of the Board of Directors and the Assistant Chief of Police, who will assist the director in the performances of such duties as the director may designate. The Band Manager will keep a record of all absentees from band rehearsals or performances and will report in writing the names, dates, and reasons for such absences to the Assistant Chief of Police. The Band Manager shall also keep records of all activities, performances, and transactions of the Band and make reports to the Board of Directors.

2/800.50 Appointments to the position of librarian, assistant librarian, or other minor offices of the Band shall be made by the Director and the Manager. The members of the Band shall elect three (3) of its members to act as a Band Board. The Board shall have the Band Manager as its chairman and shall act in an advisory capacity to the Director and the Manager in the administration of band activities subject to the approval of the Assistant Chief of Police.

2/800.55 Nothing in these regulations shall require the Association to maintain a police band. If, in the discretion of the Board of Directors, the maintenance of a police band as a part of the Association is not practical or economically feasible, or if the membership of the Band should fall below an economical size, the Board may terminate the Police Band. If, at the time of such termination, any funds are contained in any Band fund set up by the Association, the residue shall be paid into the Athletic Association Fund.