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In Memory Of:

Felmers O. Chaney
(1918 – 2012)

FELMERS O. CHANEY ADVOCACY BOARD

December, 2016

***Informational Guide for Selected
Milwaukee Police Department
Standard Operating Procedures:
Nineteen Things You May Want to Know***

Pat-Down Search or Frisk

SOP.085.05(E); SOP 085.25(A); SOP.085.05(G) and; SOP 085.20

“A frisk (is) reasonably warranted after a person...with reasonable suspicion...has been stopped (but) only when the police (officer) has reason to believe the suspect possesses weapons... (and) the police (officer) must reasonably suspect that he/she or another is in danger of physical injury from that person...This means a pat-down of the person’s outer clothing and nothing more, unless an object is felt which might be a weapon.”

“**Reasonable suspicion**” consists of facts that can be clearly stated that lead a police officer to reasonably believe that the defendant committed a crime, is in the act of, or is about to commit a crime. It is more than a hunch or mere suspicion.

Strip Search

SOP 085.65(A)(1); SOP 085.65(B)(1)(2); SOP 085.65 (D)(1); SOP 085.65(C)(1); and SOP 085.65(C)(2)

“A strip search is...an inspection of genitals, pubic area, buttocks, anus, or breasts of a female.”

“No person shall be the subject of a strip search unless they are...detained...(for) any felony... (or) specified misdemeanors, which are primarily weapons-related offenses...(and) the police (officer) can articulate the reason why he/she believes the detainee is concealing an object which may pose a safety risk or may constitute evidence of a crime.”

“No person may be the subject of a strip search unless he or she is a detained person and if the person and one search witness conducting the search is of the same sex as the person detained...(and) The detained person is not exposed to the view of any person not conducting the search (the search witness excepted).”

Body Cavity Searches

SOP 085.65(F)(1) and SOP 085.65(F)(3)

“Police “officers” are prohibited from conducting a body cavity search whether manual or visual. If a body cavity search is deemed necessary, such search can only be done by a physician, physician’s assistant or registered nurse licensed to practice in the state of Wisconsin.”

“A search warrant is required for every body cavity search.”

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.”

–Margaret Mead

Website:

<http://www.fcabmke.org>

Selected MPD SOPs

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Victim/Witness Rights

SOP 710.05

“It is the policy of the Milwaukee Police Department that all (officers)...treat all victims and witnesses of crime with fairness, dignity, respect, courtesy, and sensitivity.”

Homelessness

SOP 165.00; SOP 165.10

“The policy of the Milwaukee Police Department is to treat homeless persons in a manner that respects individual rights, human dignity and community values while enforcing laws that protect life and property, and that sustain civic life.”

“Homelessness, on its own, does not constitute reasonable suspicion. If reasonable suspicion is present, members may detain and identify a homeless person.”

“Homeless individuals cannot be forced to move to another location if they have a legal right to be present at a location. A homeless person may be asked to move for safety or security reasons if on private property by request of the owner, or if violating a specific ordinance, law or posting.”

Arrested While Driving

SOP 090.25

“Officers may allow the (driver) to choose ... the following options for the (driver’s) vehicle:

1. The vehicle may be released to a third party.
2. The officer may drive the vehicle to the closest area where it can be legally parked.
3. The vehicle may be left legally parked if not in a designated restricted zone.”

SOP 070.30

When giving a citation, “A fingerprint is not mandatory in those instances where the violator has valid picture identification. This must be a Wisconsin operator’s license or identification card, a passport or passport card, or state or federal government issued identification. Only if the issuing officer is completely satisfied of the person’s identity will the fingerprint requirement be waived...Discretion shall be exercised when a person refuses to be fingerprinted. In such cases, the (police officer) shall consult with his/her immediate supervisor.”

Warrantless Search of a Motor Vehicle

SOP 085.40

“Police officers may conduct a warrantless search (of a motor vehicle)...if the police (officer) has probable cause to believe seizable items or evidence of a crime being investigated may be found within the movable vehicle, or any container in the vehicle.”

Probable Cause

SOP 085.05(F)

“Probable cause is the quantum of evidence which would lead a reasonable police officer to believe that the defendant committed a crime. It is more than a hunch or suspicion, but less than the evidence required to convict at trial.”

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Contact with the Public

SOP 085.10(A)(1)

“To the extent that safety considerations allow, police (officers) will introduce themselves to all citizens they make contact with...so that they provide: (a) the police (officer’s) name; (b) the police (officer’s) rank and file; (c) the police (officer’s) affiliation with the Milwaukee Police Department; (d) the reason for the contact or stop.”

Fair and Impartial Policing

SOP 001.05

“Police (officers) shall not consider race, color, ethnicity, national origin, economic status, sexual orientation, gender expression, age, sex, or religion in carrying out law enforcement activities except when credible, locally relevant information links a person or people of specific characteristics/status, as listed above, to a specific unlawful incident, or to specific unlawful incidents, criminal patterns or schemes.”

Limited English Proficiency/Hearing Impaired Persons

SOP 190.00

“It is the policy of the Milwaukee Police Department to ensure that a consistently high level of service is provided to all individuals, including those who have a limited ability to speak, read, write, or understand the English language and those who are hearing impaired.”

SOP 190.10(A)

“The AT&T Language Line is available to assist in communicating with limited English proficient individuals via emergency and non-emergency calls to the department. Furthermore, to assist (officers) to properly conduct interviews, investigations, and customer service requests, the Technical Communications Division shall keep a Qualified Interpreter/Translator Roster. The Technical Communications Division shall also keep contact information of approved private agencies that provide certified foreign language interpretation, or translation, and hearing-impaired interpretation services.”

SOP 190.10(C)

“The department shall solicit department (officers and other staff) as volunteers to provide qualified foreign language translation, qualified foreign language interpretation or qualified sign language interpretation services.”

SOP 190.10(H)(1)(B)

“A qualified foreign language interpreter or translator must be present when a person with limited English proficiency is being questioned ...whether the individual is a suspect, witness, victim, or any other person interviewed regarding a criminal investigation.”

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Miranda Warnings

SOP 085.20(B)(5)

“Police (officers) are not required to give suspects Miranda warnings in order to conduct...interviews (in the field) unless the person is in custody and about to be interrogated.”

SOP 190.10(H)(1)(A)

“A Spanish version of the Miranda warnings card must be used before interrogating Spanish-speaking individuals with limited English proficiency. Individuals who speak a primary language other than Spanish must have the Miranda warnings read to them in their own language by a qualified interpreter.”

Interactions with Transgender Individuals

SOP 117.05

“(Police officers) shall not exhibit any bias, prejudice or discriminate against any individual or group based on their actual or perceived sexual orientation, gender, or gender identity/expression.”

SOP117.15(A) & (B)

“(Officers) shall treat all members of the transgender population with fairness, dignity, respect, courtesy, and sensitivity regardless of the reason for the contact.”

“If an individual self identifies as transgender, (officers) shall respect the expressed gender and use of pronouns that are appropriate for the individual’s gender presentation or the person’s pronoun of choice (e.g., ‘she, her, hers’ for an individual who self-identifies as a female; ‘he, him, his’ for an individual who self-identifies as male).

SOP 117.20(C)

“When a (officer) has reason to believe that an individual is transgender and a frisk or search of that person is necessary, they shall ask the individual their search preference. The individual’s search preference should be honored as long as no exigent circumstances exist that would require an immediate search.”

Domestic Violence

SOP 114.05

“The Milwaukee Police Department recognizes the seriousness of domestic abuse to society. It is the policy of the Milwaukee Police Department that officers shall respond and investigate in all reported cases of domestic abuse. They shall afford domestic abuse victims the greatest protection available and enforce all domestic abuse laws.”

SOP 114.70(B)

“If the victim presents an order of protection/injunction from another jurisdiction, whether it is a civil or criminal order, (the) shift commander shall make a reasonable effort to confirm its validity and, if the shift commander believes it to be valid, the officer shall enforce the order.”

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Domestic Violence

Cont.’

SOP 114.10(C)

A “predominant aggressor” is “(t)he most significant, not necessarily the first, aggressor in a domestic violence incident.”

SOP 114.20(B)

When there is probable cause that both parties have committed acts of domestic violence against each other, the (officer) must make every effort to identify the predominant aggressor.”

SOP 114.20(1) (a-f)

“In determining the predominant aggressor, officers shall consider the following:

- (a.) History of domestic abuse between the parties, if it can be reasonably ascertained by the officer and any information provided by witnesses regarding that history.
- (b.) Statements made by witnesses.
- (c.) The relative degree of injury inflicted on the parties.
- (d.) The extent to which each person present appears to fear any party.
- (e.) Whether any party is threatening or has threatened future harm against another party or family or household member.
- (f.) Whether either party acted in self-defense or in defense of any other person.”

SOP 114.20(2)

“Some additional factors for consideration in determining predominant aggressor may include the following:

- (a.) Age, height and weight of the parties, as well as strength and skill of each party.
- (b.) Criminal history, including a determination of whether one party is on probation/parole.
- (c.) Seriousness of injuries, including investigation of offensive vs. defensive wounds...
- (g.) Existing temporary restraining order, injunction, no contact order”.

SOP 114.20(A)

“If probable cause exists that a domestic violence offense occurred as determined by the totality of the circumstances the suspect shall be summarily arrested and taken into custody for a state charge

even if the victim declines to prosecute...If the suspect is not on the scene and cannot readily be located, the investigating officer shall apply for a state warrant.”

Wis. Stats. §813.12(8)(a)

Arrested persons must avoid intentional contact with alleged victims for 72 hours or they may be required to serve up to 9 months in prison and pay up to a \$10,000.00 fine. (Note: Aggravated battery felony convictions can be punished by up to 15 years in prison and up to a \$50,000.00 fine.)

Procedures for On-Duty Arrests

SOP 220.15(1)(B)

“When making an arrest, the officer shall restrict the arrested subject’s movement using only the amount of reasonable force necessary to overcome their resistance.”

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Open Records

SOP 265.15(A); SOP 265.35(5); SOP 265.35(8)

“There is a strong statutory presumption in favor of the right to inspect records in the custody of a public authority...Requests involving (police officers’) disciplinary or personnel records will be routed to the Internal Affairs Division Civil Investigations section supervisor, after being received and recorded at Open Records...Records will be reviewed and appropriate redactions made before giving any document to the requester. If the request was made in writing, by letter or by email, and redactions are necessary, Open Records shall provide a written explanation ...for the redactions. The written response must also inform the requester of his or her right to court review of the denial...Open Records is not required by law to give an explanation for redactions to the requester if the request was made verbally.

Complaints Against MPD

SOP 450.05(A); SOP 450.05(E); SOP 450.10(B); 45.10(J)

“Once a complaint is filed with either the Fire and Police Commission or Milwaukee Police Department, an initial investigation is performed...(The) complaint shall be documented in writing on a *Citizen Complaint Report* (form PI-31) by either the complainant or (MPD) supervisor receiving the complaint...A citizen’s refusal to sign the *Citizen Complaint Report* shall not constitute a basis for refusing to accept a complaint...” If the complaint is handled by MPD, and the complaint is not criminal in nature or a serious violation of standard operating procedures or the Code of Conduct, it may be assigned to a supervisor at the district station but... “complaints that are criminal in nature or are a serious violation of standard operating procedures or the Code of Conduct shall be assigned to an investigator at the Internal Affairs Division.” If the complaint is being investigated by the Fire and Police Commission, (MPD) members will, within seven (7) days, fully and truthfully respond to all inquiries from the executive director of the Fire and Police Commission, or his/her designee, who is investigating citizen complaints or citizen inquiries made through the Fire and Police Commission”

Internship for MPD Employment

SOP 590; SOP 590.05(B)(1); SOP 590.05(b)(2)

“It is the policy of the Milwaukee Police Department to support a college internship program for students completing their education in police science or other related field, as well as non-students

who are interested in pursuing a career in the law enforcement field...Students interested in the internship program shall submit a letter from their college program coordinator on official college stationery expressing the student's interest...Non-students interested in the internship program shall write a letter to the Chief of Police expressing in detail their career focus and reason for interest in working with the Milwaukee Police Department as an intern."

Ride-Along Program

SOP 580; SOP 580.05(B)(1)

"It is recognized that certain benefits may be derived from allowing citizens to observe police activities. The primary considerations when permitting a ride-along shall be the benefits to the community and to the police department...Any media organization/representative, agency, law enforcement officer, private citizen or government official who requests a ride-along shall contact the manager of Public Relations in advance to make a formal request to participate in a ride along...After approval has been granted, the participant shall submit a written request on their agency or company letterhead to the Office of the Chief."

Felmers O. Chaney Advocacy Board