Milwaukee Police Department

Code of Conduct

Milwaukee Police Department Code of Conduct

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Index

Preamble
Pages 1 – 2

Vision, Mission, Core Values and Guiding Principles

Pages 3 – 5
Vision, Mission
Core Values – Competence

Pages 5 – 6
Core Values – Courage

Pages 6 – 8
Core Values – Integrity

Pages 8 – 9
Core Values – Leadership

Page 10
Core Values – Respect

Page 10
Core Values – Restraint

Appendix – Disciplinary Decision Process

Pages 11 – 12
Appendix – Purpose

Pages 12 – 15
Appendix – Discipline Factors

Page 15
Appendix – Responsibility

Milwaukee Police Department Code of Conduct

Preamble

The Milwaukee Police Department hereby establishes a Code of Conduct comprised of our Vision Statement, Mission Statement, Core Values and Guiding Principles, and Standard Operating Procedures. This Code establishes fundamental standards of conduct and performance consistent with the highest professional standards of policing.

Our vision statement describes what we as a police department seek to achieve. Our mission statement describes how we as department members will achieve that vision. Our core values and guiding principles shape our conduct and performance both on and off duty. Our policies and procedures guide our standards of practice for situations most likely to be encountered in the course of our duties.

The Milwaukee Police Department recognizes the inherent complexity of policing and the use of legitimate discretion by members to confront that complexity. Discretion is, however, limited. Discretion cannot be arbitrary nor used as an excuse for personal inclination when members fail to perform properly. When members confront situations that are so unique that no policy or procedure can guide them, their decisions and interventions must always be consistent with our core values and guiding principles.

Department members shall at all times conduct themselves – to the extent their position requires – in accordance with the provisions of this Code. Any conduct, whether on or off duty, which brings or is likely to bring discredit upon the Milwaukee Police Department may be investigated in order to establish whether or not a breach of the Code has occurred. A breach of the Code may result, in appropriate circumstances, in a criminal or disciplinary investigation, either as directed by the Chief of Police or the Fire and Police Commission.

When department members are investigated for a breach of this Code, whether directed by the Chief of Police or the Fire and Police Commission, the investigation will be conducted promptly, thoroughly, and impartially. This Code shall be applied in any investigation, hearing or decision relating to misconduct in a reasonable and objective manner. Due regard shall be given to the degree of negligence or deliberate fault of a member and the nature and circumstances of the member's misconduct. The Chief of Police or the Fire and Police Commission reserves the right to impose discipline up to and including discharge from the department if, after a prompt, thorough, and impartial investigation has been conducted, it is determined that a breach of the Code has occurred.

Milwaukee Police Department Code of Conduct

Vision, Mission, Core Values and Guiding Principles

VISION

A Milwaukee where all can live safely and without fear, protected by a police department with the highest ethical and professional standards.

MISSION

In partnership with the community, we will create and maintain neighborhoods capable of sustaining civic life. We commit to reducing the levels of crime, fear, and disorder through community-based, problem-oriented, and data-driven policing.

CORE VALUES

1.00 – Competence

We are prudent stewards of the public's grant of authority and resources. We are accountable for the quality of our performance and the standards of our conduct. We are exemplary leaders and exemplary followers.

1.01
All members within their probationary period shall be evaluated on their conduct and fitness for the performance of their duties. If a member's conduct or performance of duties is not satisfactory for continued service to the department, the member shall be discharged, with no right of appeal to the Board of Fire and Police Commissioners.

1.02
We cooperate with our colleagues, other agencies and citizens to ensure public safety, improve the quality of urban life, protect those who cannot protect themselves and enforce the law.

1.03
All department members shall render service to the community promptly and efficiently. When not answering a call for service, members shall use their time to accomplish the mission of the department.

1.04
Police investigations shall at a minimum be based upon reasonable suspicion or an actual or possible offense or crime. Investigations shall be conducted and reports shall be prepared in a prompt, thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.

1.05
All department members shall be familiar with department policy, procedures and training and shall conduct themselves accordingly.

1.06
All department members shall report for duty at the time designated by their supervisors.

1.07
All department members shall report to court at the time designated by their subpoena.

1.08
All department members shall report fit for duty, and not be impaired as a result of drinking alcohol, using a drug for non-medical purposes, intentionally misusing a prescription drug or substance abuse.

1.09
No department member shall consume, purchase or possess any intoxicating liquor and/or fermented malt beverage while on duty or in uniform except with the approval of the Chief of Police or designee.

Core Values and Guiding Principles

1.10
All department members are responsible for the condition and safeguarding of their personal and department issued equipment. Department members shall not deface, damage, destroy, modify, or carelessly or inappropriately use any department property without permission to do so.

2.00 – Courage

We place the safety of others before our own and accept our moral responsibility to take action against injustice and wrongdoing. Police members are expected to take prudent risks on behalf of the public.

2.01
Police members are required to discharge their duties with composure and determination and in time of danger or adversity shall act together and assist each other in the restoration of peace and order.

2.02
Members shall oppose and, if possible, prevent any violation of the Code of Conduct and report violations if they occur. Members will not be punished, but will be protected and supported, for reporting a violation of the Code of Conduct, unless the report is shown to be malicious or ill founded.

2.03
Failure to intervene when a violation of the Code of Conduct occurs, or is about to occur, shall be treated the same as if the member committed the violation.

3.00 – Integrity

We recognize the complexity of police work and exercise discretion in ways that are beyond reproach and worthy of public trust. Honesty and truthfulness are fundamental elements of integrity. It is our duty to earn public trust through consistent words and actions. We are honest in word and deed.

3.01
Our behavior shall inspire and sustain the confidence of our community. Whether on or off duty, department members shall not behave in such a way that a reasonable person would expect that discredit could be brought upon the department, or that it would create the appearance of impropriety or corruptive behavior.

3.02
Members shall avoid regular or continuous associations with persons or groups they reasonably believe, know or should know are planning to, or are engaged in, criminal behavior, or who advocate the overthrow of government, such that the association would undermine the public trust or affect the member's credibility or integrity. The exceptions are associations that are necessary in the performance of duty or familial relationships of which the Chief of Police or designee is cognizant.

3.03
Police members shall exercise powers of arrest, search, seizure and surveillance only when it is lawful, necessary and proportionate to do so.

3.04
Department members shall treat the official business of the department as confidential, not imparting it to anyone, either orally, electronically or in writing, except those for whom it is intended or under due process of law.

3.05
Department members shall obey local ordinances and state and federal laws, whether on or off-duty. Any violation of ordinances or laws

Core Values and Guiding Principles

in any jurisdiction shall be reported to the member's supervisor as soon as practical.

3.06
Department members shall not use their official position or membership in the Milwaukee Police Department to unnecessarily interfere with the personal affairs or professional responsibilities of any person or agency.

3.07
Members shall not suggest or recommend a specific attorney to anyone who has been arrested or to someone on their behalf nor become involved in the employment of an attorney for any victim of a crime or accident.

3.08
Department members shall not accept nor solicit, either directly or indirectly, anything of value, including a gratuity, money, reward, gift, fee, loan or special consideration as a consequence of their office. Members are not precluded from receiving very minor courtesies and gratuities (i.e., small amounts of food or non-alcoholic drink) provided that it is not sought nor in exchange or expectation of official favor.

3.09
All department members are bound by City of Milwaukee Charter Ordinance provisions regarding residency and are required to establish and maintain their actual and bona fide residence within the boundaries of the city throughout their period of employment with the department.

3.10
All department members shall be forthright and candid, orally or in writing, in connection with any administrative inquiry or report.

3.11
Department members are required to be complete, honest and accurate with respect to all relevant facts and information pertaining to any criminal or civil investigation, report or inquiry. No department member shall knowingly or with reckless disregard for the truth sign or make any false official statement.

Note:
The provisions of this guiding principle do not apply to a member's questioning or interrogation of a person involved in a criminal investigation or where the member is engaged in an approved undercover role where such representation is not inconsistent with law or is accepted professional practice.

4.00 – Leadership

We seek to influence human behavior to achieve organizational goals that serve the public while developing individuals, teams and the organization for future service. We accept our responsibility to be leaders, both within the community and among our peers, and for the actions of our colleagues and ourselves. We are all responsible for the performance, reputation and morale of the department.

4.01
We will work together and set an example that embodies respect, compassion, integrity and efficiency.

4.02
Leadership is not solely positional and no rank has unique privileges. The only privilege of rank is increased responsibility.

4.03
Personal failure to intervene to prevent or stop misconduct, when there is an opportunity to do so, demonstrates not only a lack of courage, but also a failure of leadership.

Milwaukee Police Department Code of Conduct

Core Values and Guiding Principles

4.04
Supervisors shall be role models for delivering truly professional, impartial and effective police service. Supervisors shall ensure that the individuals for whom they are responsible carry out their professional duties correctly. Supervisors must put the department's mission first, in both word and action, and do nothing to interfere with its accomplishment.

4.05
Supervisors shall ensure the individuals for whom they are responsible are supported, guided on the professional performance of their duties and encouraged to further their professional development. Supervisors have a particular responsibility to secure, promote, improve and maintain professional standards and integrity through the provision of advice and guidance. Supervisors have an obligation to commend exemplary behavior, a responsibility to correct substandard behavior and a requirement to discipline when needed.

5.00 – Respect

We hold life in the highest regard. We treat all citizens and colleagues with dignity and respect, and are fair and impartial as we perform our duties.

5.01
Department members shall treat the public and each other with courtesy and professionalism. Civility and patience are valued attributes, while profane or insolent language or actions undermine the public's confidence.

5.02
Members shall act with fairness, self-control, tolerance and impartiality when carrying out their duties.

5.03
Members shall promptly obey any proper or lawful order emanating from any officer of higher rank. Any improper or unlawful order should be reported to a supervisor of higher rank.

5.04
A conflicting order shall be brought to the attention of the member giving the order. If this member does not change the order, the order shall stand and this member shall bear full responsibility.

6.00 – Restraint

We use the minimum force and authority necessary to accomplish a proper police purpose. We demonstrate self-discipline, even when no one is listening or watching.

6.01
Police members shall exercise restraint in the use of force and act in proportion to the seriousness of the offense and the legitimate law enforcement objective to be achieved.

6.02
Members shall not subject any person to torture or cruel, inhumane or degrading treatment or punishment. No circumstances whatsoever may be invoked as a justification for torture or other cruel, inhumane or degrading treatment or punishment.

Appendix - Disciplinary Decision Process

Purpose

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

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

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

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

Discipline Factors

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

Appendix - Disciplinary Decision Process

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

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

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

An intentional error is an action or a decision that an employee makes that is known (or should be known) to be in conflict with law, established training or procedures or this Code of Conduct. Generally, intentional errors will be treated more seriously and carry greater consequences than unintentional errors. Within the framework of intentional errors there are certain behaviors that are entirely inconsistent with the responsibilities of the police profession. These include lying, theft, physical abuse of citizens, and other equally serious breaches of the trust placed in members of the police profession. The nature of the police responsibility requires that police officers be truthful. It is recognized, however, that it is sometimes difficult to determine if one is being untruthful. A member will face discharge from the department when it is clear that the member is intentionally engaging in an effort to be untruthful. It is also a serious breach to have engaged in theft, physical abuse of citizens and other criminal behavior.

Appendix - Disciplinary Decision Process

Employee's Past Record: To the extent allowed by law and policy, a member's past record will be taken into consideration in determining the consequences of a failure to meet the department's expectations. A member that repeatedly makes errors can expect the consequences of this behavior to become progressively more punitive. A member whose past record reflects hard work and dedication to the community and department will be given every consideration in the determination of any disciplinary action.

Responsibility

The Milwaukee Police Department has a well-established tradition of serving the community with integrity and professionalism. It is among the finest police organizations in this nation. To maintain our proud tradition and continue improving the quality of service the department provides to the community, each and every department member must accept their responsibility for maintaining the high professional standards of this Code.

BE A FORCE