



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

950 – DAMAGE CLAIMS

GENERAL ORDER: 2014-23
ISSUED: April 9, 2014

EFFECTIVE: April 9, 2014

REVIEWED/APPROVED BY:
Captain Mark Stanmeyer
DATE: October 30, 2015

ACTION: Amends General Order 2001-21 (October 3, 2001)

WILEAG STANDARD(S): NONE

950.00 **DAMAGE INVESTIGATION**

Whenever damage occurs to any premises, vehicle, or other property as a direct result of police action, an investigation shall be promptly conducted by a supervisor of the personnel that caused such damage. This investigation shall determine the reason for the damage (e.g., welfare of occupant, arrest, execution of search warrant, recovery of evidence) and the nature and extent of the damage. Statements of witnesses and photographs shall also be obtained in case of a future claim action against the city. A *Department Memorandum* report (form PM-9E) shall be submitted to the supervisor's commanding officer.

950.05 **DAMAGE NOTICE (FORM PD-43)**

- A. The investigating supervisor shall complete a *Damage Notice* (form PD-43), and personally provide it to the owner or occupant, if present. Property owner information is available by accessing the city of Milwaukee's web site and accessing the City Assessor's Office home page or Department of Neighborhood Services (DNS) home page (Milwaukee city ordinance 200.51.5 requires that the owners of all commercial and most residential properties must provide the DNS registry with the name, address, and phone number of the property owner). If the premises, vehicle, or property is unoccupied or unattended, the supervisor shall leave the completed form in a prominent place. A *Damage Notice* (form PD-43) shall be completed for each separately owned premise, vehicle, or property.
- B. The *Damage Notice* (form PD-43) shall include the following information:
1. Only the city attorney or the Common Council or the mayor can authorize payment of a claim against the city. Any other representations or promises regarding reimbursement made by city employees are not legally binding on the city.
 2. Filing a claim against the city does not automatically guarantee reimbursement from the city. The city examines each claim on an individual basis in determining if reimbursement is legally required.
 3. To obtain reimbursement for a claim made against the city, the claimant must prove that the city or its employees acted unlawfully or negligently.
 4. Before a claimant can file a lawsuit against the city for reimbursement, state law requires that the claimant first follow the claim procedures established by the Milwaukee city clerk.

950.10 RETENTION OF DAMAGE INVESTIGATION REPORTS

After review and approval by the member's commanding officer, all damage investigation reports shall be forwarded to the Records Management Division for filing.



EDWARD A. FLYNN
CHIEF OF POLICE

EAF:jss