



Police Department

Edward A. Flynn
Chief of Police

January 22, 2010

The Board of the
Fire and Police Commission
200 E. Wells St., Room 706A
Milwaukee, WI 53202

RE: PROPOSED RESCISSION OF RULES 6 AND 7

Dear Commissioners:

On February 12, 2009, I requested approval to rescind Rules 6 and 7 in their entirety in that these rules are already codified in Standard Operating Procedures 010 – Absence, 030 – Written Department Directives, 450 – Personnel Investigations and 870 – Suspensions – Official Disciplines.

Recently, you approved the rescission of Rules 3, 5 and 8, which are also codified in Standard Operating Procedures. The next step in the transformation to a values based department and the implementation of the Code of Conduct is the rescission of Rules 6 and 7. I respectfully request that this matter be placed on the Fire and Police Commission calendar for the February 4, 2010 meeting. If my request for rescission is approved, I will direct that Rules 6 and 7 be rescinded by General Order as soon as administratively possible.

Sincerely,

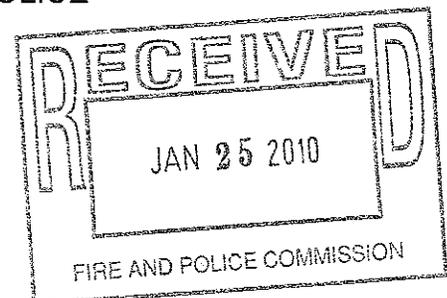


EDWARD A. FLYNN
CHIEF OF POLICE

Enclosures: February 12, 2009 letter

cc: Labor Negotiator Troy Hamblin
Human Resources Manager Valarie Williams

EAF:cms



RULE 6 - SUSPENSIONS AND RESIGNATIONS

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.

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.

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.

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.

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.

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

RULE 6 SUSPENSIONS AND RESIGNATIONS

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.

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

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

RULE 7 - COMPLAINTS - INQUIRIES

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.

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.

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.

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.

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.

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

RULE 7 - COMPLAINTS - INQUIRIES

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.

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.

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

700.75 Judgments 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.