

# Chippewa Falls Police Department

## Policy Manual

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### **CHIEF'S PREFACE**

# Chippewa Falls Police Department

## Policy Manual

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### **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

# Chippewa Falls Police Department

## Policy Manual

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### **MISSION STATEMENT**

To Provide Quality Policing through Community Partnerships that Focus on Problem Solving and through Employees who are Driven to Fight Crime.

# Chippewa Falls Police Department

## Policy Manual

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### Table of Contents

<b>Chief's Preface.</b>	<b>1</b>
<b>Law Enforcement Code of Ethics.</b>	<b>2</b>
<b>Mission Statement.</b>	<b>3</b>
<b>Chapter 1 - Law Enforcement Role and Authority.</b>	<b>8</b>
100 - Law Enforcement Authority.	9
101 - Oath of Office.	12
102 - Policy Manual.	14
<b>Chapter 2 - Organization and Administration.</b>	<b>18</b>
200 - Organizational Structure and Responsibility.	19
201 - Department Directives.	21
202 - Emergency Operations Plan (EOP).	22
203 - Training.	24
204 - Electronic Mail.	27
205 - Administrative Communications.	29
206 - Supervision Staffing Levels.	30
207 - Former Officer Carrying Concealed Weapons.	31
<b>Chapter 3 - General Operations.</b>	<b>34</b>
300 - Use of Force.	35
301 - Use of Force Review Committee.	45
302 - Handcuffing and Restraints.	47
303 - Control Devices and Techniques.	51
304 - Conducted Energy Device.	56
305 - Officer-Involved Shootings and Deaths.	61
306 - Firearms.	70
307 - Vehicle Pursuits.	80
308 - Officer Response to Calls.	93
310 - Domestic Abuse.	96
311 - Search and Seizure.	103
312 - Temporary Custody of Juveniles.	107
314 - Discriminatory Harassment.	114
315 - Child Abuse.	119
316 - Missing Persons.	126
317 - Public Alerts.	133
318 - Victim and Witness Assistance.	137
319 - Bias-Motivated Crimes.	140
320 - Standards of Conduct.	143
321 - Information Technology Use.	150
323 - News Media Relations.	153
324 - Subpoenas and Court Appearances.	156

# Chippewa Falls Police Department

## Policy Manual

---

325 - Mutual Aid and Outside Agency Assistance. . . . .	159
327 - Major Incident Notification. . . . .	162
328 - Firearm Injury Reporting. . . . .	164
329 - Death Investigation. . . . .	165
331 - Private Persons' Arrests. . . . .	168
332 - Limited English Proficiency Services. . . . .	170
333 - Communications with Persons with Disabilities. . . . .	175
335 - Chaplains. . . . .	182
337 - Child and Dependent Adult Safety. . . . .	188
338 - Service Animals. . . . .	192
339 - Volunteers. . . . .	194
341 - Off-Duty Law Enforcement Actions. . . . .	201
342 - Department Use of Social Media. . . . .	204
343 - Community Relations. . . . .	207
344 - Patrol Canines. . . . .	210
345 - Therapy Canines. . . . .	221
<b>Chapter 4 - Patrol Operations. . . . .</b>	<b>226</b>
400 - Patrol Function. . . . .	227
401 - Bias-Based Policing. . . . .	229
402 - Briefing. . . . .	231
403 - Crime and Disaster Scene Integrity. . . . .	232
404 - SWAT Team. . . . .	234
405 - Ride-Along. . . . .	238
406 - Hazardous Material Response. . . . .	241
407 - Hostage and Barricade Incidents. . . . .	244
409 - Emergency Detentions. . . . .	248
410 - Citation Releases. . . . .	251
411 - Foreign Diplomatic and Consular Representatives. . . . .	253
412 - Rapid Response and Deployment. . . . .	257
413 - Immigration Violations. . . . .	260
414 - Emergency Utility Service. . . . .	263
415 - Field Training Officers. . . . .	264
416 - Aircraft Accidents. . . . .	267
417 - Air Support. . . . .	271
418 - Contacts and Temporary Detentions. . . . .	272
420 - Shift Commanders. . . . .	277
421 - Mobile Audio Video. . . . .	278
422 - Mobile Digital Computer Use. . . . .	284
423 - Portable Audio/Video Recorders. . . . .	286
424 - Public Recording of Law Enforcement Activity. . . . .	291
425 - Bicycle Patrol Unit. . . . .	294
426 - Foot Pursuits. . . . .	297
427 - Automated License Plate Readers (ALPR). . . . .	301
428 - Homeless Persons. . . . .	303
429 - First Amendment Assemblies. . . . .	306
430 - Civil Disputes. . . . .	312

# Chippewa Falls Police Department

## Policy Manual

---

431 - Suspicious Activity Reporting. . . . .	316
432 - Crisis Intervention Incidents. . . . .	319
433 - Medical Aid and Response. . . . .	324
<b>Chapter 5 - Traffic Operations. . . . .</b>	<b>329</b>
500 - Traffic Function and Responsibility. . . . .	330
501 - Traffic Crash Response and Reporting. . . . .	333
502 - Vehicle Towing and Release. . . . .	338
504 - Impaired Driving. . . . .	341
505 - Traffic Citations. . . . .	347
506 - Disabled Vehicles. . . . .	349
507 - Abandoned Vehicle Violations. . . . .	350
<b>Chapter 6 - Investigation Operations. . . . .</b>	<b>351</b>
601 - Sexual Assault Investigations. . . . .	352
603 - Asset Forfeiture. . . . .	356
604 - Eyewitness Identification. . . . .	363
605 - Brady Material Disclosure. . . . .	367
606 - Unmanned Aerial System (UAS) Operations. . . . .	369
<b>Chapter 7 - Equipment. . . . .</b>	<b>372</b>
700 - Department-Owned and Personal Property. . . . .	373
702 - Vehicle Maintenance. . . . .	375
703 - Vehicle Use. . . . .	376
704 - Cash Handling, Security and Management. . . . .	379
705 - Personal Protective Equipment. . . . .	381
<b>Chapter 8 - Support Services. . . . .</b>	<b>386</b>
801 - Records. . . . .	387
802 - Records Maintenance and Release. . . . .	390
800 - Property and Evidence. . . . .	398
803 - Protected Information. . . . .	407
<b>Chapter 9 - Custody. . . . .</b>	<b>410</b>
900 - Custodial Searches. . . . .	411
<b>Chapter 10 - Personnel. . . . .</b>	<b>416</b>
1000 - Recruitment and Selection. . . . .	417
1001 - Evaluation of Employees. . . . .	422
1002 - Promotions and Transfers. . . . .	425
1004 - Anti-Retaliation. . . . .	427
1005 - Reporting of Employee Convictions. . . . .	430
1006 - Drug- and Alcohol-Free Workplace. . . . .	432
1007 - Sick Leave. . . . .	435
1008 - Communicable Diseases. . . . .	437
1009 - Smoking and Tobacco Use. . . . .	442

# Chippewa Falls Police Department

## Policy Manual

---

1011 - Seat Belts. . . . .	443
1012 - Body Armor. . . . .	445
1013 - Personnel Records. . . . .	447
1016 - Fitness for Duty. . . . .	452
1017 - Meal Periods and Breaks. . . . .	455
1018 - Lactation Breaks. . . . .	456
1019 - Payroll Records. . . . .	458
1020 - Overtime Compensation Requests. . . . .	459
1021 - Outside Employment. . . . .	460
1022 - Occupational Disease and Work-Related Injury Reporting. . . . .	465
1023 - Personal Appearance Standards. . . . .	468
1024 - Uniform Regulations. . . . .	471
1026 - Department Badges. . . . .	481
1027 - Temporary Modified-Duty Assignments. . . . .	482
1029 - Employee Speech, Expression and Social Networking. . . . .	487
1031 - Locker Rooms. . . . .	491
1033 - Line-of-Duty Deaths. . . . .	492
1032 - Safety and Health Program. . . . .	504
1034 - CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS. . . . .	508
1035 - POSITIVE DISCIPLINE PROCEDURE. . . . .	511
 <b>Chapter 11 - Job and Position Descriptions. . . . .</b>	 <b>520</b>
1100 - Chief of Police - Job Description. . . . .	521
1101 - Lieutenant of Field Operations - Job Description. . . . .	524
1102 - Lieutenant of Investigations - Job Description. . . . .	530
1103 - Patrol Sergeant - Job Description. . . . .	536
1104 - Police Officer - Job Description. . . . .	542
1105 - Administrative Assistant - Job Description. . . . .	547
1106 - Business Office Lead Clerk - Job Description. . . . .	552
1107 - Business Office Clerk - Job Description. . . . .	556
1108 - Parking Enforcement Worker - Job Description. . . . .	560
1109 - Financial Crimes Investigator - Position Description. . . . .	564
1110 - Sensitive Crimes Investigator - Position Description. . . . .	570
1111 - Drug Task Force Investigator - Position Description. . . . .	576
1112 - School Resource Officer - Position Description. . . . .	582
 <b>Attachments. . . . .</b>	 <b>589</b>
. . . . .	590

## **Chapter 1 - Law Enforcement Role and Authority**



# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Chippewa Falls Police Department to perform their functions based on established legal authority.

## 100.2 PEACE OFFICER POWERS

Officers possess the powers to preserve the peace as necessary, make arrests and enforce all local and state laws (Wis. Stat. § 59.28(1); Wis. Stat. § 62.09(13)(a)).

### 100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE CHIPPEWA FALLS POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Chippewa Falls Police Department includes (Wis. Stat. § 968.07):

- (a) When the officer has or reasonably believes that an arrest warrant has been issued in the State of Wisconsin, or a felony arrest warrant has been issued in another state.
- (b) When the officer has probable cause to believe any crime is being, or has been, committed.

### 100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION

An officer outside the territorial jurisdiction of this department may arrest a person if the following conditions are met (Wis. Stat. § 175.40(6)):

- (a) The officer is on duty and on official business.
- (b) The officer is taking action that would be authorized under the same circumstances within the territorial jurisdiction of this department.
- (c) The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm or acts that the officer reasonably believes constitute a felony.

An officer may also enforce any law or ordinance that he/she is otherwise authorized to enforce by arrest or issuance of a citation anywhere in the state when in fresh pursuit or on the entire width of any highway that is a boundary of Chippewa Falls and an adjacent jurisdiction except when the jurisdiction is outside the boundaries of the state of Wisconsin (Wis. Stat. § 175.40(2); Wis. Stat. § 175.40(4)).

While engaged in enforcement action outside the jurisdiction of the Chippewa Falls Police Department, an officer should notify the local law enforcement agency of the county or municipality where the violation occurs, cooperate with that agency as necessary, and notify his/her immediate on-duty supervisor as soon as reasonably practicable (Wis. Stat. § 175.40(6)(d)).

### 100.2.3 OFF-DUTY PEACE OFFICER ARREST AUTHORITY

An off-duty officer may arrest a person outside the territorial jurisdiction of this department, but still in the state, if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Law Enforcement Authority*

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- (a) The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm.
- (b) The officer is taking action that would be authorized under the same circumstances within the territorial jurisdiction of this department.
- (c) The off-duty officer notifies the on-duty supervisor as soon as reasonably practicable, notifies the local law enforcement agency of the county or municipality where the arrest occurred and cooperates with that agency as necessary (Wis. Stat. § 175.40(6m(a))).

#### **100.3 INTRASTATE PEACE OFFICER ASSISTANCE**

This department may request the assistance of law enforcement personnel or may assist other law enforcement agencies as warranted or authorized (Wis. Stat. § 59.28(2); Wis. Stat. § 66.0313(2)).

During any state of emergency declared by the governor or during any training program or exercises authorized by the adjutant general, an officer, when legally engaged in traffic control, escort duty or protective service, may carry out the functions anywhere in the state but shall be subject to the direction of the adjutant general through the sheriff of the county in which an assigned function is performed (Wis. Stat. § 323.16).

##### **100.3.1 INTRASTATE PEACE OFFICER TRIBAL ASSISTANCE**

This department may not respond to a request for assistance from a tribal law enforcement agency at a location outside this jurisdiction unless one of the following applies (Wis. Stat. § 66.0313(4)):

- (a) The governing body of the tribe that created the tribal law enforcement agency adopts and has in effect a resolution that includes a statement that the tribe waives its sovereign immunity to the extent necessary to allow the enforcement in the courts of the state of Wisconsin of its liability under Wis. Stat. § 66.0313 or another resolution that the Wisconsin Department of Justice determines will reasonably allow the enforcement in the courts of the state of Wisconsin.
- (b) The tribal law enforcement agency or the tribe that created the tribal law enforcement agency maintains liability insurance that does all of the following:
  - 1. Covers the tribal law enforcement agency for its liability under law
  - 2. Has a limit of coverage not less than \$2,000,000 for any occurrence
  - 3. Provides that the insurer, in defending a claim against the policy, may not raise the defense of sovereign immunity of the insured up to the limits of the policy
- (c) This department and the tribal law enforcement agency have in place an agreement under which this department accepts liability for instances in which it responds to a request for assistance from the tribal law enforcement agency.

Additionally, the tribal law enforcement agency requesting assistance must provide to the Wisconsin Department of Justice a copy of the resolution, proof of insurance or a copy of the required agreement. The Wisconsin Department of Justice must post either a copy of the

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Law Enforcement Authority*

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document or notice of the document on the Internet site it maintains for exchanging information with law enforcement agencies.

#### **100.4 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended within other adjoining states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state (Wis. Stat. § 175.46).
- (b) When an officer enters Minnesota, Iowa or Michigan in fresh pursuit of a person who is in the immediate and continuous flight from the commission of a felony, and in the case of Illinois any criminal offense (Minn. Stat. § 626.65; Iowa Code § 806.1; MCL 780.101; 725 ILCS 5/107-4).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Minn. Stat. § 626.66; Iowa Code § 806.2; MCL 780.102; 725 ILCS 5/107-4).

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Wisconsin Constitutions.

#### **100.6 POLICY**

It is the policy of the Chippewa Falls Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

#### **100.7 INDIAN COUNTRY**

Peace officer powers extend to Indian country pursuant to 18 USC § 1162, except:

- (a) On the Menominee Reservation (41 Fed.Reg. 8516 (1976)).
- (b) In matters of the Indian Child Welfare Act that involve the following:
  - (a) Forest County Potawatomi (62 Fed.Reg. 1471 (1997))
  - (b) Red Cliff Band (61 Fed.Reg. 1778 (1996))
- (c) In Indian child custody matters involving the Lac Courte Oreilles Tribe (46 Fed.Reg. 15579 (1981)).

Otherwise, an officer of the Chippewa Falls Police Department has concurrent jurisdiction over a crime committed in Indian country.

#### **100.8 JURISDICTIONAL BOUNDARIES**

The Lieutenant of Field Operations or the authorized designee should be responsible for developing and maintaining jurisdictional boundary maps, ensuring that the maps are provided to all new members and that the maps are readily available to all members in patrol briefing areas.

## Oath of Office

### 101.1 PURPOSE AND SCOPE

Officers are sworn to uphold the U.S. and Wisconsin Constitutions and to enforce federal, state and local laws.

### 101.2 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law or policy (Wis. Stat. § 19.01(4)).

### 101.3 POLICY

It is the policy of the Chippewa Falls Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

### 101.4 OATH OF OFFICE

Upon employment, all employees of this department shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging their duties (Wis. Const. Article IV, § 28).

Before any department employee begins his/her duties the employee shall subscribe and swear to the following written oath or affirmation in addition to any other form of oath or affirmation required (Wis. Stat. § 19.01(1)):

State of Wisconsin,

County of \_\_\_\_\_,

I, the undersigned, who have been elected (or appointed) to the Chippewa Falls Police Department, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability, so help me God.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Year)

\_\_\_\_\_ (Signature)

If the oath of office is administered orally in addition to the required written oath it shall be in substantially the following form (Wis. Stat. § 19.01(1m)):

I, \_\_\_\_\_, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of the Chippewa Falls Police Department to the best of my ability. So help me God.

If a member is opposed to the words "so help me God" the words may be omitted.

#### 101.4.1 LAW ENFORCEMENT OATH OF HONOR

The Chippewa Falls Police Department adheres to the public affirmation of the Law Enforcement Oath of Honor, which serves to enhance integrity and demonstrate the department's commitment

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Oath of Office*

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to the highest of ethical standards. The Oath of Honor shall be displayed throughout the Department. Frequent recitation by members of the Chippewa Falls Police Department is encouraged.

Members are encouraged to take the following Law Enforcement Oath of Honor and sign a certificate to demonstrate their commitment:

On my honor,

I will never betray my badge/profession, my integrity, my character, or the public trust.

I will always have the courage to hold myself and others accountable for our actions.

I will always uphold the constitution, my community, and the Chippewa Falls Police Department .

# Policy Manual

## 102.1 PURPOSE AND SCOPE

The manual of the Chippewa Falls Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## 102.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 102.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Chippewa Falls Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Chippewa Falls Police Department reserves the right to revise any policy content, in whole or in part.

### 102.2.2 COLLECTIVE BARGAINING AGREEMENTS

Nothing in this manual should be construed to conflict with the provisions of any collective bargaining agreement with any recognized bargaining unit.

The Police Chief should make available for managers and supervisors copies of current collective bargaining agreements for all recognized collective bargaining units.

## 102.3 AUTHORITY

The Police Chief shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Police Chief or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Policy Manual*

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#### **102.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age (Wis. Stat. § 938.02(1)).

**Child/Juvenile** - Any person, without further qualification, who is less than 18 years of age. Any person who has attained 17 years of age, and for purposes of investigating or prosecuting, is alleged to have violated state or federal criminal law or any civil law or municipal ordinance is not a juvenile (Wis. Stat. § 938.02(10m)).

**City** - The City of Chippewa Falls.

**CFR** - Code of Federal Regulations.

**Non-sworn** - Employees and volunteers who are not sworn peace officers.

**Department/CFPD** - The Chippewa Falls Police Department.

**Employee/personnel** - Any person employed by the Department.

**LESB** - The Wisconsin Law Enforcement Standards Board.

**Manual** - The Chippewa Falls Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Chippewa Falls Police Department, including:

- Full-time or part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Chippewa Falls Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Peace officer** - Any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce. The term includes sworn full-time and part-time officers who perform the duties of a peace officer.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Policy Manual*

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**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**TIME** - The Wisconsin Transaction Information for the Management of Enforcement system.

**USC** - United States Code.

**WisDOC** - The Wisconsin Department of Corrections.

**WisDOJ** - The Wisconsin Department of Justice.

**WisDOJ TSB** - The Wisconsin Department of Justice Training and Standards Bureau.

**WisDOT** - The Wisconsin Department of Transportation.

**WILENET** - The Wisconsin Law Enforcement Network.

## **102.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Police Chief or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

## **102.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Police Chief will ensure that the Policy Manual is reviewed and updated as necessary.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Policy Manual*

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#### **102.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Direct Supervisor, who will consider the recommendations and forward them to the Police Chief as appropriate.

## **Chapter 2 - Organization and Administration**

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

The Police Chief is responsible for administering and managing the Chippewa Falls Police Department. These are the divisions in the Police Department:

- Administration Division
- Patrol Division
- Investigation Division
  - Records Division

### 200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Police Chief whose primary responsibility is to provide general management direction and control for the Administration Division, including management of the department budget and the designation of the custodian of records.

### 200.2.2 OPERATIONS DIVISION

The Patrol Division is commanded by the Lieutenant of Field Operations whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol and Parking Enforcement.

### 200.2.3 INVESTIGATION DIVISION

The Investigation Division is commanded by the Lieutenant of Investigations, whose primary responsibility is to provide general management direction and control for the Investigation Division. The Investigation Division consists of Investigations, the School Resource Officer(s), the Evidence Room and Forensic Services.

The Lieutenant of Investigations also provides general management direction and control for the Records Division.

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Police Chief exercises command over all personnel in the Department. As needed the Police Chief may designate a ranking officer to serve as the acting Police Chief in their absence.

Otherwise, the order of command authority in the absence or unavailability of the Police Chief is as follows:

- A Lieutenant, by seniority

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Organizational Structure and Responsibility*

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- A Sergeant, by seniority
- A Master Patrol Officer, by seniority
- An Officer, by seniority

#### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### 200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with lawful orders of superior officers and other proper authority.

#### 200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. Following an unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason as soon as practicable.

## Department Directives

### **201.1 PURPOSE AND SCOPE**

Departmental Directives establish interdepartmental communication that may be used by the Police Chief to make immediate changes to policy and procedure, in accordance with the current collective bargaining agreement or other employment agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

### **201.2 RESPONSIBILITIES**

#### **201.2.1 STAFF**

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

#### **201.2.2 AGENCYHEAD**

The Police Chief or the authorized designee shall issue all Departmental Directives.

### **201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES**

All employees are required to read and obtain necessary clarification of all Departmental Directives.

## Emergency Operations Plan (EOP)

### 202.1 PURPOSE AND SCOPE

The City has prepared, in compliance with State of Wisconsin requirements, an Emergency Operations Plan (EOP). The plan will guide all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. It provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated (Wis. Stat. § 323.14).

Support to law enforcement is provided by the Wisconsin Emergency Police Services (EPS) Program. The EPS Manual is the foundation for proper coordination of state and local law enforcement activities to ensure the protection of life and property during all emergency situations by providing for a comprehensive program of emergency procedures, leadership, staffing, equipment and the mobilization of resources (Wis. Stat. Chapter 323).

### 202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated as needed as detailed in the EOP.

Upon activation of the plan, the Police Chief or the authorized designee may contact the State EPS Deputy Director to assist with mutual aid response from local, state and federal law enforcement agencies to provide requested resources to this department if needed.

#### 202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of Chippewa Falls Police Department are subject to immediate recall. Members may also be subject to recall during extraordinary circumstances as deemed necessary by the Police Chief or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

### 202.3 LOCATION OF THE PLAN

The Emergency Operations Plan is available in the copy room. The Lieutenant of Field Operations should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

The State Emergency Management Plan and additional regional information can be found on the Wisconsin Department of Military Affairs, Division of Emergency Management website.

### 202.4 UPDATING THE PLAN

The City of Chippewa Falls Emergency Management Team or the authorized designee should review and update, if necessary, the Emergency Operations Plan at least once every two years to ensure it conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS), and that any needed revisions are appropriately addressed.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Emergency Operations Plan (EOP)*

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##### **202.5 POLICY**

The Chippewa Falls Police Department will prepare for large-scale emergencies, including but not limited to civil disturbances, mass arrests and acts of terrorism, within and outside its jurisdiction through planning and mutual cooperation with other agencies.

##### **202.6 DEPARTMENT RESOURCES**

The Department should use its resources first in an emergency or disaster. The Chippewa Falls Police Department may call for assistance from other jurisdictions or the State of Wisconsin during events that overwhelm or threaten to overwhelm department response and recovery resources.

## Training

### **203.1 PURPOSE AND SCOPE**

It is the policy of this department to administer a training program that will meet the standards of federal, state, local and Wisconsin Law Enforcement Standards Board (LESB) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and progressive development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

### **203.2 PHILOSOPHY**

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by the LESB or other regulatory or nationally recognized entities.

### **203.3 OBJECTIVES**

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Assist in compliance with statutes, LESB rules and regulations or policy concerning law enforcement training.

### **203.4 TRAINING PLAN**

It is the responsibility of the Lieutenant of Field Operations to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Lieutenant of Field Operations shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of sworn officers or hiring of non-sworn employees.

Training listed may be provided in basic training programs. The Lieutenant of Field Operations is responsible for ensuring members of the Department have been trained as required. For purposes of LESB reporting obligations, the time period for annual training begins July 1 and ends June 30.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Training*

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##### **203.4.1 MANDATED TRAINING**

All sworn members shall satisfactorily complete the Wisconsin law enforcement officer preparatory training or equivalent prior to any assignment in which he/she is allowed to carry a weapon or is in a position to take enforcement action.

Officers shall complete all training required to maintain their certification as a law enforcement officer, to include the 24 hours of training required each fiscal year (Wis. Stat. § 165.85). Members shall also complete National Incident Management System (NIMS) training as appropriate for their position and rank.

##### **203.4.2 DEPARTMENT TRAINING**

The department in-house training coordinator, under the supervision of the Lieutenant of Field Operations, will develop a plan for in-house training. This plan includes the topics selected for training and how frequently each topic is trained. This plan is designed to be sufficient for officers to stay proficient in performing their law enforcement duties.

##### **203.4.3 SPECIALIZED TRAINING**

The Lieutenant of Field Operations is responsible for maintaining a list of assignments that require specialized training and a description of the applicable training. In addition, the Lieutenant of Field Operations shall ensure that the following training requirements are provided as needed:

- (a) Skill development training upon promotion or assignment to a specialized position.
- (b) Training for newly appointed non-sworn members to include:
  - 1. The department's role, purpose, goals, policies and procedures.
  - 2. Working conditions and regulations.
  - 3. Responsibilities and rights of employees.
- (c) Remedial training requirements to include:
  - 1. Situations under which remedial training shall be utilized
  - 2. Timeline for completion
  - 3. Consequences for failure to successfully complete

##### **203.5 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. Vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation
  - 5. Emergency situations

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Training*

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6. Other absents must be approved by a Supervisor
- (b) When an employee is unable to attend mandatory training, that employee shall:
  1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.
  2. Make arrangements through his/her supervisor and the Lieutenant of Field Operations to attend the required training on an alternate date.

#### **203.6 TRAINING RECORDS**

The Lieutenant of Field Operations is responsible to manage and distribute training records in compliance with the Training Files section in the Personnel Files Policy.

#### **203.7 FIELD TRAINING AND EVALUATION PROGRAM (FTEP)**

The Lieutenant of Field Operations shall establish a field training and evaluation (FTEP) program for recruit police officers that is of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Department. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

## Electronic Mail

### 204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., Wisconsin Public Records Laws). For the reasons identified below in this policy, messages transmitted over the email system should primarily be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Department.

### 204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, transmitted over the department computer network or accessed through a web browser accessing the department system are considered department records and therefore are the property of the Department. The Department reserves the right to access, audit and disclose for any lawful reason, any message including any attachment that is transmitted or received over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not recommended for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department. The use of any computer, internet service, phone service or other wireless service to send or receive information that may be related to public business may be subject to review or disclosure.

### 204.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Users are reminded that all email is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular email communication, the user should seek prior approval from the Police Chief or a Division Commander.

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log into the system.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Electronic Mail*

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#### **204.4 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a record under the Wisconsin Public Records Law (Wis. Stat. § 19.31) and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

## **Administrative Communications**

### **205.1 PURPOSE AND SCOPE**

Administrative communications of this department are governed by the following policies.

### **205.2 PERSONNEL ORDERS**

Memorandums may be issued periodically by the Police Chief or the authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

### **205.3 CORRESPONDENCE**

All official external correspondence shall be on approved department letterhead. Department letterhead may not be used for personal purposes.

### **205.4 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Police Chief or the authorized designee or a Division Commander.

### **205.5 OTHER COMMUNICATIONS**

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Police Chief or the authorized designee or a Division Commander.

## Supervision Staffing Levels

### **206.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that proper supervision is available to meet the operational requirements of all shifts. The Department intends to balance the needs of the employee against its duty and inherent managerial right to flexibility and discretion when assigning personnel. While balance is desirable, the paramount concern is to meet the operational requirements of the Department.

### **206.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels will result in the scheduling at least one supervisor on-duty per shift. This supervisor will be of the Sergeant rank or above, an MPO, or another officer who has been previously designated as an Officer-in-Charge (OIC).

#### **206.2.1 SHIFT COMMANDER**

The Police Chief will designate officers who are able to perform the duties of a Shift Commander as an Officer-in-Charge (OIC). This will be at the Chief's discretion with input from field supervisors and is based on the officer's current overall performance and projected ability to act as a Shift Commander. Officers so designated may act as Shift Commanders in accordance with the terms of applicable collective bargaining agreements.

## Former Officer Carrying Concealed Weapons

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the legal authority for retired and former law enforcement officers meeting certain criteria to carry concealed weapons and to provide guidelines associated with the issuance of a firearms qualification certificate to a qualified former Chippewa Falls Police Department officer (Law Enforcement Officer Safety Act Improvements Act of 2010 (LEOSA), 18 USC § 926C; Wis. Stat. § 175.48 et seq.; Wis. Stat. § 941.23).

#### 207.1.1 DEFINITIONS

Definitions related to this policy include:

**Certification card** - A card complying with Wis. Stat. § 175.49 indicating:

- The card holder has met the standards for qualification established by the Law Enforcement Standards Board (LESB).
- The qualification was conducted by a certified LESB firearms instructor.
- The type of firearm the qualified former law enforcement officer is certified to carry.
- The date of the qualification and an expiration date of the certification (12 months later).
- A statement that the issued person meets the criteria of a qualified former law enforcement officer under Wis. Stat. § 175.49.
- The qualified former law enforcement officer's full name, birth date, residence address, photograph, physical description (including sex, height and eye color), and the name of our state.
- A statement that the certification card does not confer any law enforcement authority on the certification card holder and does not make the holder an employee or agent of this department.

The certification card may not contain the cardholder's social security number.

**Proof of qualification** - State-approved documentation evidencing a person has successfully completed a handgun qualification course as adopted by the Law Enforcement Standards Board (LESB) and conducted by a firearms instructor that is LESB-certified.

**Qualified former law enforcement officer** - An individual who meets the criteria of Wis. Stat. § 175.49 in that he/she:

- Separated from this department in good standing as a law enforcement officer.
- Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest while serving as a law enforcement officer.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Former Officer Carrying Concealed Weapons*

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- Before such separation, had regular employment as a law enforcement officer for a total of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after any applicable probationary period due to a service-connected disability as determined by the Department.
- Has not been disqualified to be a law enforcement officer for reasons related to mental health.
- Has not entered into an agreement upon separation from the Department acknowledging that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- Is not prohibited by federal law from possessing a firearm.

#### **207.2 POLICY**

It is the policy of the Chippewa Falls Police Department to facilitate compliance with federal and state law by providing a certification card when appropriate.

#### **207.3 CERTIFICATION CARD**

If a qualified former law enforcement officer who was employed by this agency provides the appropriate proof of qualification, the Department shall provide him/her with a certification card (Wis. Stat. § 175.49).

Prior to issuance of the certificate, the Department will conduct criminal and local agency background checks, including a check for convictions, wants or warrants, and any active court order (TIME/NCIC), to determine if the applicant is prohibited by state or federal law to possess or carry firearms, and will ensure that all other federal and state statutory requirements, including those related to firearms qualification, are met.

##### **207.3.1 FEES**

The Department may charge a fee to verify eligibility for a certification card or for the renewal of a certification card. The fee will not exceed the costs the department incurs in verifying eligibility or for issuing or renewing a certification card (Wis. Stat. § 175.49).

##### **207.3.2 CARD REVOCATION**

If the Department becomes aware that a person who was issued a certification card no longer meets all of the requirements for the card, the Department will send a letter to the cardholder indicating that he/she is no longer authorized to possess the card, and may not be authorized under authority of state law to carry a concealed weapon as a former law enforcement officer. The Department will also request that the card be returned to the agency within a specified period of time. If the card is not returned, the Department should consult with its attorney to determine what further action, if any, should be taken.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Former Officer Carrying Concealed Weapons*

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##### **207.4 AUTHORITY TO CARRY CONCEALED FIREARM**

Qualified former law enforcement officers who meet the applicable requirements and who carry a current certification card may be authorized to carry a concealed firearm in Wisconsin and other states (18 USC § 926C; Wis. Stat. § 941.23).

However, it is the sole responsibility of qualified former law enforcement officers who have been issued an identification card or certification card to be familiar with and follow all related local, state and federal firearm laws, including:

- (a) The Law Enforcement Officers Safety Act Improvements Act of 2010 (18 USC § 926C)
- (b) State of Wisconsin concealed weapon laws (Wis. Stat. § 175.48; Wis. Stat. § 175.49; Wis. Stat. § 941.23)
- (c) Self-defense and defense of others (Wis. Stat. § 939.48)
- (d) Defense of property and protection against retail theft (Wis. Stat. § 939.49)
- (e) Endangering the safety of others by use of a firearm (Wis. Stat. § 941.20)
- (f) Carrying a firearm in a public building (Wis. Stat. § 941.235)
- (g) Carrying a firearm where alcohol beverages are sold and consumed (Wis. Stat. § 941.237; Wis. Stat. § 941.23; 18 USC § 926C).

In determining whether a former law enforcement officer is legally carrying a concealed firearm, officers should determine whether the person may be authorized under either federal law or state law, or both, to carry the concealed weapon.

##### **207.5 PROHIBITION**

The Department may not certify a former law enforcement officer to carry a machine gun, a firearm silencer or a destructive device as defined in 18 USC § 926C and related statutes.

##### **207.6 IDENTIFICATION CARDS**

The Department will not require an officer to relinquish his/her photographic identification card when the officer separates from service with the Wisconsin law enforcement agency unless at least one of the criteria outlined in Wis. Stat. § 175.48(2) applies.

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

The primary duty of all law enforcement is to preserve the life of all individuals; that deadly force is to be used only as the last resort; that officers should use skills and tactics that minimize the likelihood that force will become necessary; that, if officers must use physical force, it should be the least amount of force necessary to safely address the threat; and that law enforcement officers must take reasonable action to stop or prevent any unreasonable use of force by their colleagues or others.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Law Enforcement Officer** - Any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce. "Law enforcement officer" includes a university police officer, as defined in s. 175.42(1)(b).

**Deadly force** - The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Totality of the circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

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### **300.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Chippewa Falls Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

#### **300.2.1 DUTY TO INTERCEDE AND REPORT DUTY TO REPORT**

A law enforcement officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with the use of force standards as set forth in this section, in the course of that law enforcement officer's official duties, shall report the noncompliant use of force as soon as is practicable after the occurrence of the use of such force.

Reporting should be done verbally to the officer's supervisor as soon as practicable followed up by a written memorandum directed to the officer's immediate supervisor to be completed by the end of the officer's shift, unless otherwise directed by the supervisor. This written memorandum should include details of the event and an explanation as to why the officer believed the use of force to be non-compliant. In the event the officer's immediate supervisor cannot be reached, any Chippewa Falls Police Department officer of one rank or higher may be substituted. The supervisor, after having received this information, should contact Police Administration for guidance.

#### **DUTY TO INTERVENE**

A law enforcement officer shall, without regard for chain of command, intervene to prevent or stop another law enforcement officer from using force that does not comply with the use of force standards as set forth in this section, in the course of that law enforcement officer's official duties, if all of the following apply:

1. The law enforcement officer observes the use of force that does not comply with the use of force standards as set forth in this section
2. The circumstances are such that it is safe for the law enforcement officer to intervene.

Officers should carefully consider their safety, the safety of other officers, and the safety of members of the public when determining if the circumstances are safe for them to intervene. Officers, especially officers who are off-duty or outside their jurisdiction, should consider that they may not have all of the information necessary to come to the determination that a witnessed use of force is non-compliance with the use of force standards as set forth in this section. Officers, especially those who are off-duty or outside their jurisdiction, should consider if they

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

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are able to sufficiently identify themselves as police officers or have the equipment necessary to safely intervene. Officers should also consider what their current mental and physical status can capabilities are when determining if they can safely intervene.

A law enforcement officer who intervenes as required above shall report the intervention to his or her immediate supervisor as soon as is practicable after the occurrence of the use of such force. Reporting should be done verbally to the officer's supervisor as soon as practicable followed up by a written memorandum directed to the officer's supervisor to be completed by the end of the officer's shift, unless otherwise directed by the supervisor. This written memorandum should include details of the event, an explanation as to why the officer believed the use of force to be non-compliant and what intervention actions were taken. In the event the officer's immediate supervisor cannot be reached, any Chippewa Falls Police Department officer of one rank or higher may be substituted. The supervisor, after having received this information, should contact Police Administration for guidance.

#### **USE OF FORCE STANDARDS (Wis. Stat. § 175.44)**

When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances, including:

1. The severity of the alleged crime at issue.
2. Whether the suspect poses an imminent threat to the safety of law enforcement officers or others.
3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

#### **WHISTLEBLOWER PROTECTIONS**

No law enforcement officer or employee may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer or employee reported, or is believed to have reported, any noncompliant use of force; intervened to prevent or stop a noncompliant use of force; initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force.

These protections are for officers or employees who act in good faith and report information that is true and accurate to the best of their knowledge.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

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##### **300.2.2 PERSPECTIVE**

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

##### **300.3 USE OF FORCE**

In serving the community, law enforcement officers shall make every effort to preserve and protect human life and the safety of all persons. Law enforcement officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner.

When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances, including:

1. The severity of the alleged crime at issue.
2. Whether the suspect poses an imminent threat to the safety of law enforcement officers or others.
3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

Officers shall use only that amount of force that is objectively reasonable and appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. Officers should use de-escalation techniques, including retreat if necessary, to minimize the potential for injury to officers and members of the public when circumstances permit.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

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The use of choke holds, except in those situations where the use of deadly force is allowed by law, are prohibited.

##### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

A law enforcement officer may use reasonable force to arrest a person or execute a warrant. Additionally, a law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer (Wis. Stat. § 968.07; Wis. Stat. 968.14).

##### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

---

##### **300.3.3 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

##### **300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION**

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

##### **300.3.5 CHOKE HOLD**

The use of a choke hold, which is the intentional and prolonged application of force to the throat or windpipe, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold (Wis. Stat. § 66.0511).

#### **300.4 DEADLY FORCE APPLICATIONS**

A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or great bodily harm..
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of great bodily harm or death, and the officer reasonably believes that there is an imminent risk of great bodily harm or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

---

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing great bodily harm or death without a weapon, and the officer believes the individual intends to do so.

#### **300.4.1 MOVING VEHICLES**

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there is an imminent threat of death or serious bodily injury and there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers must carefully consider the additional considerations and risks of shooting at or from a moving vehicle against the danger posed by not shooting, given the specific facts of the situation.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.

#### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

---

- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the CED or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or transport belts.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

#### **300.5.2 REPORTING TO WISCONSIN DEPARTMENT OF JUSTICE**

Statistical data regarding all qualifying use of force incidents is to be reported to the Wisconsin Department of Justice as required by Wis. Stat. § 165.845. For the purposes of this section, a qualifying use of force incident means any incident (Wis. Stat. § 165.845):

- (a) Involving the discharge of a firearm by an officer at or in the direction of a civilian.
- (b) Involving the discharge of a firearm by a civilian at or in the direction of an officer.
- (c) Involving any action taken by an officer in response to an act of resistance that results in great bodily harm or death (Wis. Stat. § 939.22).
- (d) Involving an act of resistance taken by a civilian against an officer that results in great bodily harm or death.

#### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of significant physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of significant physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

---

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force*

---

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 SHIFT COMMANDER RESPONSIBILITY**

The Shift Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **300.8 POLICY AVAILABILITY**

The Police Chief or the authorized designee should ensure that this policy (Wis. Stat. § 66.0511):

- (a) Is made available free of charge within three business days of the request.
- (b) Is publicly available on the department website and updated promptly upon amendment.

#### **300.9 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

In addition and subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

#### **300.10 USE OF FORCE ANALYSIS**

At least annually, the Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Police Chief. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

## Use of Force Review Committee

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Chippewa Falls Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### 301.2 POLICY

The Chippewa Falls Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy. The agency will collect and report required information to requesting state and federal agencies as directed.

### 301.3 USE OF FORCE REVIEW COMMITTEE

The Use of Force Review Committee is responsible for reviewing Use of Force incidents that meet one of these categories:

- Intentionally pointing or firing a firearm, at another
- Vehicle Pursuits
- Use of Force causing significant injury to officer(s), suspect(s), or third party(s)
- Use of Force greater than escort holds or the mere application of restraints (i.e. handcuffing)
- Intentionally pointing or deployment of Pepperball or Less Lethal rounds at another, even if it is an unsuccessful deployment
- Intentionally pointing or deployment of an ECD in probe mode at another, even if it is an unsuccessful deployment
- Any other Use of Force that the reviewing supervisor would like the Use of Force Review Committee to review

#### 301.3.1 COMPOSITION OF THE BOARD

The Use of Force Review Committee will consist of four members chosen by the Police Chief. One member is designated as the Committee Chair and will be responsible for ensuring accurate and relevant use of force data is collected. The Committee is responsible for reviewing Use of Force incidents and will report to the Lieutenant of Field Operations (Patrol Division Commander per 300.10 Use of Force Analysis).

#### 301.3.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Use of Force Review Committee*

---

During the normal report review process, after a supervisor has reviewed a report they will make a notation on the incident information screen (Circumstance Code) if one of the above criteria is met. The reviewing supervisor will then disseminate the incident number and officers involved electronically (email) to the other Committee members for review. The original incident continues along as normal without delay.

Typically reviews of identified incidents will be each individual committee member's responsibility to conduct during their on-duty time. Committee members are expected to communicate between each other to ensure consistency in recommendations. This communication can be done in person or via email or other means, on-duty time whenever possible. In person Committee meetings should be generally reserved for major incidents or other issues as determined by the Use of Force Review Committee Chair to need a full in person committee review.

The Use of Force Review Committee is responsible for reviewing the reports and/or video of identified Use of Force Incidents for the following purposes:

- To identify problems or issues with that incident's Use of Force
- To ensure the proper context, wording, and grammar are used consistent with statutory and policy requirements in the documentation of the incident
- To ensure that the use of force fits into one of three categories, those being: a trained technique, a dynamic application of a trained technique, or a technique not trained but justifiable under the circumstances; consistent with Department training, Department policy and applicable State and Federal laws governing use of force by Law Enforcement officers.
- To identify deficiencies in training both on an individual and department wide level.
- To identify the usefulness of trained techniques in real life situations
- To identify real life situations appropriate for adaptation into future scenario-based training sessions

# Handcuffing and Restraints

## 302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

## 302.2 POLICY

The Chippewa Falls Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

## 302.3 USE OF RESTRAINTS

Only members who have successfully completed Chippewa Falls Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.
- Whether the person may be suffering from an overdose and prior to the administration of an opioid overdose medication. Also see policy 433 Medical Aid and Response

### 302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Handcuffing and Restraints*

---

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

#### **302.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

#### **302.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety or effect a lawful arrest or detention.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

Handcuffs should be applied and removed in a manner consistent with department provided training.

#### **302.5 APPLICATION OF SPIT HOODS/MASKS/STOCKS**

Spit hoods/masks/stocks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Handcuffing and Restraints*

---

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Whenever possible, persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

#### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary. Department members should only use auxiliary restraint devices that they have been trained to use.

#### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department should be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

Department members should only use restraint devices that they have been trained to use.

##### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Handcuffing and Restraints*

---

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, if possible, the person should be placed in a seated or upright position and secured with a seat belt. They shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **302.8 REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints and any other relevant details shall be documented in the related report.

#### **302.9 TRAINING**

Subject to available resources, the Lieutenant of Field Operations should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Chippewa Falls Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Police Chief or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### 303.4 RESPONSIBILITIES

#### 303.4.1 TRAINING COORDINATOR RESPONSIBILITIES

The Training Coordinator shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the designated instructor for a particular control device.

#### 303.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Coordinator or designee for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Control Devices and Techniques*

---

### **303.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of great bodily harm or death to the officer or others. The baton shall be used in a manner consistent with department provided training.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt, vest carrier or duty bag. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### **303.6 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

#### **303.6.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its appropriate holster on the equipment belt/vest carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### **303.6.2 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **303.7 POST-APPLICATION NOTICE**

Whenever OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense.

### **303.8 PEPPERBALL PROJECTILE SYSTEM GUIDELINES**

Pepper projectiles are plastic spheres that are filled with a derivative of PAVA powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the PAVA powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of great bodily harm or death to the officer or others.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Control Devices and Techniques*

---

Officers encountering a situation that warrants the use of a pepper projectile system should notify a supervisor as soon as practicable. A supervisor should respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor should ensure that all notifications and reports are completed as required by the Use of Force Policy.

Prior to the use of a pepperball projectile, all officers should be alerted to its use by stating, "PEPPERBALL", when appropriate.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

Since the PepperBall projectile system is designed to launch a plastic sphere with enough force to burst the projectile on impact, any person struck by a pepperball projectile should be restrained and evaluated. Photographs of any apparent injuries, or known areas of impact should be taken and documented. If the subject requests medical attention, officers should transport the subject to a medical facility for examination and treatment.

#### **Treatment for OC Exposure**

Persons who have been affected by the use of PAVA or OC should be promptly provided with clean water to cleanse the affected areas as soon as practical. Those persons who complain of further severe effects should be examined by appropriate medical personnel.

### **303.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or great bodily harm and can be used in an attempt to de-escalate a potentially deadly situation.

#### **303.9.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option. The use of approved kinetic energy munitions shall be consistent with department provided training.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior. When possible and practical, an officer will be assigned to provide lethal cover to an officer using the kinetic energy munition. It is important that all officers involved be aware that a kinetic energy munition is being deployed and what officer is in control of the weapon. Prior to the use of a kinetic energy munition, all officer should be alerted to its use by stating "IMPACT".

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Control Devices and Techniques*

---

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Any person struck by a kinetic energy munition shall be restrained and transported to a medical facility for examination and treatment. Photographers shall be taken of any apparent injury or area impacted, even if no sign of injury is viable.

Any time that a kinetic energy munition is discharged, the officer will include the details of such in their report, including point of aim and reasoning for target selection, location of impact, injuries, and other actions taken. The Use of Force Committee will review each incident involving the use of kinetic energy munitions.

#### 303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing great bodily harm or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes they are justified to use deadly force.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Control Devices and Techniques*

---

##### **303.9.3 SAFETY PROCEDURES**

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked with the color red in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles for defects to ensure they are in proper working order during squad checks or before use.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

##### **303.10 TRAINING FOR CONTROL DEVICES**

The Lieutenant of Field Operations shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in a training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

##### **303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Device (CED)s. The TASER device is the only Conducted Energy Device (CED) approved for use by the department.

### 304.2 POLICY

The CED is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING CED

Only members who have successfully completed department-approved training may be issued and carry the CED.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in an appropriate area.

Members carrying the CED should perform a spark test on the unit consistent with training.

When carried while in uniform, officers should carry the CED in a manner that clearly differentiates it from their duty weapon and it is recommended it be positioned for a reaction hand draw.

- (a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers are responsible for ensuring that their issued CED is properly maintained and in good working order to the best of their knowledge and training.
- (c) Officers should not hold both a firearm and the CED at the same time.

### 304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

The aiming laser should not be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given should be documented by the officer deploying the CED in the related report.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Conducted Energy Device*

---

### **304.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the device. Although the CED is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options. The CED should only be used in a manner consistent with the training received by a certified CED instructor.

#### **304.5.1 APPLICATION OF THE CED**

The CED may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

#### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray. Officers should assume an OC spray is flammable, with the below exception.
  - 1. An officer may use a CED against a subject who has been sprayed by Oleoresin Capsicum (OC) spray issued to Chippewa Falls Police Department officers because it is known to be non-flammable.
- (e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, standing in water of a sufficient depth where drowning is a concern).

The CED shall not be used to psychologically torment, elicit statements or to punish any individual.

#### **304.5.3 TARGETING CONSIDERATIONS**

Officers will be provided with training regarding target areas for the CED. Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CED probes to a precise target area, officers should monitor the condition of the subject if one or

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Conducted Energy Device*

---

more probes strikes the head, neck, breast of a female or groin until the subject is examined by paramedics or other medical personnel.

##### **304.5.4 MULTIPLE APPLICATIONS OF THE CED**

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CED appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CED at a time against a single subject.

##### **304.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Officers shall notify a supervisor of all CED discharges. Confetti tags (TASER devices refer to these as AFIDs or Anti-Felon Identification Tags) should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. Photographs should be taken of the probe strike area and any damage or injury from the probe strikes.

##### **304.5.6 DANGEROUS ANIMALS**

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

#### **304.6 DOCUMENTATION**

Officers shall document all CED discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form. Unintentional discharges not related to an incident are to be reported to a supervisor as soon as practicable.

##### **304.6.1 REPORTS**

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Conducted Energy Device*

---

- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

#### **304.7 MEDICAL TREATMENT**

Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device shall be evaluated for medical distress by the officer prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person may be pregnant.
- (b) The person reasonably appears to be in distress or need of medical attention.
- (c) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (d) The person requests medical treatment.
- (e) The person is under the influence of controlled substances or drugs to the extent the officer believes they should be examined by EMS.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED.

#### **304.8 SUPERVISOR RESPONSIBILITIES**

When possible, a supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to an activation of the CED. The device's onboard memory should be downloaded through the data port by a trained Taser Instructor and saved with the related arrest/crime report.

#### **304.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignment for a period of one year or more shall be recertified by a department-approved CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Lieutenant of Field Operations. All training and proficiency for CEDs will be documented in the training file.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Conducted Energy Device*

---

The Lieutenant of Field Operations is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits may be used for verification.

Application of CEDs during training could result in injury to personnel and should not be mandatory for certification.

The Lieutenant of Field Operations should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CED.
- (h) Follow through considerations

## Officer-Involved Shootings and Deaths

### 305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action or omission of an officer while on-duty or off-duty but performing activities that are within the scope of the officer's duties (Wis. Stat. § 175.47).

In other incidents not covered by this policy, the Police Chief may decide that the investigation will follow the process provided in this policy.

Supervisor/Field Supervisor/Officer-In-Charge are used interchangeably throughout this policy.

### 305.2 POLICY

The policy of the Chippewa Falls Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

### 305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

### 305.4 CONTROL OF INVESTIGATIONS

Investigators from other agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. Depending upon the incident, this may include personnel from Chippewa Falls Police Department.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

#### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Chippewa Falls Police Department would lead the investigation if the suspect's crime occurred in Chippewa Falls.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will lead the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Police Chief and with concurrence from the other agency.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

##### 305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by Chippewa Falls Police Department' protocol. When an officer from the Chippewa Falls Police Department is involved, the criminal investigation will be handled according to the Criminal Investigation section (305.6) of this policy.

Requests made of the Chippewa Falls Police Department to investigate a shooting or death involving an outside agency's officer shall be referred to the Police Chief or the authorized designee for approval.

##### 305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

#### **305.5 INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

##### 305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved CFPD officer will assume the following responsibilities until properly relieved, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.

**Note:** If all officers on shift are involved in the incident, the Sergeant or OIC will assume responsibility of the incident until an uninvolved supervisor arrives.

##### 305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved CFPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any CFPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
  - (d) Take command of and secure the incident scene with additional CFPD members until properly relieved by another supervisor or other assigned personnel or investigator.
  - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
    1. Each involved CFPD officer should be given an administrative order not to discuss the incident with other involved officers or CFPD members pending further direction from a supervisor.
    2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

#### 305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Police Chief
- Lieutenant of Investigations
- Lieutenant of Field Operations
- Outside agency investigators (if appropriate)
- City of Chippewa Falls Mayor
- On-Call Chaplain
- EAP provider
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

#### 305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated (Wis. Stat. § 164.02(1)(b)).
  1. Involved CFPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

2. Requests from involved non-CFPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved CFPD officer. A licensed psychotherapist may also be provided to any other affected CFPD members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member is addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved CFPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of Police Administration to coordinate schedule adjustments to accommodate such leave.

#### **305.6 CRIMINAL INVESTIGATION**

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. In the event of a death, the investigation must be conducted by no less than two investigators, one of whom is the lead investigator and neither of whom is employed by the CFPD (Wis. Stat. § 175.47(3)(a)).

If the officer-involved death being investigated is traffic-related, the investigation must include the use of a crash reconstruction unit from a law enforcement agency separate from CFPD (Wis. Stat. § 175.47(3)(b)).

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) CFPD personnel should not participate directly in any voluntary interview of CFPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

#### 305.6.1 REPORTS BY INVOLVED CFPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved CFPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved CFPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved CFPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

#### 305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### **305.6.3 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized to have such access. Administrative reports will be forwarded to the appropriate Division Commander.

#### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved CFPD officers to determine conformance with department policy. This investigation will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency. Upon completion of the Administrative Investigation the blood sample will be destroyed.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - (a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - (b) If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Wis. Stat. § 164.02(1)(b)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
  - (c) Administrative interviews should be recorded by the investigator. The officer may also record the interview.
  - (d) The officer shall be informed of the nature of the investigation (Wis. Stat. § 164.02(1)(a)). If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - (e) The investigation shall be compiled with all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - (f) Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Committee, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
  - (g) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **305.8 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

---

### **305.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

### **305.10 DEBRIEFING**

Following an officer-involved shooting or death, the Chippewa Falls Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing.

A critical incident/stress debriefing should occur as soon as practicable. The Police Chief or designee is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Administrative personnel.

#### **305.10.1 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Police Chief should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

### **305.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Commander, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer-Involved Shootings and Deaths*

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No involved CFPD officer shall make any comment to the media unless he/she is authorized by the Police Chief or a Division Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **305.12 REPORTING**

If the death of an individual occurs in the jurisdiction of the Chippewa Falls Police Department and qualifies to be reported to the Wisconsin Department of Justice, the Patrol Division will ensure that the Lead Records Clerk is provided with enough information to meet the reporting requirements (Wis. Stat. § 165.845(2)).

## Firearms

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### 306.2 POLICY

The Chippewa Falls Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members on duty shall only use firearms that are issued or approved by the Department and Primary Range Instructor, and have been thoroughly inspected. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of knives that are not otherwise prohibited by law.

#### 306.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 45 (All Officers) and Glock Model 48 (Investigators/Administration):

MAKE: Glock	MODEL: 45 and 48	CALIBER: 9mm
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#### 306.3.1 PATROL RIFLES

The authorized department-issued patrol rifles and authorized personally owned patrol rifles for on-duty use are the M4/AR-15/M-16 A1 style rifle chambered for 5.56mm caliber:

	MODEL: M4/AR-15/M-16 A1	CALIBER: 5.56mm
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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### Firearms

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- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training, similar to a locking weapons rack or drawer in the patrol vehicle.

#### 306.3.1 SHOTGUNS

The department authorized -issued shotgun is the Remington 870 12 gauge:

MAKE: Remington	MODEL: 870	CALIBER: 12 gauge
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When not deployed, the shotgun shall be properly secured consistent with training in a locking weapons rack or drawer in the patrol vehicle. All department authorized shotguns are designated for deployment of approved Less Lethal rounds and are identifiable with distinctive color and/or markings.

#### 306.3.2 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Police Chief or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Department Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Department Armorer, who will maintain a list of the information.

#### 306.3.3 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Firearms*

---

- (b) Certain handguns may be inappropriate for on-duty carry as a secondary handgun. Handgun make/model/caliber require approval from the Primary Range Instructor before carried on duty. Certain ammunition may not be appropriate for on-duty carry as a secondary handgun. Ammunition type should be substantially similar to department issued ammunition.
- (c) Only one secondary handgun may be carried at a time.
- (d) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (e) The handgun should be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (f) The handgun shall be inspected by the Department Armorer prior to being carried and thereafter is subject to inspection whenever it is deemed necessary.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, serial number and caliber of a secondary handgun to the Primary Range Instructor or designee, who will maintain a list of the information.

#### 306.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Police Chief but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines (Wis. Stat. § 941.23):

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried at all times in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm may be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Firearms*

---

- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) When armed, officers should carry their badges and Chippewa Falls identification cards under circumstances requiring possession of such identification.

#### **306.3.5 AMMUNITION**

Members shall carry only department-authorized ammunition. Members will be issued fresh duty ammunition in the specified quantity for all department-issued firearms every 3 years or less. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **306.4 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### **306.4.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

##### **306.4.2 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

##### **306.4.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearms after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

##### **306.4.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm after they have been approved by the Police Chief. Optics or laser sights must be examined and approved by the Rangemaster to ensure

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Firearms*

---

they are in good working order and properly installed. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

#### **306.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall clean, repair, load or unload a firearm in safe locations and in a safe manner while at the Department.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded safely with the muzzle pointed in a safe direction.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of the Police Chief, unless there are exigent circumstances at which time another supervisor may approve their use.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

##### **306.5.1 INSPECTION AND STORAGE**

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected during squad inspections and whenever the weapon is removed from the squad car or secure storage. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Firearms*

---

should be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers or locked areas at the end of the shift. Department-owned firearms shall be stored securely when not worn. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner with the muzzle in a safe direction and then stored in the appropriate equipment storage room when outside the squad.

Members assigned a rifle (such as SWAT) shall keep the weapon stored in a secure manner when not carried. The rifle should be inspected when removed and returned to storage to ensure it is loaded/unloaded properly.

#### **306.5.2 STORAGE AT HOME**

Members shall ensure that all firearms and ammunition are properly secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Wis. Stat. § 948.55).

#### **306.5.3 ALCOHOL AND DRUGS**

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment (Wis. Stat. § 941.20(1)(b); Wis. Stat. § 941.20(1)(bm)).

### **306.6 FIREARMS TRAINING AND QUALIFICATIONS**

Each member who carries a firearm while on-duty must demonstrate proficiency in the use of the department-authorized firearm before being approved to carry and/or use the firearm. In addition to training, all members will qualify at least annually with their duty firearms and shall meet or exceed the standards set by the Wisconsin Law Enforcement Standards Board (Wis. Stat. § 165.85). Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

#### **306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, that member shall submit a memorandum to the member's immediate supervisor prior to the end of the required training or qualification period.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Firearms*

---

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action. Successful remediation must occur before resuming official duties.

#### **306.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

##### **306.7.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, electronic control device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Firearms*

---

##### **306.7.2 INJURED ANIMALS**

An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Officers who euthanize an animal should notify the shift commander as soon as practicable, including if a firearm was used to dispatch the animal.

##### **306.7.3 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid should be restricted or prohibited unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

#### **306.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster or Range Instructor. All members attending will follow their directions. They will maintain a roster of all members attending the range and will submit the roster to the Lieutenant of Field Operations after each range date.

The range shall remain operational and accessible to department members during daylight hours established by the Department. Night shooting will be permitted with prior approval from the Rangemaster.

The Rangemaster has the responsibility of ensuring periodic inspection is completed, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry. The Rangemaster shall ensure that the handgun qualification standards set by the Wisconsin Law Enforcement Standards Board are either met or exceeded by each officer (Wis. Stat. § 165.85).

The Rangemaster shall insure completion and submission to the Lieutenant of Field Operations documentation of the training courses provided. Documentation shall include a description of the training provided on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Lieutenant of Field Operations.

#### **306.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### Firearms

---

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Chippewa Falls Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Police Chief or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Chippewa Falls Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Chippewa Falls Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Police Chief authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **306.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Chippewa Falls identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Firearms*

---

- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law (Wis. Stat. § 346.03(6); Wis. Admin. Code LES § 3.07).

Another purpose of this policy is to minimize the potential for pursuit-related crashes. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

**Supervisor/Field Supervisor/Officer-In-Charge are used interchangeably throughout this policy.**

#### 307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

### 307.2 DEFINITIONS

Definitions related to this policy include:

**Vehicle pursuit** - An event involving one or more peace officers attempting to apprehend a suspect who is attempting to avoid arrest or detention while operating a motor vehicle by using high speed or other evasive tactics, such as increasing the speed of the vehicle, extinguishing the lights of the vehicle, disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop (Wis. Stat. § 85.07(8)(a)).

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

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**Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle, or other immovable object in the path of the violator's vehicle.

**Tire deflation device, spikes or tack strips** - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

**Due Regard** - The degree of care that a reasonably careful person, performing similar duties, and acting under similar circumstances would show.

### **307.3 OFFICER RESPONSIBILITIES**

It is the policy of this department that a vehicle pursuit shall be conducted with the visible signal of at least one flashing, oscillating or rotating red light, or a blue and red light, and also an audible signal by means of a siren or exhaust whistle activated on an authorized emergency vehicle (Wis. Stat. § 346.03(3)).

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway (Wis. Stat. § 346.03(5)).

#### **307.3.1 WHEN TO INITIATE A PURSUIT**

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (Wis. Stat. § 346.03; Wis. Admin. Code § LES 3.07(1)(a)).

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Wis. Stat. § 346.03(6)):

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

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- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

#### 307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape (Wis. Admin. Code § LES 3.07(1)(c)).

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

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- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.
- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).
- (h) When directed to terminate the pursuit by a supervisor.
- (i) When it is necessary to stop to render aid to an injured person and no other officer is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

#### **307.3.3 SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle (Wis. Stat. § 346.03(6)).

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit.

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

#### **307.4 PURSUIT UNITS**

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

The pursuing units should include a unit from the originating agency (usually the primary officer) and a unit familiar with the area (usually the secondary officer).

#### 307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

#### 307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

##### 307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

##### 307.4.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat. § 346.03(2)).
- (c) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- (d) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an available air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect.
- (e) Notifying the Wisconsin State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.
- (g) Notifying adjoining law enforcement agency if it appears the pursuit may enter their jurisdiction. That agency should be notified of pursuit information, including the:
  - (a) Any other information deemed to be pertinent.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

- (b) Unit numbers of involved officers;
- (c) Reason for pursuit;
- (d) Speed of pursuit;
- (e) Suspect vehicle information;
- (f) Direction of travel;
- (g) Pursuit Location;

#### **307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

#### **307.4.6 PURSUIT TRAILING**

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

#### **307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES**

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft assistance is requested, if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage CFPD units when a pursuit enters another jurisdiction.
- (j) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.
- (k) Ensure that the State Pursuit Report is mailed or otherwise transmitted to the appropriate state agency.

#### **307.5.1 SHIFT COMMANDER RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Shift Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Commander shall review all pertinent reports for content and forward them to the Division Commander.

#### **307.6 COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications should be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

#### **307.6.1 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **307.7 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

#### **307.7.1 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered this jurisdiction, the supervisor should consider these additional factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing officers

As soon as practicable, a supervisor or the Shift Commander should review a request for assistance from another agency. The Shift Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall notify the initiating agency of the termination of the pursuit, provide appropriate assistance to peace officers from the initiating and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **307.8 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing-in, PIT, ramming or roadblock procedures.

#### **307.8.1 WHEN USE IS AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

#### **307.8.2 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### 307.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and are subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, this technique should only be employed by officers who have received training in such tactics and after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or other members of the public.
  - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  - 4. The target vehicle is stopped or traveling at a low speed.
  - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
  - 1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
  - 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

#### **307.8.4 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

#### **307.9 REPORTING AND REVIEW REQUIREMENTS**

All appropriate reports shall be completed to comply with local and state regulations (Wis. Stat. § 85.07(8)(b)).

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer shall also complete the appropriate pursuit report which shall be forwarded to the Police Chief or Lieutenant of Field Operations. The report should contain the following information.
  - 1. (a) Date and time of pursuit

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

- (b) Length of pursuit in distance and time
  - (c) Involved units and officers
  - (d) Initial reason and circumstances surrounding the pursuit
  - (e) Starting and termination points
  - (f) Alleged offense, charges filed or disposition: arrest, citation or other release
  - (g) Arrestee information should be provided if applicable
  - (h) Injuries and/or property damage
  - (i) Medical treatment
  - (j) The outcome of the pursuit
  - (k) Name of supervisor handling the case or at the scene
- (c) After receiving copies of reports, logs, and other pertinent information, the Police Chief or Lieutenant of Field Operations shall conduct or assign the completion of a pursuit review as appropriate to the circumstances. The Pursuit Review Committee shall include (at a minimum):
  - (a) Permanent members (as appointed by the Police Chief) to consist of a Committee Chair and Vehicle Contacts and/or an Emergency Vehicle Operations and Control (EVO) instructor.
  - (b) The committee will consist of at least 4 other members that will periodically rotate out.
  - (c) Whenever possible, the committee members will independently review pursuit video, reports, audio, drive the pursuit route, etc. and report to the Committee Chair.
  - (d) Whenever possible, committee members who are involved in a pursuit should defer review of their pursuit to other committee members.
  - (e) A full committee review should consist of the Committee Chair (or designee) and at least two (2) committee members to complete a quorum.
  - (f) Whenever possible, the post pursuit reviews should be completed and forwarded to the Lieutenant of Field Operations within 15 days.
  - (g) Pursuits resulting in no or minimal property damage, no personal injury, and/or are short in duration may be reviewed only by the Committee Chair without activating a full committee review.
- (d) At least annually, but no later than June 30th of every even-numbered year, the Police Chief or the authorized designee shall direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).
- (e) The Business Office will be responsible for compiling and reporting information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Pursuits*

---

State Patrol/Department of Transportation via WisDOJ WILENET system's Law Enforcement Pursuit Report. The report shall be filed no later than August 15th of each year and shall contain information on (Wis. Stat. § 85.07(8)(b)):

- (a) (a) The circumstances of the vehicle pursuit, including the distance, location and maximum speed.
- (b) The reasons for initiating the vehicle pursuit.
- (c) The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

#### 307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified sworn employees will participate, no less than biennially, in at least four hours of training addressing this policy, pursuit guidelines, driving techniques, new technology and the importance of vehicle safety and protecting the public at all times. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. At least four hours of the training curriculum will be based on the model standards promulgated by the Law Enforcement Standards Board (LESB) and shall be delivered by a LESB-certified Emergency Vehicle Operations and Control (EVOC) instructor (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07(4)). For purposes of LESB reporting obligations, the time period for annual training begins July 1st, and ends June 30th.

#### 307.9.2 POLICY REVIEW

Certified members of this department shall certify by electronic acknowledgment of this policy that they have received, read and understand this policy initially and upon any amendments (Wis. Stat. § 346.03(6)).

## Officer Response to Calls

### 308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations whether dispatched or self-initiated (Wis. Stat. § 346.03(6)).

### 308.2 RESPONSE TO CALLS

Officers responding to any call shall proceed immediately. Officers responding to an emergency as an emergency response shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (Wis. Stat. § 346.03).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and property and does not protect the driver from the consequences of his/her reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not generally provide an exemption from the Wisconsin motor vehicle laws (Wis. Stat. § 346.03(5)).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not responding as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officers shall immediately notify Dispatch.

#### 308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Shift Commander or the Officer-In-Charge should monitor all emergency responses and reduce or enhance the response as warranted.

### 308.4 INITIATING EMERGENCY RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer should respond accordingly.

### 308.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

During a call involving an emergency response, after giving a visual and audible siren or exhaust whistle, officers may (Wis. Stat. § 346.03):

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer Response to Calls*

---

- (a) Disregard regulations governing stopping, parking or standing when using a red or red and blue flashing, oscillating or rotating light.
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed any speed limits provided this does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in specified directions.

The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue an emergency response when directed by a supervisor.

Upon determining that an emergency response is appropriate, an officer should immediately give the location from which he/she is responding.

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify Dispatch of their determination. Any subsequent change in the appropriate response level should be communicated to Dispatch by the officer in charge of the scene unless a supervisor assumes this responsibility.

#### 308.5.1 EMERGENCY RESPONSE SPECIAL CONDITIONS

While performing certain emergency response tasks, the use of emergency lights or sirens may increase the danger to the responding officers or the public. In the following circumstances, officers may exceed the speed limit without giving a visual and audible signal if (Wis. Stat. § 346.03(4)):

- (a) The officer is obtaining evidence of a speed violation.
- (b) The officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes that knowledge of the officer's presence may:
  - 1. Endanger the safety of a victim or other person, or
  - 2. Cause the suspected violator to evade apprehension, or
  - 3. Cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony, or
  - 4. Cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

Any emergency response without the use of emergency lights and siren shall be conducted with due regard for the safety of the public and property and the recognition that such a response may not provide an exemption from the vehicle laws (Wis. Stat. § 346.03(5)).

Any emergency response without the use of lights or siren shall cease if the circumstances no longer warrant such a response.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Officer Response to Calls*

---

##### **308.6 SUPERVISORY RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated, the Shift Commander or the Officer-In-Charge should verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The supervisor should, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Commander or the Officer-In-Charge should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

##### **308.7 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly.

The officer shall notify the Shift Commander, Officer-In-Charge or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

## Domestic Abuse

### 310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic abuse.

#### 310.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders issued by a court related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### 310.2 POLICY

The Chippewa Falls Police Department's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 310.3 OFFICER SAFETY

The investigation of domestic abuse cases puts officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved.

### 310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic abuse cases:

- (a) Calls of reported, threatened, imminent, or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Domestic Abuse*

---

- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

#### **310.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Domestic Abuse*

---

- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### **310.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution
  - 1. If there was sufficient cause for an arrest and none was made this can be documented in a report along with the justification.
  - 2. If there was insufficient cause for an arrest this can be documented in a synopsis or blotter entry.

#### **310.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic abuse information handout, even if the incident may not rise to the level of crime.
  - 1. Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075).
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Domestic Abuse*

---

### **310.6 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### **310.7 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

### **310.8 LEGAL MANDATES AND RELEVANT LAWS**

Wisconsin law provides for the following:

#### **310.8.1 STANDARDS FOR ARRESTS**

Officers investigating a domestic abuse report should consider the following:

- (a) Officers with reasonable grounds to believe a person is committing or has committed within the last 28 days an act of domestic abuse that constitutes a crime shall arrest the person because any of the following apply (Wis. Stat. § 968.075(2)):
  1. There is a reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
  2. There is evidence of physical injury to the alleged victim.
  3. The involved person subject to arrest was a predominant aggressor
- (b) In the event two adults may be arrested for an act of domestic abuse against each other, the investigating officer should only arrest the predominant aggressor. The

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Domestic Abuse*

---

officer shall consider all of the following in identifying the predominant aggressor (Wis. Stat. § 968.075):

1. The 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
  2. Statements made by witnesses
  3. The relative degree of injury inflicted on the parties
  4. The extent to which each person present appears to fear any party
  5. Whether any party is threatening or has threatened future harm against another party or another family or household member
  6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in Wis. Stat. § 939.48
- (c) An officer shall not issue a citation to a person arrested for domestic abuse under Wis. Stat. § 968.075 (Wis. Stat. § 968.085). Also, an officer shall not release a person who was legally arrested for domestic abuse until the person posts bail under Wis. Stat. § 969.07 or appears before a judge (Wis. Stat. § 968.075).
- (d) An officer with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 or a foreign court order as provided in Wis. Stat. § 813.128 shall arrest and take the person into custody (Wis. Stat. § 813.12(7); Wis. Stat. § 813.128).
1. If an officer reasonably determines that a valid foreign protection order exists but cannot be enforced because the person has not been notified or served with the order, the officer should make reasonable efforts to inform the person of the order, serve the order upon the person and allow the respondent a reasonable opportunity to comply before arresting the person (Wis. Stat. § 813.128).
- (e) An officer shall arrest and take a person into custody if the officer has reasonable grounds to believe that the person has been advised of the 72-hour contact prohibition under Wis. Stat. § 968.075(5) and the person violated the contact prohibition.

Exceptions to the above standards for arrest should only be done with supervisor approval and in consult with the District Attorney's office.

#### 310.8.2 REPORTS AND RECORDS

An officer who does not make an arrest when the officer has reasonable grounds to believe a person has committed an act of domestic abuse shall include a statement in the written report indicating why the person was not arrested. The officer will ensure the report is sent to the appropriate prosecutor immediately after the investigation has been completed (Wis. Stat. § 968.075(4)).

#### 310.8.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE

Unless there is a signed waiver by an alleged victim, any employee of the Chippewa Falls Police Department releasing a person arrested for domestic abuse shall inform the arrested person orally

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Domestic Abuse*

---

and in writing of the contact prohibition requirements of Wis. Stat. § 968.075, the consequences of violating the requirements, and the provisions of Wis. Stat. § 939.621 (increased penalty for violating the contact prohibition). The arrested person shall sign an acknowledgment on the written notice that the person has received notice of, and understands the requirements, the consequences of violating the requirements, and the provisions of Wis. Stat. § 939.621. If the arrested person refuses to sign the notice, the person shall not be released from custody (Wis. Stat. § 968.075).

### **310.9 OFFICER-INVOLVED DOMESTIC ABUSE INCIDENTS**

The Department is committed to addressing domestic abuse by members.

#### **310.9.1 PREVENTION**

The Administration Division Commander should develop a prevention plan that includes:

- (a) Reviewing hiring criteria.
- (b) Outreach to victim advocacy groups.
- (c) Support services such as an employee assistance program, chaplain/clergy, and referrals for counseling services.
- (d) Education about behaviors that may be indicators of potential domestic abuse.

#### **310.9.2 INCIDENT RESPONSE**

Calls reporting domestic abuse that may involve a department member will be processed in the same manner as similar incidents not involving department members. However, the primary investigator for these incidents should be an police officer employed by an outside agency.

The Shift Commander should be notified immediately of any reports of domestic abuse involving members of the Department.

Officers responding to or investigating an incident involving a member of this department should ensure that a supervisor has been notified.

#### **310.9.3 FIREARMS**

Officer-involved domestic abuse may require a determination be made regarding the continued possession of firearms by the involved department member. The supervisor at the scene of the incident is responsible for:

- (a) Informing a Police Lieutenant or Police Chief of the nature of the alleged offense. They may order the member to surrender the department-issued weapons, identification, and badge pending related administrative and/or criminal decisions.
- (b) Overseeing the seizure of any other firearms or dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (see the Search and Seizure Policy). Members restricted by law or court order from possessing a firearm and/or ammunition shall not be allowed to work or be in areas where actual or constructive possession of firearms and/or ammunition is possible.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Domestic Abuse*

---

Members who are subject to firearm and ammunition restrictions shall ensure all firearms and ammunition are immediately removed from their residence, department locker, and any other location they would have actual or constructive possession of firearms. The Department should store issued firearms and equipment and may, at the member's request, store personally owned firearms for safekeeping.

#### 310.9.4 VICTIM SAFETY AND PROTECTION MEASURES

The Police Chief or the authorized designee should assign a department contact person for the victim as soon as practicable. Consideration should be given to selecting a contact person at least one rank higher than the suspect member, and who is someone other than the assigned investigator. Consideration may also be given to the victim's preference of contact person.

As soon as practicable after being assigned, the contact person should contact the victim to assist with safety concerns, protection measures, victim services information, and other pertinent information (e.g., related department protocols, applicable laws, confidentiality policies).

# Search and Seizure

## 311.1 PURPOSE AND SCOPE

Both the United States and the Wisconsin Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Chippewa Falls Police Department personnel to consider when dealing with search and seizure issues.

## 311.2 POLICY

It is the policy of the Chippewa Falls Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law as well as local community standards and prosecutorial considerations to specific search and seizure situations as appropriate.

## 311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate emergency aid interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Statutory authority

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that may not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Additional exceptions may include:

- Pat-down weapon searches (i.e., stop and frisk with reasonable suspicion to fear for own or others' safety).
- Crime scenes (i.e., protective sweep).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Search and Seizure*

---

- Inventory searches (seized vehicle or other property). See the Vehicle Towing and Release Policy and the Custodial Searches Policy.
- Plain view, plain touch, and plain smell searches.
- Open field searches.
- Search of a vehicle (moveable vehicle exception).
- Emergency aid.
- Other authorized situations derived from state or federal constitutions, case law, or local/state statute (e.g., licensed premises inspections).

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and member's familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor or other available resource to resolve questions regarding search and seizure issues prior to electing a course of action.

#### **311.3.1 CONSENT SEARCH**

An officer may seek verbal or written consent from a person whom the officer reasonably believes has express or implied authority to voluntarily consent to a search of a person, thing, or place. The person who initially gave consent may withdraw it at any time. If this occurs, officers may choose to secure the scene and seek a search warrant.

#### **311.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  1. Another officer or a supervisor should witness the search.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Search and Seizure*

---

2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **311.5 DOCUMENTATION**

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is of the opposite sex, any efforts used to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

##### **311.5.1 PAROLE AND PROBATION SEARCHES**

Any member conducting a search of an individual on parole or probation under the following conditions shall ensure the search is reported to the Department of Corrections:

- (a) Released under risk reduction sentence (Wis. Stat. § 302.043(4))
- (b) Released to extended supervision under the challenge incarceration program, (Wis. Stat. § 302.045(3m)(e))
- (c) Released after completing substance abuse program (Wis. Stat. § 302.05(3)(c)(4))
- (d) Mandatory release parole (Wis. Stat. § 302.11(6m))
- (e) Released to extended supervision for felony offenders not serving life sentences (Wis. Stat. § 302.113(7r))
- (f) Released to extended supervision for felony offenders serving life sentences (Wis. Stat. § 302.114(8g))
- (g) Special action parole release (Wis. Stat. § 304.02(2m))
- (h) Paroles from state prisons and house of correction (Wis. Stat. § 304.06(1r))
- (i) Probation for a felony (Wis. Stat. § 973.09(1d))

#### **311.6 JUVENILE SEARCHES**

The Chippewa Falls Police Department will afford to juveniles the same rights afforded to adults in accordance with the law:

When requested by school authorities:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Search and Seizure*

---

A police officer will assist, upon request, an employee of the school (the principal, associated principal, or designee) who is legally authorized to search a student's personal property, including school bags, backpacks, purses, and the like, and motor vehicles on school property when there is "Reasonable Suspicion" that a student has dangerous or illegal items in his/her possession. Searches of a student's person will be limited to clothing or items being carried.

#### By police, without request of school authorities:

A search of a student's person, student's property, or the student's vehicle on school property may be conducted by a police officer if there is "Probable Cause" that the search will yield contraband, evidence of a school rule violation, an ordinance violation, or a crime. The officer may also search if the officer has a valid search warrant, if the student consents to the search, if the student has been taken into custody (search incident to arrest), if stop and frisk circumstances exist, or if exigent circumstances exist. Search of vehicles may also include the Carole Doctrine and Plain View.

## Temporary Custody of Juveniles

### 312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Chippewa Falls Police Department (34 USC § 11133).

This policy does not apply to secure detention facilities, the juvenile portion of a county jail, or municipal lockups certified to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to an intake worker, or delivered to any of these other facilities.

#### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Guardian** - A person named by the court having the duty and authority of guardianship (Wis. Stat. § 938.02).

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare or any child 9 years of age or younger. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

**Juvenile offender** - A juvenile 10 years of age to 16 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or an offense related to alcohol possession. It also includes an offense under Wis. Stat. § 948.60 where the juvenile possessed a handgun (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Custody of Juveniles*

---

- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile is kept within the secure perimeter of a jail or lockup after booking/processing is completed even if a department member is present and visually supervising.
- (h) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, uncontrollable behavior, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

### **312.2 POLICY**

The Chippewa Falls Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Chippewa Falls Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **312.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Chippewa Falls Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Chippewa Falls Police Department unless they have been, or are in the process of being, evaluated by a qualified medical and/or mental health professional.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Custody of Juveniles*

---

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

##### **312.3.1 EMERGENCY MEDICAL TREATMENT**

If a juvenile is believed to be suffering from a serious physical condition that requires prompt diagnosis or prompt treatment, the officer taking the juvenile into physical custody shall take the juvenile to a hospital or physician's office (Wis. Stat. § 938.20).

##### **312.3.2 SUICIDE PREVENTION**

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in temporary custody.

##### **312.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Chippewa Falls Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

When practicable, no juvenile should be held in temporary custody at the Chippewa Falls Police Department without authorization of the arresting officer's supervisor or the Shift Commander.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and should not be held more than two hours following the conclusion of processing, testing, and/or interrogation. All reasonable efforts should be made avoid a juvenile from being held more than six hours from the time of his/her entry into the Chippewa Falls Police Department. A supervisor should be contacted if the it appears the juvenile will be held for longer.

Juveniles in custody for non-status offenses (felony or misdemeanors crimes) shall not be held beyond six hours from the time of his/her entry into the Chippewa Falls Police Department (34 USC § 11133; Wis. Stat. § 938.20).

##### **312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Chippewa Falls Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

##### **312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Custody of Juveniles*

---

station to await a parent) or otherwise authorized under Wis. Stat. § 48.19 et seq. or Wis. Stat. § 938.19. Juvenile status offenders may not be held in secure custody (34 USC § 11133).

#### **312.4.3 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the Chippewa Falls Police Department.

Generally, a juvenile offender may be taken into custody when (Wis. Stat. § 938.19):

- (a) There is court order or warrant authorizing custody of the juvenile.
- (b) There are reasonable grounds (probable cause) to believe that a juvenile is committing or has committed an act which is a violation of a state or federal criminal law that would subject an adult to arrest.

When a juvenile offender is taken into custody, the officer taking the juvenile into custody shall immediately or as soon as practicable, attempt to notify the parent, guardian, legal custodian or Indian custodian of the juvenile by the most practical means. The officer taking the juvenile into custody shall continue such attempts until the parent, guardian, legal custodian or Indian custodian of the juvenile is notified, or the juvenile is delivered to an intake worker under Wis. Stat. § 938.20(3), whichever occurs first (Wis. Stat. § 938.19).

If the juvenile is 15 years of age or older, the officer may release the juvenile without immediate adult supervision after counseling or warning the juvenile, as may be appropriate (Wis. Stat. § 938.20).

A juvenile offender who is not released after counseling or warning should be released to a parent, guardian or other responsible adult, unless the officer reasonably believes that he/she should be referred to an intake worker because he/she will injure others, injure the property of others, run away or be taken away, that the juvenile's safety and well-being will be at risk due to lack of care, or the juvenile otherwise qualifies for secure detention (Wis. Stat. § 938.20; Wis. Stat. § 938.205; Wis. Stat. § 938.208).

If the juvenile offender is not released, the officer who takes a juvenile offender into custody shall make a statement with supporting facts, of the reasons why the juvenile was taken into custody to the intake worker. The intake worker will document the officer's statement in writing on that department's applicable form (Wis. Stat. § 938.20).

#### **312.5 ADVISEMENTS**

The officer who takes a juvenile offender into custody will make a statement to the intake worker, with supporting facts, of the reasons why the juvenile was taken into custody. The intake worker will give a copy of that statement to a juvenile offender who is 10 years of age or older (Wis. Stat. § 938.20).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Custody of Juveniles*

---

##### **312.6 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juvenile and adult offenders while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Chippewa Falls Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

##### **312.7 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile in custody at the Chippewa Falls Police Department shall ensure the following:

- (a) The Shift Commander should be notified if it is anticipated that a juvenile may need to remain at the Chippewa Falls Police Department more than four hours. This will enable the Shift Commander to ensure no juveniles should not be held at the Chippewa Falls Police Department more than six hours.
- (b) A staff member of the same sex should supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy. If a same sex staff member cannot be made available, an opposite sex staff member will oversee these activities without direct observation and with due regard for both safety and the privacy and dignity of the juvenile.
- (c) Personal visual checks and significant incidents/activities shall be noted on the narrative.
- (d) An employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is attending to personal hygiene activities or changing clothes. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits. Video recording of the room during this time may be suspended upon request.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Custody of Juveniles*

---

- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

#### **312.8 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Chippewa Falls Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints should only be used after less restrictive measures have failed, or would obviously be ineffective, and with the approval of the Shift Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

#### **312.9 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Chippewa Falls Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be secured. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Chippewa Falls Police Department.

#### **312.10 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE**

The Shift Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Chippewa Falls Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Police Chief, and Investigation Division supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City Attorney.
- (e) Evidence preservation.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Custody of Juveniles*

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### **312.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Interviews of juveniles at schools should follow any protocols jointly developed with the local school officials and this department.

#### **312.11.1 RECORDING CUSTODIAL INTERROGATIONS**

Officers shall make an audio/visual recording of the custodial interrogation of a juvenile, in its entirety, when it is conducted at a place of detention unless good cause is shown for not making a recording or an exception applies.

If feasible, officers shall make an audio/visual recording of the custodial interrogation of a juvenile, in its entirety, when it is conducted at a place other than a place of detention unless good cause is shown for not making a recording or an exception applies.

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment (Wis. Stat. § 938.195(2)).

Exceptions to an audio or audio-and-visual recording of a juvenile interrogation include (Wis. Stat. § 938.31(3)(c)):

- (a) The juvenile refuses to respond or cooperate in the interrogation if a recording is being made.
  - 1. The juvenile's refusal shall be documented by contemporaneous audio or audio-and-visual recording or in a written report.
- (b) The juvenile's statement is made in response to a question asked as part of the routine processing.
- (c) The juvenile's statement is made spontaneously and not in response to a question.
- (d) The officer, in good faith, fails to make a recording because the equipment does not function, or it malfunctions, stops operating or the officer inadvertently fails to operate the equipment properly.
- (e) Exigent public safety circumstances exist that prevent the officer from making a recording or that render the making of such a recording infeasible.

An officer conducting a custodial interrogation is not required to inform the juvenile that the officer is making an audio/visual recording of the interrogation (Wis. Stat. § 938.195(3)).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

## **Discriminatory Harassment**

### **314.1 PURPOSE AND SCOPE**

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### **314.2 POLICY**

The Chippewa Falls Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### **314.3 DEFINITIONS**

Definitions related to this policy include:

#### **314.3.1 DISCRIMINATION**

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Discriminatory Harassment*

---

##### **314.3.2 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when (see also Wis. Stat. § 111.32(13)):

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

##### **314.3.3 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the State of Wisconsin, Department of Workforce Development, Equal Rights Division guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

##### **314.3.4 STATE DISCRIMINATION LAW**

Unlawful employment practices include discrimination against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious or political matters (Wis. Stat. § 111.31).

##### **314.3.5 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### **314.4 RESPONSIBILITIES**

This policy applies to all department personnel who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Discriminatory Harassment*

---

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Police Chief or the City Human Resource Director.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### 314.4.1 SUPERVISOR RESPONSIBILITY

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Police Chief or the City Human Resource Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Discriminatory Harassment*

---

##### **314.4.3 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Police Chief or the City Human Resource Director for further information, direction, or clarification.

##### **314.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

##### **314.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor or the City Human Resource Director.

##### **314.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation (Wis. Stat. § 111.322(2m)).

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Police Chief or the City Human Resource Director.

##### **314.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Discriminatory Harassment*

---

time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **314.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Police Chief. The outcome of all reports shall be:

- (a) Approved by the Police Chief or the City Human Resource Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

##### **314.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **314.7 TRAINING**

All new members shall read and acknowledge this policy as part of their orientation. By reading and acknowledging the policy the member is certifying that they have been advised of this policy, are aware of and understand its' contents, and agree to abide by its provisions during the member's term of employment.

All members shall annually review and acknowledge this policy and, by doing so, the member is certifying that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

# Child Abuse

## 315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Chippewa Falls Police Department members are required to notify the appropriate county department or licensed child welfare agency of suspected child abuse.

### 315.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Wis. Stat. § 48.981).

## 315.2 POLICY

The Chippewa Falls Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the appropriate county department or licensed child welfare agency is notified as required by law.

## 315.3 MANDATORY NOTIFICATION

Members of the Chippewa Falls Police Department shall notify the appropriate county department or licensed child welfare agency when, during the course of their duties, they have reasonable cause to suspect that a child has been abused or neglected; when they have reason to believe that a child has been threatened with abuse or neglect that will occur; or when they receive a report of such abuse or neglect. This applies in circumstances that include (Wis. Stat. § 48.02; Wis. Stat. § 48.981):

- (a) Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.
- (b) Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.
- (c) Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.
- (d) Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.
- (e) Cases where the child has been involved in sex trafficking or prostitution.

For purposes of notification, abuse includes, but is not limited to, non-accidental physical injuries, sexual offenses, emotional damage, sex trafficking, exposure to a meth lab, or any other act

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child Abuse*

---

as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide necessary care, food and clothing so as to seriously endanger the physical health of the child, and any other act as described in Wis. Stat. § 48.02(12g).

#### **315.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Wis. Stat. § 48.981):

- (a) The handling officer should as soon as possible make notification to the appropriate county department or licensed child welfare agency by telephone or in person and no later than 12 hours, exclusive of Saturdays, Sundays or legal holidays.
- (b) Notification, when possible, should contain at a minimum:
  - 1. The name, address, age, sex and race of the child.
  - 2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
  - 3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
  - 4. The family composition.
  - 5. The source of the report and the name, address and occupation of the person making the report.
  - 6. Any action taken by the reporting source.
  - 7. Any other information that the person making the report believes may be helpful in establishing the cause of the child abuse, physical injury or neglect.
- (c) If there is reasonable cause to suspect that a child died as a result of abuse or neglect, the appropriate Coroner shall also be notified (Wis. Stat. § 48.981(5)).

#### **315.4 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers should write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) If officers interviewed the child victim without the presence of a parent or guardian, the reasons why the parent or guardian was not present during that interview.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into police protective custody, the reasons why other alternatives were not appropriate should be included in the report.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child Abuse*

---

- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Where a child or unborn child is believed or reported to be in immediate danger, the assigned officer shall begin the investigation immediately and take any necessary action to protect the child or unborn child (Wis. Stat. § 48.981(3)).
- (l) Medical records of the victim as necessary (Wis. Stat. § 146.82(2)(a)11).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **315.5 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact the appropriate county department or licensed child welfare agency. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the appropriate county department or licensed child welfare agency intake worker (Wis. Stat. § 48.981).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Wis. Stat. § 48.19):

- (a) A court has ordered the removal of the child.
- (b) An officer believes on reasonable grounds that any of the following conditions exist:
  - 1. A court has ordered the removal of the child.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child Abuse*

---

2. The child is suffering from illness or injury or is in immediate danger from his/her surroundings and removal from those surroundings is necessary.

Officers are required to take children into custody in the circumstances described above (Wis. Stat. § 48.981(3)).

#### 315.5.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

An officer who has taken a child into protective custody shall attempt to deliver the child to an intake worker and immediately notify the parent, guardian, legal custodian or Indian custodian of the child by the most practical means. The officer shall continue such attempts until the parent, guardian, legal custodian or Indian custodian of the child is notified or the child is delivered to an intake worker, whichever occurs first (Wis. Stat. § 48.19; Wis. Stat. § 48.20; Wis. Stat. § 48.981).

#### 315.5.2 SAFE HAVEN LAW

A parent may relinquish a newborn infant less than 72 hours old to an officer when the parent does not express an intent to return for the child. The officer shall take any action necessary to protect the health and safety of the child and attempt to deliver the child to the custody of an intake worker under the provisions of Wis. Stat. § 48.20 (Wis. Stat. § 48.195(1)).

A parent who relinquishes custody of a child under these circumstances and any person who assists the parent in that relinquishment have the right to remain anonymous. Department members shall not induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child (Wis. Stat. § 48.195).

The officer should attempt to provide the parent with the toll free number to the Department of Children and Families, (877-440-2229) or the appropriate social services brochure with this phone number and other relevant information (Wis. Stat. § 48.195; Wis. Admin. Code § DCF 39.09).

### 315.6 INTERVIEWS

#### 315.6.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### 315.6.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child Abuse*

---

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

#### **315.7 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **315.8 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **315.8.1 SUPERVISOR RESPONSIBILITIES**

The Investigations supervisor may:

- (a) Work with professionals from the appropriate agencies, including the Wisconsin Alliance for Drug Endangered Children, appropriate county welfare agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child Abuse*

---

##### **315.8.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child in their report and using photography and video recording when possible.
- (b) Notify the Investigations supervisor so an interagency response can begin.

##### **315.9 STATE MANDATES AND OTHER RELEVANT LAWS**

Wisconsin requires or permits the following:

###### **315.9.1 CRIMINAL PROSECUTION**

All cases in which there is a reasonable suspicion that an identified suspect committed an act of child abuse should be forwarded to the district attorney. All reports that contain an allegation that a child was a victim of a sex-related offense or threatened with such an offense by an identified person shall be forwarded to the district attorney (Wis. Stat. § 48.981(3)).

###### **315.9.2 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Wis. Stat. § 48.981(7)).

###### **315.9.3 COURT ORDERS**

Employees may assist or provide information to the child abuse victim's parent, guardian or custodian on how to obtain a restraining order or injunction issued by the court for the protection of the victim. Officers shall arrest for violations of child abuse restraining orders as mandated by Wis. Stat. § 813.122(10)).

###### **315.9.4 MANDATORY COORDINATION**

An officer investigating a report of child abuse or threatened child abuse should coordinate the planning and execution of the investigation with the appropriate county department or licensed child welfare agency. This coordination is mandatory when the abuse or threatened abuse involves an allegation of a sex-related offense (Wis. Stat. § 48.981(3)).

###### **315.9.5 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD**

An adult expectant mother of an unborn child may be taken into temporary custody as authorized in Wis. Stat. § 48.193 and delivered to an intake worker, but only with a court order. The release of the expectant mother shall comply with the procedures of Wis. Stat. § 48.203 and specific terms of the court order.

##### **315.10 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The Lieutenant of Investigations will arrange for appropriate

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child Abuse*

---

training to be provided as soon as practicable to investigators upon assignment to that position and as needed. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

## Missing Persons

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 316.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This could include persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Out of the zone of safety for his/her chronological age and developmental stage.
  - 2. Mentally or behaviorally disabled.
  - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  - 5. In a life-threatening situation.
  - 6. In the company of others who could endanger his/her welfare.
  - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) Are adults with a developmental disability, suffer from Alzheimer's disease or dementia, or suffer from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the person incapable of getting to a familiar location without assistance (Wis. Stat. § 175.51).
- (d) Are veterans or active-duty members of the military and there is reason to believe that they are at risk due to a physical or mental health condition, and a report was made within 72 hours of their disappearance (Wis. Stat. § 175.51).

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Wisconsin Transaction Information for the Management of Enforcement (TIME) System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, and the Wisconsin Crime Alert Network.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Missing Persons*

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##### **316.2 POLICY**

The Chippewa Falls Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

##### **316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigations supervisor shall ensure the following forms are available:

- Wisconsin DOJ Missing Person Worksheet (Wis. Stat. § 165.785) and the Missing Person School Notification forms are available in the Officer Working Folder. Additional missing person resources available there and on-line through the Wisconsin Crime Alert Network
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Medical records release form
- Biological sample collection kits

##### **316.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

##### **316.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Missing Persons*

---

1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours when possible from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph and fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Where appropriate, contact the school district for notification and for investigative purposes.

### **316.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **316.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to Records.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Missing Persons*

---

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **316.6.2 RECORDS RESPONSIBILITIES**

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigations.
- (e) Coordinate with the NCIC Terminal Contractor for Wisconsin to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### **316.7 INVESTIGATIONS FOLLOW-UP**

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  1. The notice should be in writing or by electronic means that allows for inclusion of a photograph.
  2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter (until directed otherwise by the Lieutenant of Investigations) to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the TIME System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter for 120 days. After the first 120 days verification and updates will be done every 120 days until 2 year have passed or until the missing person is located (34 USC § 41308). After 2 years the Lieutenant of Investigations or Police Chief will determine a further verification and update schedule.
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Missing Persons*

---

- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Should attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Wisconsin Department of Justice, Division of Criminal Investigations and the Wisconsin Clearinghouse for Missing and Exploited Children and Adults ® and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **316.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator should document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The investigator/officer should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations if those agencies had been involved.
- (b) Depending on the length of time the child was missing and if the missing child's school had been contacted, the school district should be notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (e) Notification should be made to any other law enforcement agency that took the initial report or participated in the investigation.

##### **316.8.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Missing Persons*

---

- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **316.9 CASE CLOSURE**

The Investigations supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Chippewa Falls or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **316.10 TRAINING**

Subject to available resources, the Lieutenant of Investigations should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Missing Persons*

---

- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

## Public Alerts

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, social media, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 317.3 RESPONSIBILITIES

#### 317.3.1 MEMBER RESPONSIBILITIES

Members of the Chippewa Falls Police Department should notify a supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor should consider notifying the Police Chief and/or the appropriate Division Commander depending on the seriousness of the situation that prompted the public alert.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed

### 317.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

The Wisconsin AMBER Alert Plan is a voluntary partnership between law enforcement agencies and broadcasters to send out an emergency alert to the public when a child is abducted and is not used for cases that involve runaways or in most parental abduction cases unless the child's life is in danger.

#### 317.4.1 CRITERIA

The Wisconsin AMBER Alert Plan requires the following criteria to exist before activation can occur:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Public Alerts*

---

- (a) The child must be 17 years of age or younger
- (b) The child must be in danger of serious bodily harm or death
- (c) The Department has enough descriptive information about the child and the person who is suspected of abducting the child, and/or the suspect vehicles, to believe a broadcast will help locate the child

The AMBER Alert is not to be used for runaways or family abductions unless the child's life is in danger.

#### **317.4.2 PROCEDURE**

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the Chippewa Falls Police Department shall:

- (a) Immediately enter the child into the TIME/NCIC Missing Person database with the AMBER Alert flag.
- (b) Call the Wisconsin State Patrol's Traffic Management Center and provide contact information.
- (c) When contacted by a Division of Criminal Investigation (DCI) supervisor, review the facts of the case and the status of the investigation.
- (d) Once approved for an AMBER Alert, complete the online form and include relevant photographs.
- (e) Obtain, whenever possible, consent from the parents, parent, guardian, or other person having legal custody of the abducted child the child's name, photographs, descriptions, and other information necessary to support the AMBER Alert public broadcast and search.
- (f) Maintain frequent contact with the DCI supervisor as the investigation progresses.
- (g) Request additional resources and services from:
  - 1. The FBI
  - 2. The Wisconsin Clearinghouse for Missing and Exploited Children and Adults (WCMECA)
  - 3. The NCMEC
  - 4. A Child is Missing
- (h) Retain a copy of all AMBER Alert forms, faxes, teletypes, emails, and pertinent case information for review by the Wisconsin AMBER Alert Review Committee.

#### **317.5 SILVER ALERTS**

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is 60 years of age or older and believed to have Alzheimer's Disease, dementia or another permanent cognitive impairment which poses a threat to his/her health and safety (Wis. Stat. § 175.51).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Public Alerts*

---

##### **317.5.1 CRITERIA**

A Silver Alert should be issued when:

- (a) A reasonable belief that the missing person's disappearance is due to his/her impaired cognitive condition
- (b) The Silver Alert request is made within 72 hours of the individual's disappearance
- (c) Sufficient information is available to disseminate to the public that could assist in locating the missing person

##### **317.5.2 PROCEDURE**

Members shall disseminate reports regarding at-risk missing adults in the Wisconsin Crime Alert Network (Wis. Stat. § 165.785; Wis. Stat. § 175.51).

Any member of the department can submit to DCI a Silver Alert request. This is how it works:

- (a) Call WI State Patrol Traffic Management Center / 1-844-977-4357. Advise them you want to submit a Silver Alert. They will want general information and a synopsis of incident.
- (b) State Patrol will assign a DCI Agent to call you (Received a call within 5 minutes)
- (c) DCI will confirm the information you gave State Patrol. Provide them with your email. DCI will send over a link and temporary login/password to Everbridge Program.
- (d) Complete the alert submit.
- (e) DCI should distribute the Silver Alert statewide or wherever you request almost immediately.

Note that DCI will need to enter the person as missing through dispatch and an ATL for the vehicle associated prior to the Silver Alert. Per DCI, Silver Alerts are only for distributing information.

##### **317.6 HIT-AND-RUN ALERTS**

Members investigating a hit-and-run should ensure an alert from the Wisconsin Crime Alert Network is initiated whenever the below criteria is met (Wis. Stat. § 346.67; Wis. Stat. § 346.70).

##### **317.6.1 CRITERIA**

The following criteria apply (Wis. Stat. § 175.51):

- (a) A person has been killed due to the accident.
- (b) There is sufficient information available to help locate the suspect or vehicle.
- (c) An alert could help prevent further harm or aid in an arrest.

##### **317.6.2 PROCEDURE**

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Public Alerts*

---

### **317.7 GREEN ALERTS**

Green Alerts are used to provide a statewide system for the rapid dissemination of information regarding at-risk missing veterans or active-duty members of the armed forces, the national guard, or the military reserve forces of the United States (Wis. Stat. § 175.51).

#### **317.7.1 CRITERIA**

A Green Alert should be issued when:

- (a) A missing person is a veteran or an active-duty member of the armed forces, the national guard, or the military reserve forces of the United States.
- (b) The missing person is known, based on the information provided by the reporting person, to have a physical or mental health condition that is related to the missing person's service.
- (c) The report is provided within 72 hours of the individual's disappearance.
- (d) There is reason to believe that the person at risk is missing due to a physical or mental health condition.
- (e) There is sufficient information available to disseminate that could assist in locating the missing veteran.

#### **317.7.2 PROCEDURE**

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).



## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance and information available through government and private resources and to meet all related legal mandates.

### 318.2 POLICY

The Chippewa Falls Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Chippewa Falls Police Department will show compassion and understanding for victims and witnesses and make reasonable efforts to provide the support and information identified in this policy.

### 318.3 CRIME VICTIM LIAISON

The Police Chief may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will serve as the point of contact for individuals requiring further assistance or information from the Chippewa Falls Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### 318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officer should never guarantee a victim's safety from future harm, but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officer should never guarantee that a person qualifies as a victim for purpose of compensation or restitution, but may direct him/her to the proper written department material or available victim resources.

#### 318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers shall ensure that the victim information handout is delivered to victims as soon as practicable but not later than 24 hours after initial contact with the victim (Wis. Stat. § 950.08(2g)).

Sex crime victims require additional actions as identified in the Sexual Assault Investigations Policy.

Victims of sexual assault, human trafficking and child sexual abuse have the right to be accompanied by a victim advocate when being interviewed by an officer of the Chippewa Falls Police Department or other law enforcement agency. If the victim advocate obstructs or delays the interview, or fails to comply with the Child Abuse Policy and/or Sexual Assault Investigations Policy regarding the confidentiality of information relating to an investigation, he/she may be excluded from the interview and a different victim advocate may be permitted to accompany the victim at the victim's request (Wis. Stat. § 950.045(1)).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Victim and Witness Assistance*

---

##### **318.5 VICTIM INFORMATION**

The Lieutenant of Investigations shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic abuse.
  - 1. The information shall include the availability of shelters and services from lists provided by the Wisconsin Department of Children and Families and the Wisconsin Department of Justice (Wis. Stat. § 968.075).
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime (Wis. Admin. Code § JUS 11.11).
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number and any applicable case or incident number.
- (k) The mandated notices contained in Wis. Stat. § 950.08(2g) for crime victims, which includes a list of victim's rights under Wis. Stat. § 950.04(1v) and Wis. Const. Article I, § 9m.
- (l) Notice of legal rights and remedies available to domestic abuse victims that includes the statement: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction" (Wis. Stat. § 968.075).
- (m) Information on the Wisconsin Department of Justice Address Confidentiality Program for victims of abuse (Wis. Stat. § 165.68).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Victim and Witness Assistance*

---

##### **318.6 WITNESSES**

Officer should not guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses expressing fear of future harm or retaliation.

Officer should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Officers may provide witnesses with witness rights information, when appropriate. This information is contained in Wis. Stat. § 950.04(2w). Witnesses may also be referred to Chippewa County Victim Witness Services for more information.

## Bias-Motivated Crimes

### 319.1 PURPOSE AND SCOPE

The Chippewa Falls Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 319.2 DEFINITIONS

Definitions related to this policy include:

**Bias-motivated crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

### 319.3 CRIMINAL STATUTES

- (a) Wis. Stat. § 943.012 - A person is guilty of a Class I felony when such a person intentionally causes criminal damage to or graffiti on:
  - 1. Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.
  - 2. Any cemetery, mortuary or other facility used for burying or memorializing the dead.
  - 3. Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, national origin or ancestry or by an institution of any such group.
  - 4. Any personal property contained in any of the properties in items 1, 2, or 3 above if the personal property has particular significance to any group of persons of a particular race, religion, color, disability, national origin or ancestry.
- (b) Wis. Stat. § 939.645 - Enhances the penalty for offenses where the victim is selected because of the offender's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of the victim.
- (c) 18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law depending on circumstances.

### 319.4 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Bias-Motivated Crimes*

---

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about bias-motivated crime laws.

#### **319.5 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES**

Whenever any member of this department receives a report of a suspected bias-motivated crime or other activity that reasonably appears to involve a potential bias-motivated crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a bias-motivated crime was involved.
- (d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias-motivated crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include all available evidence indicating the likelihood of a bias-motivated crime in the relevant reports. All related reports will be clearly marked as "Bias-Motivated Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney.

#### **319.6 INVESTIGATIONS RESPONSIBILITIES**

If a case is assigned to the Investigations, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Bias-Motivated Crimes*

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- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.

#### 319.6.1 STATE BIAS-MOTIVATED CRIME REPORTING

This department shall submit bias-motivated crime information and offenses through Wisconsin's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Wisconsin Office of Justice Assistance (OJA). This department will only report a bias-motivated crime when an investigation reveals sufficient evidence that an offender's actions were motivated, in whole or in part, by his/her bias. This shall be conducted by the Lead Records Clerk or assigned to the Investigations.

#### 319.6.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING

The Lead Records Clerk should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records procedures and in compliance with (28 USC § 534(a)).

## Standards of Conduct

### 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct.

In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisor.

### 320.2 POLICY

The continued employment or appointment of every member of the Chippewa Falls Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not knowingly issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The member may request the order in writing and should respectfully inform the supervisor, if they intend on disobeying, why they reasonably believe it to be an unlawful order. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members may request the order in writing. Members who are compelled to follow a conflicting lawful order

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Standards of Conduct*

---

after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order should notify, in writing, the person issuing the original order indicating the action taken and the reason.

#### **320.3.1 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

#### **320.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Wisconsin constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **320.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

#### **320.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Standards of Conduct*

---

- (c) Violation of federal, state, local or administrative laws, rules or regulations.

#### 320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Chippewa Falls Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Standards of Conduct*

---

##### 320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

##### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person confidential active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Police Chief or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Chippewa Falls Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

##### 320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Standards of Conduct*

---

##### 320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - (a) While on department premises.
  - (b) At any work site, while on--duty or while in uniform, or while using any department equipment or system.
  - (c) Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - (a) Unauthorized attendance while on--duty at official legislative or political sessions.
  - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement, or the Police Chief.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Police Chief.
- (i) Any act on- or off-duty that brings discredit to this department.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Standards of Conduct*

---

##### 320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency as part of an official investigation or that may result in criminal prosecution or discipline under this policy.
- (b) Failure of any member to promptly and fully report activity on his/her part that resulted in the issuance of a citation, arrest or referral of charges (including referrals to a diversion program).
- (c) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (d) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (e) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (f) Engaging in horseplay that reasonably could result in injury or property damage.
- (g) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (h) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform. Depending on the circumstances, the use of profanity may be permissible when its' use is to preserve the safety of the public. However, this use is discouraged in most cases and may be subject to discipline if used without sufficient cause. Members should understand that the use of profanity by a uniformed officer tends to bring disrespect to the department and the law enforcement profession.
- (i) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (j) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (k) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (l) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (m) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Police Chief of such action.
- (n) Any other on or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Standards of Conduct*

---

##### 320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority, except as permitted under Wis. Stat. § 175.60(15m)(b).
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic crash.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

##### 320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

# Information Technology Use

## 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Chippewa Falls Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 321.2 POLICY

It is the policy of the Chippewa Falls Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Information Technology Use*

---

The Department will not request or require, as a condition of employment, that employees disclose access information for their personal Internet accounts or otherwise grant access to, or allow observation of, those accounts unless specifically permitted to do so under federal or Wisconsin law (Wis. Stat. § 995.55).

#### **321.4 RESTRICTED USE**

Members shall not access department computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **321.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Police Chief or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **321.4.2 HARDWARE**

Access to technology resources provided by or through the Department should be limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an investigation, a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Information Technology Use*

---

##### **321.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Employees should use caution to avoid the introduction of computer viruses or other malicious internet content. Employees should follow all directives and training provided by IT or the department to this end.

##### **321.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

##### **321.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.



## News Media Relations

### 323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Police Chief. In situations not warranting immediate notice to the Police Chief and in situations where the Police Chief has given prior approval, Division Commanders, Shift Commanders and designated Public Information Officers may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

### 323.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative can be required to produce valid press credentials. Depending on the seriousness of the event the press credentials may be required to be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.
- (c) Media interviews with individuals who are in custody shall not be permitted without the approval of the Police Chief and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

#### 323.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *News Media Relations*

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##### **323.3.2 CRITICAL OPERATIONS**

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the designated Public Information Officer.

##### **323.4 POLICY**

It is the policy of the Chippewa Falls Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

##### **323.5 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Police Chief.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Police Chief will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

##### **323.6 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the Public Information Officer.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Police Chief. Under these circumstances the member should direct the media to the agency handling the incident.

##### **323.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the supervisor releasing the information to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *News Media Relations*

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and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

##### **323.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed. Formal requests will be evaluated on a case by case basis in compliance with Wisconsin Public Records Law.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Police Chief.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Wisconsin Public Records Law).

##### **323.8 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

##### **323.8.1 INFORMATION LOG**

The daily information log of significant law enforcement activities for the media is maintained and distributed by the Communications Center. Log entries only contain information that is deemed public information and not restricted or confidential by this policy or applicable law.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Commander. Such requests will generally be processed in accordance with the Records Release and Security Policy and provisions of the Wisconsin Public Records Laws (Wis. Stat. §§ 19.31-19.39). Questions concerning the mandates of the Wisconsin Public Records Laws should be resolved through legal counsel.

## Subpoenas and Court Appearances

### 324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Chippewa Falls Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

### 324.2 POLICY

Chippewa Falls Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member's course and scope of official duties may be accomplished by (Wis. Stat. § 885.03):

- (a) Personally serving a copy of the subpoena to the member.
- (b) Delivering a copy to the member's usual place of residency.
- (c) Delivering a copy to the department court officer or a designee. Employees shall check their work station or work mailbox for delivery of such documents during each shift worked.
- (d) Exhibiting and reading the subpoena to the member.

Except a subpoena on behalf of the State of Wisconsin, of a municipality in a forfeiture action or of an indigent respondent in a paternity proceeding, no subpoena for a member of this department as a witness in a civil action should be accepted unless accompanied by the appropriate witness fees as allowed by law (Wis. Stat. § 885.06).

#### 324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Subpoenas and Court Appearances*

---

- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Chippewa Falls Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Chippewa Falls Police Department.

The supervisor will then notify the Police Chief and the appropriate prosecuting attorney as may be indicated by the case. The Police Chief should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### **324.3.2 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement. In these cases, any subpoena payment provided to the member shall be turned over to the Administrative Assistant.

The Department may seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **324.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisor.

#### **324.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **324.5 VICTIM WITNESS NOTIFICATION FOR TESTIMONY**

A member may receive a subpoena or court notice of a type that allows him/her to not appear in court (or to appear and then leave court) but remain available by telephone or pager so that the member may be directed to appear (or return) to court by the Victim Witness Office to testify within a reasonable amount of time.

#### **324.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Subpoenas and Court Appearances*

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##### 324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

##### **324.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

## Mutual Aid and Outside Agency Assistance

### 325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 325.2 POLICY

It is the policy of the Chippewa Falls Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

### 325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Commander's office or an on-duty supervisor for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests (Wis. Stat. § 66.0313; Wis. Stat. § 175.46).

When another law enforcement agency requests assistance from this department, the Shift Commander may authorize, if available, an appropriate number of personnel to assist.

Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered this should be documented by a synopsis, blotter entry or an incident report depending on the seriousness of the incident.

#### 325.3.1 MUTUAL AID AGREEMENTS

The Department may, at the discretion of the Police Chief, enter into a mutual aid agreement with a law enforcement agency of a physically adjacent state. An agreement may authorize the following (Wis. Stat. § 175.46):

- (a) Law enforcement officers from another agency may act with some or all of the arrest and other police authority of an officer of this department (Wis. Stat. § 175.46(2)).
- (b) Law enforcement officers from another agency may enforce and make arrests for violations of only those laws that are similar to the types of laws they are authorized to enforce and make arrests for violations of in their home jurisdiction (Wis. Stat. § 175.46(4)).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mutual Aid and Outside Agency Assistance*

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Any mutual aid agreement should be written and may be on an individual case-by-case basis or may be a continuing agreement until terminated by either agency. At least 30 days prior to entering into a mutual aid agreement, this department shall submit a copy of the initial proposed agreement to the Wisconsin Department of Justice (WisDOJ) for review and comment. (Wis. Stat. § 175.46(3); Wis. Stat. § 175.46(8)).

#### **325.3.2 INITIATED ACTIVITY**

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Chippewa Falls Police Department should notify the local law enforcement agency of the county or municipality where the violation occurs, cooperate with that agency as necessary, and notify his/her supervisor or the Shift Commander and Dispatch as soon as reasonably practicable (Wis. Stat. § 175.40(6)(d)). This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

#### **325.4 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **325.5 CRITICAL INCIDENT MUTUAL AID**

State, regional or county agencies may be summoned to assist and coordinate emergency services such as natural disasters, civil unrest, large crime scenes or accidents and hazardous or chemical spills. The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management and control.
- Detect the presence of dangerous conditions or hazardous materials.
- Begin identification of dangerous conditions or hazardous materials (may use the most current Emergency Response Guidebook published by the U.S. Department of Transportation).
- Isolate the incident and identify zones of danger and activity.
- Contain the incident without risking unnecessary exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Operations Plan.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mutual Aid and Outside Agency Assistance*

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- Contact the local Wisconsin state dispatch center and request support if it occurs on any federal, state or county highway located outside of this department's jurisdiction.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this department should clarify whether it is requesting assistance only or complete scene management.

#### **325.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  1. The use of the supplies and equipment.
  2. The members training in the use of the supplies and equipment.
- (c) Copies of the documentation should be provided to Dispatch and the Shift Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Lieutenant of Field Operations should maintain documentation that the appropriate members have received the required training.

#### **325.7 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Commander.

# Major Incident Notification

## 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

## 327.2 POLICY

The Chippewa Falls Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the public or the media show a strong interest are of interest to the Police Chief and the affected Division Commander. The following list of incident types is provided as a guide for notification and this list is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic crash with fatalities
- Officer-involved shooting, whether on- or off-duty (See the Officer-Involved Shootings and Deaths Policy)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Chippewa Falls official
- Arrest of department employee or prominent Chippewa Falls official
- Aircraft, train, boat or other transportation crashes with major damage and/or serious injury or death
- Missing children at the point when outside assistance is sought
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

## 327.4 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander is responsible for making the appropriate notification. The Shift Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable.

### 327.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Police Chief should be notified along with the affected Division Commander(s).

### 327.4.2 INVESTIGATOR NOTIFICATION

In general if the incident requires that an officer or investigator respond from home, their immediate supervisor should be contacted. If the immediate supervisor is not available, a Lieutenant or the

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Major Incident Notification*

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Police Chief should be contacted. If they are not available the Shift Commander may order in such resources as he/she deems necessary to the situation without delay.

If the incident is of a time sensitive nature and resources are required immediately, the Shift Commander shall take such actions as they deem are necessary to preserve life and the integrity of the investigation. Supervisory notification should however be completed as soon as practicable.

#### **327.4.3 PUBLIC INFORMATION OFFICER**

The Public Information Officer, Police Chief, or Division Commander shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident.

## Firearm Injury Reporting

### **328.1 PURPOSE AND SCOPE**

Investigation of cases involving firearm injuries is important to the State of Wisconsin and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Department takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

### **328.2 INVESTIGATION**

All bullet wounds, gunshot wounds, powder burns or any other injury or death resulting from the discharge of any firearm shall be thoroughly investigated by this department upon receipt of any report made pursuant to Wis. Stat. § 29.341 and Wis. Stat. § 29.345 or that otherwise is reported to the Department.

Information or reports received from health care professionals shall also be investigated, but the identity of the reporter shall remain confidential as allowed by law (Wis. Stat. § 255.40).

Employees investigating firearm injuries shall contact a supervisor as soon as reasonably possible to determine if further guidance or additional resources are necessary.

All reports or investigations under this section shall be forwarded by Records to the appropriate county or state agency as required.

### **328.3 HUNTING INJURIES**

If a firearm injury is determined to have been caused by an action connected with hunting, fishing or trapping, the Wisconsin Department of Natural Resources (DNR) requests notification on all such firearms related injuries.

The DNR completes the International Hunter Education Association's Annual Report of Hunting and Hunting Related Incidents for compiling nationwide hunting-related statistics and uses the information provided by local agencies for this purpose. The DNR also uses this information to determine whether to investigate or charge a violation of Wis. Stat. § 29.345, failure to report a firearm-related injury sustained in a hunting, fishing or trapping incident.

# Death Investigation

## 329.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations are conducted pursuant to Wis. Stat. Chapter 979.

## 329.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a Coroner, a Deputy Coroner or an appointed Coroner Investigator. A supervisor should be notified in all death investigations.

The Shift Commander contact the Lt of Investigations (or if unavailable, another other Lt or Chief) for any suspected homicide and any infant or young child death or serious injury.

Investigation of the death or serious injury of an infant/young child should include a doll reenactment walk through with the placer/finder of the child on the scene. An investigator who has received doll reenactment training should be contacted and respond to those scenes when possible.

### 329.2.1 CORONER REQUEST

The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to the following (Wis. Stat. § 979.01):

- (a) All deaths in which there are unexplained, unusual or suspicious circumstances
- (b) All homicides
- (c) All suicides
- (d) All deaths following an abortion
- (e) All deaths due to poisoning, whether homicidal, suicidal or accidental
- (f) All deaths following accidents, whether the injury is or is not the primary cause of death
- (g) When there was no physician, or accredited practitioner of a bona fide religious denomination relying upon prayer or spiritual means for healing in attendance within 30 days preceding death
- (h) When a physician refuses to sign a death certificate
- (i) When, after reasonable efforts, a physician cannot be located or contacted to sign the death certificate

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Death Investigation*

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##### (j) Unidentifiable bodies

#### 329.2.2 SEARCHING DEAD BODIES

The Coroner or an assistant and police investigators are generally the only persons permitted to move, handle or search a body. Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer should contact and obtain verbal consent from the Coroner, when practicable.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a record of anatomical gift or other information identifying the individual as a donor or as an individual who made a refusal (Wis. Stat. § 157.06(12)). If a donor document is located, the Coroner should be promptly notified. If a donor record of gift or gift refusal is located, and the individual is transported to a hospital, the person responsible for conducting the search should send the donor record of gift or gift refusal to the hospital.

Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt should be attached to the coroner's death report.

#### 329.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction should be requested to make the personal notification. If the relatives live outside this county, the local Coroner may be requested to make the notification. The Coroner should be advised if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

#### 329.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner will issue an incident number for the report.

#### 329.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide, any suspicious circumstances or the manner of death cannot be determined, the officer shall take steps to protect the scene. A supervisor shall be notified to determine the need for an investigator to respond to the scene for further immediate investigation or not.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Death Investigation*

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The Lieutenant of Investigations shall be advised as soon as practicable if there is a suspicious death. The Lieutenant of Investigations should be advised when an investigator is requested to respond to the scene of a suspicious death. If the Lieutenant of Investigations is not available, contact the Lieutenant of Field Services or Police Chief.

#### 329.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the nearest office of the Wisconsin Department of Health Services (WDHS) is notified with all pertinent information.

## Private Persons' Arrests

### 331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Wisconsin common law.

### 331.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 331.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

- (a) When a felony has been in fact committed and he/she has reasonable grounds to believe the person to be arrested has committed it.
- (b) For a misdemeanor amounting to a breach of the peace and committed in his/her presence.
- (c) When a merchant or service provider, a merchant's or service provider's adult employee or security agent, has reasonable cause to believe that a person has stolen merchandise or services in his/her presence, he/she may detain the person at the place of business where the offense occurred in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to a parent or guardian in the case of a minor (Wis. Stat. § 943.50(3)).

### 331.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety (Wis. Stat. § 968.08).
  - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Private Persons' Arrests*

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise the appropriate option based upon the charges:
  1. Take the individual into physical custody for booking.
  2. Release the individual upon issuance of a misdemeanor and/or ordinance citation.
  3. Release the individual pending the filing of formal charges.

#### **331.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete a written statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the written statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

## Limited English Proficiency Services

### 332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person or service who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Chippewa Falls Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 332.2 POLICY

It is the policy of the Chippewa Falls Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

In many law enforcement contacts with an LEP individual a family member or friend, use of translation technology, or using resources from surrounding law enforcement partners to communicate with LEP individuals is proper.

In more serious situations a qualified bilingual law enforcement officer from this or another agency or an authorized interpreter or service should be requested. A supervisor and/or the District Attorney may need to be consulted.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Limited English Proficiency Services*

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Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

A supervisor should be contacted if a department member is unsure on how to proceed in a given situation.

#### **332.3 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **332.4 TYPES OF LEP ASSISTANCE AVAILABLE**

Chippewa Falls Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards or smart phone translation applications, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **332.5 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Limited English Proficiency Services*

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### **332.6 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **332.7 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, other resources may be used consistent with department policy and procedure.

### **332.8 AUTHORIZED INTERPRETERS**

Any person or service designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **332.8.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters including those who are available over the telephone. Members may use these services with the approval of a supervisor or shift commander and in compliance with established procedures.

Other sources may include:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Limited English Proficiency Services*

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- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Authorized contracted interpreters.
- Interpreters from other agencies who have been qualified as interpreters, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

#### **332.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **332.9 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **332.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Chippewa Falls Police Department will take reasonable steps to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Limited English Proficiency Services*

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##### **332.11 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors should assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance when needed.

##### **332.12 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters or services should be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

##### **332.13 COMPLAINTS**

The Department should ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter, service or translated forms, as appropriate.

Investigations into such complaints should be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

##### **332.14 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures by reading and acknowledging this policy. Supervisors should review with officers how to access department-authorized telephonic and in-person interpreters and other available resources whenever this policy is up for review.

The Lieutenant of Field Operations is responsible for ensuring new members receive documented LEP training as well as the periodic refresher training..

## Communications with Persons with Disabilities

### 333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified sign language interpreters will be licensed as required (Wis. Stat. § 440.032).

### 333.2 POLICY

It is the policy of the Chippewa Falls Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Police Chief shall delegate certain responsibilities to the Lieutenant of Field Operations who will serve as the department ADA Coordinator (28 CFR 35.107).

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities upon request.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communications with Persons with Disabilities*

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- (d) Ensuring that a list of a qualified interpreter service is maintained and available to each Shift Commander. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that communication assistance is available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries.

#### **333.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

Any member may contact a supervisor for guidance.

#### **333.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communications with Persons with Disabilities*

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference if it can be reasonably accommodated.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Chippewa Falls Police Department, consideration should be given to placing the handcuffs in the front of the body to facilitate communication using sign language or writing, but only if it is safe to do so.

#### **333.6 TYPES OF ASSISTANCE AVAILABLE**

Chippewa Falls Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **333.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communications with Persons with Disabilities*

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##### **333.8 QUALIFIED INTERPRETERS**

A qualified interpreter or service may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters or services should be:

- (a) Available within a reasonable amount of time (within an hour may be considered reasonable).
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity when it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

##### **333.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD), such as dialing 711 for a telecommunications relay service. Members should provide additional time, as needed, for effective communication due to the slower nature of these communications.

The Department will accept calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

##### **333.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communications with Persons with Disabilities*

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##### **333.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children should not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

##### **333.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member should document why another method of communication was used.

##### **333.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication and department resources, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action.

If available, officers may wish to obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Officers should make arrangements for the care of service animals, with input from the animal owner, if possible.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communications with Persons with Disabilities*

---

##### **333.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law depending on the circumstances.

##### **333.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning form or card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

##### **333.15 ARRESTS AND BOOKINGS**

Generally an arrested individual with speech or hearing disability should be brought promptly to the jail for booking where provisions for access to a qualified interpreter or an auxiliary aid are covered by jail agency policy. The officer should use their discretion as to if interpreter services are needed at the scene of the arrest.

If an individual with speech or hearing disabilities is arrested and will be interviewed, the arresting officer should use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstance.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communications with Persons with Disabilities*

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##### **333.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

##### **333.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department should continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

##### **333.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Periodic review and acknowledgement of this policy
- (b) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (c) Procedures for accessing qualified interpreters and other available resources and equipment.

The Lieutenant of Field Operations shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training periodically.

## Chaplains

### 335.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Chippewa Falls Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

### 335.2 POLICY

The Chippewa Falls Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

### 335.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of three years of successful ministry experience within a recognized faith community.
- (f) Possession of a valid driver license.
- (g) Must demonstrate strong communication skills
- (h) Must be ecclesiastically certified and/or endorsed, ordained, license or commissioned by are recognized religious body.
- (i) Must never have been convicted of a felony or offenses involving moral turpitude.

The Police Chief may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

### 335.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Chippewa Falls Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

#### 335.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Chaplains*

---

##### **335.4.2 SELECTION AND APPOINTMENT**

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Interview with the Police Chief and the chaplain coordinator.
- (c) Successfully complete an appropriate-level background investigation.
- (d) Complete a six month probationary period as designated by the Police Chief.

Chaplains are volunteers and serve at the discretion of the Police Chief.

##### **335.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Chippewa Falls Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Chippewa Falls Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

##### **335.6 CHAPLAIN COORDINATOR**

The Police Chief shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Police Chief or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Police Chief. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Police Chief or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Chaplains*

---

- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

#### **335.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Chippewa Falls Police Department.

##### **335.7.1 COMPLIANCE**

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

##### **335.7.2 OPERATIONAL GUIDELINES**

- (a) Chaplains will be scheduled to be on-call for on a rotating basis as determined by the department coordinator.
- (b) At the end of each call-out the chaplain should complete a chaplain report and submit it to the chaplain coordinator or the authorized designee.
- (c) Chaplains should be permitted to ride with officers during any shift and observe Chippewa Falls Police Department operations, provided the Shift Commander has been notified and has approved the activity.
- (d) Chaplains are not evaluators of members of the department.
- (e) In responding to incidents, a chaplain shall never function as an officer.
- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Chaplains*

---

- (g) Chaplains should serve only within the jurisdiction of the Chippewa Falls Police Department unless otherwise authorized by the Police Chief or the authorized designee.

#### 335.7.3 ASSISTING DEPARTMENT/OFFICE MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing support for members and their families.
- (f) Being alert to the needs of members and their families.

Police Chaplains are not required to respond to any of the above responsibilities if doing so is contrary to their faith or personal values.

#### 335.7.4 ASSISTING THE DEPARTMENT/OFFICE

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

Police Chaplains are not required to respond to any of the above responsibilities if doing so is contrary to their faith or personal values.

#### 335.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Chaplains*

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- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Police Chaplains are not required to respond to any of the above responsibilities if doing so is contrary to their faith or personal values.

#### **335.7.6 CHAPLAIN MEETINGS**

All chaplains should attend all scheduled meetings. Repeated absences must be satisfactorily explained to the chaplain coordinator.

#### **335.8 PRIVILEGED COMMUNICATIONS**

No person who provides chaplain services to members of the Department may work or volunteer for the Chippewa Falls Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Chippewa Falls Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **335.9 TRAINING**

The Department will review training for department chaplains. The training, as approved by the Lieutenant of Field Operations, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Chaplains*

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- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

## Child and Dependent Adult Safety

### 337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation.

### 337.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Chippewa Falls Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

#### 337.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child and Dependent Adult Safety*

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Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with a non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the appropriate Aging and Disability Resource Center, if appropriate.
- (e) Notify the field supervisor or Shift Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to have a family member, or an officer if necessary, contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

#### 337.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child and Dependent Adult Safety*

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##### 337.3.3 REPORTING

- (a) For arrests where children are present or living in the household, the reporting member should consider documenting the following information depending on the seriousness of the call, the level of impact to the child and the need for follow-up:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For arrests where dependent adults are present or living in the household, the reporting member should consider documenting the following information about the dependent adult depending on the seriousness of the call, the level of impact to the dependent adult and the need for follow-up:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

##### 337.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

#### **337.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any children or dependent adults, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Child and Dependent Adult Safety*

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##### **337.5 TRAINING**

The Lieutenant of Field Operations is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Service Animals

### 338.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Chippewa Falls Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 338.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### 338.2.1 STATE LAW

Any other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items is a service animal in accordance with Wis. Stat. § 106.52(1)(fm).

#### 338.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Service Animals*

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### **338.3 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Chippewa Falls Police Department affords to all members of the public (Wis. Stat. § 106.52(3)(am)).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. A barking dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability (Wis. Stat. § 106.52(3)(am)(3)).

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Wisconsin Department of Workforce Development's Equal Rights Division.

## Volunteers

### 339.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified officers and non-sworn personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

#### 339.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement job shadow program, among others.

#### 339.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Chippewa Falls Police Department volunteer may include:

- (a) Residency in the City of Chippewa Falls.
- (b) At least 18 years of age for all positions other than for the job shadow or similar juvenile directed program.
- (c) A valid driver's license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.
- (g) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Police Chief may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Volunteers*

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### **339.2 VOLUNTEER MANAGEMENT**

#### **339.2.1 VOLUNTEER COORDINATOR**

The function of a Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator will be the Police Chief unless otherwise designated. The Volunteer Coordinator or the authorized designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions
- (b) Maintaining records for each volunteer
- (c) Tracking and evaluating the contribution of volunteers
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers
- (e) Maintaining a record of volunteer schedules and work hours
- (f) Completion and dissemination as appropriate of all necessary paperwork and information
- (g) Planning periodic recognition events
- (h) Administering discipline when warranted
- (i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering

#### **339.2.2 RECRUITMENT**

Volunteers may be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

#### **339.2.3 SCREENING**

All prospective volunteers should complete a volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and may include, but not necessarily be limited to, the following:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Volunteers*

---

- (a) Traffic and criminal background check; fingerprints shall be obtained from all applicants and processed through the Wisconsin Department of Justice (WisDOJ).
- (b) Employment
- (c) References
- (d) Credit check

A truth verification exam may be required of each applicant depending on the type of assignment.

#### 339.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

#### 339.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

- (a) Role of the volunteer
- (b) Department policies
- (c) Training specific to the procedure manual for the volunteer position
- (d) Discrimination and harassment training
- (e) CPR/first-aid/AED
- (f) Citizens Emergency Response Training (CERT)
- (g) Search and rescue techniques
- (h) Scenario-based searching methods
- (i) Evidence recognition and preservation
- (j) Basic traffic direction and control

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Volunteers*

---

- (k) Roadway incursion safety
- (l) Self-defense techniques
- (m) Vehicle operations, including specialized vehicles
- (n) Issuance of citations

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a certified officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

#### 339.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

#### 339.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty, except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions, provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Volunteers*

---

### **339.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and the necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### **339.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

### **339.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

#### **339.5.1 VEHICLE USE**

Volunteers assigned to duties that require the use of a vehicle may be required to first complete the following:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Volunteers*

---

- (a) A driving safety briefing and department-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating department vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate department vehicles for enforcement patrol operations or under emergency conditions (lights and siren).

#### **339.5.2 RADIO AND MDT USAGE**

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

#### **339.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Police Chief or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Police Chief or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **339.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

#### **339.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Volunteers*

---

##### **339.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL**

The Volunteer Coordinator may develop a plan outlining an emergency call-out procedure for volunteer personnel.

##### **339.9 LIABILITY COVERAGE FOR VOLUNTEER/UNPAID MEMBERS**

Liability protection and indemnification may be available, pursuant to City policy, for all trained and active members serving in a volunteer capacity and acting within the scope of their authority.

This includes, but is not limited to:

- Reserve/Auxillary officers
- Chaplains
- Cadets
- Explorers
- Volunteers



## Off-Duty Law Enforcement Actions

### 341.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Chippewa Falls Police Department with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

### 341.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged and an officer's authority is limited by the State of Wisconsin. Officers, unless responding to an emergency situation that poses a significant threat to life or bodily harm pursuant to Wis. Stat. § 175.40 (6m)(a)1, shall not attempt to initiate enforcement action when witnessing non-violent crimes or property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency (Wis. Stat. § 175.40(6m)).

Nothing in this policy is intended to contradict Use of Force Policy 300.2.1 DUTY TO INTERCEDE AND REPORT

#### 341.2.1 OFF-DUTY LIMITATIONS

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department may take reasonable law enforcement action to minimize or eliminate a threat if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

- (a) An officer becomes aware of an incident or circumstance that he/she reasonably believes poses a significant threat to life or of bodily harm. Unless the safety of a person requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.
- (b) The officer is taking action that would be authorized by the policies of the Chippewa Falls Police Department.

Nothing in this policy prevents an employee from conducting a lawful private person's arrest as long as his/her status with this department is not used or disclosed.

### 341.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers should also carry their department-issued badge and/or law enforcement identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any medication or drugs that would tend to adversely affect the officer's senses or judgment.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Off-Duty Law Enforcement Actions*

---

##### **341.4 DECISION TO INTERVENE**

officers who are authorized by law and who decide to intervene, must evaluate whether the action is necessary or desirable, and should take into consideration (Wis. Stat. § 175.40(6m)(a)(3)(a)):

- (a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, oleoresin capicum (OC) spray or a baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

##### **341.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Chippewa Falls Police Department officer until acknowledged. Official identification should also be displayed.

##### **341.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

##### **341.4.3 NON-SWORN RESPONSIBILITIES**

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

##### **341.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

##### **341.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the applicable local law enforcement agency as soon as reasonably practicable. Additionally, the employee shall contact the Shift Commander, who shall determine whether to

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Off-Duty Law Enforcement Actions*

---

send a supervisor to the scene and whether a report should be completed by the employee (Wis. Stat. § 175.40(6m)(a)(3)(c)).

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Wis. Stat. § 175.40(6m)(a)(3)(b)).

## Department Use of Social Media

### 342.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members.
- Use of social media in personnel processes.
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department.

#### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 342.2 POLICY

The Chippewa Falls Police Department may use social media as a tool to promote transparency and community engagement as well as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 342.3 AUTHORIZED USERS

Only members authorized by the Police Chief or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Police Chief may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 342.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Department Use of Social Media*

---

- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

#### **342.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **342.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Chippewa Falls Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### **342.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Department Use of Social Media*

---

##### **342.6 MONITORING CONTENT**

The Police Chief or designee will review, at least annually, the use of department social media and the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

##### **342.7 RETENTION OF RECORDS**

The Lieutenant of Investigations should work with the Police Chief to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

##### **342.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

# Community Relations

## 343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Bias-based Policing Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

## 343.2 POLICY

It is the policy of the Chippewa Falls Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

## 343.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify the Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

## 343.4 COMMUNITY RELATIONS COORDINATOR

The Police Chief or the authorized designee may designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Police Chief or the authorized designee. Examples of duties could include:

- (a) Obtaining department-approved training related to his/her responsibilities.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Community Relations*

---

- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
  - 1. Identify and solve public safety problems within the community.
  - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations.
- (i) Informing the Police Chief and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

#### **343.5 SURVEYS**

The community relations coordinator may arrange for a survey of community members and department members to be conducted to assess the condition of the relationship between the Department and the community.

A written summary of the compiled results of the survey should be provided to the Police Chief.

#### **343.6 INFORMATION SHARING**

The community relations coordinator may develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Community Relations*

---

##### **343.7 LAW ENFORCEMENT OPERATIONS EDUCATION**

The community relations coordinator may develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods could include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to various groups.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Citizen academy.

##### **343.8 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would unreasonably jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies and ride-a-longs.

##### **343.9 TRANSPARENCY**

The Department should publish an annual report which contains statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers.

## Patrol Canines

### 344.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of Patrol Canines to augment law enforcement services to the community including, but not limited to, locating individuals, contraband and apprehending criminal offenders.

### 344.2 POLICY

It is the policy of the Chippewa Falls Police Department that teams of Handlers and Canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

### 344.3 CANINE SUPERVISOR

The Canine Unit Supervisor shall be appointed by the Chief and shall supervise the Canine program.

The Canine Unit Supervisor reports directly to the Lieutenant of Field Services. The Canine unit Supervisor is responsible for, but not limited to:

- (a) Ensure all Handlers complete the assigned basic training program.
- (b) Be responsible for all records on the Canine program, i.e., selection, Handler training, canine evaluation, activities, arrests and apprehension. These records should be on file and available for inspection.
- (c) Ensure required maintenance training is conducted.
- (d) Act as liaison to department supervisors and personnel for the Canine unit. Liaison duties would consist of apprising departmental personnel of the activities and capabilities of the unit as well as seeking input for improvement of Canine services to the department.
- (e) Assign public relations duties.
- (f) Ensure kennel and vehicle maintenance is conducted.

### 344.4 REQUESTS FOR CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the Canines. Outside agencies are welcome to request the use of our canine team. Those requests should be approved by a supervisor unless there is insufficient time safely do so. In those cases a supervisor should be notified as soon as is practicable.

#### 344.4.1 OUTSIDE AGENCY

All requests for Canine assistance from outside agencies are subject to the following:

- (a) Canine teams should not be used for any assignment that is not consistent with this policy.
- (b) The Canine Handler has the authority to decline a request for any specific assignment.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

- (c) It is the responsibility of the Canine Handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It is the responsibility of the Canine Handler to complete all necessary reports or as directed.
- (e) All deployments of the Canine to outside agencies will be reviewed by the Canine Supervisor for appropriateness.

#### **344.4.2 PUBLIC DEMONSTRATIONS**

All public requests for a Canine team should be reviewed and, if appropriate, approved by the Canine Supervisor prior to making any resource commitment. The Canine Handler is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine Handlers should not demonstrate any apprehension work unless authorized to do so by the Canine Supervisor.

#### **344.4.3 EMPLOYEE CONDUCT**

The police Canine is a working member of the department. As such employees will adhere to the following rules regarding interaction with the Canine.

- (a) No members of the department will touch, handle or pet the police Canine unless given permission by the Handler.
- (b) Personnel shall not tease, agitate, or harass the police Canine.
- (c) Members of the department shall refrain from horseplay with other personnel or the Handler when the police Canine is present. Do not make aggressive gestures towards the Handler.
- (d) If a working Canine (for example, an actively tracking, scenting, or apprehending Canine) approaches an employee, the employee should stand still.

#### **344.5 APPREHENSION GUIDELINES**

A Canine may be used to locate and apprehend a suspect if the Canine Handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist.

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the Handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a Canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the Canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a Canine.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a Canine to apprehend a suspect.

Use of a Canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Commander. Absent a change in circumstances that present an imminent threat to officers, the Canine or the public, such Canine use should be conducted on-leash or under conditions that minimize the likelihood the Canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the Handler should secure the Canine as soon as it becomes reasonably practicable.

#### 344.5.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a Canine to search for or apprehend any suspect, the Canine Handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the Canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the Canine is released.
- (g) The potential for the suspect to escape or flee if the Canine is not utilized.

As circumstances permit, the Canine Handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the Canine Handler's responsibility to evaluate each situation and determine whether the use of a Canine is appropriate and reasonable. The Canine Handler has the authority to decline the use of the Canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the Canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the Handler in order to minimize interference with the Canine.

#### 344.5.2 WARNING AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a Canine will be used if the suspect does not surrender should be made prior to releasing a Canine.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

The Handler should allow a reasonable time for a suspect to surrender and should listen for any verbal response to the warning. If appropriate to the situation and at the direction of the Canine Handler other members should be in a location opposite the warning to verify that the announcement could be heard. If available and practicable, warnings given in other languages should be considered, as necessary.

If a warning is not to be given, the Canine Handler, when practicable, should first advise the supervisor of his/her decision before releasing the Canine. In the event of an apprehension, the Handler shall document in any related report how the warning was given and, if none was given, the reasons why.

#### **344.5.3 REPORTING DEPLOYMENTS, BITES AND INJURIES**

Whenever a Canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in an Incident report.

The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Unintended bites or injuries caused by a Canine, whether on- or off-duty, should be promptly reported to the Canine Supervisor and/or an on duty supervisor. Unintended bites or injuries caused by a Canine should be documented on a Call-for-Service, not in a Canine use report. Injuries to department members should be documented on the appropriate report of injury form.

If an individual alleges an injury, either visible or not visible, a supervisor should be notified and both the individual's injured and uninjured areas should be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs should be retained as evidence in accordance with current department evidence procedures. The photographs should be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

A Canine is not subject to quarantine if the Canine is immunized against rabies. However, after a bite, the Canine must be examined by a veterinarian on the day of the incident or the next day, on the 10th day after the incident and on one intervening day. The Department should ensure that the Canine is confined when not performing law enforcement functions until the third examination has been performed (Wis. Stat. § 95.21).

#### **344.6 NON-APPREHENSION GUIDELINES**

Properly trained Canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The Canine Handler is responsible for determining the Canine's suitability for such assignments based on the conditions and the particular abilities of the Canine. When the Canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

- (a) Absent a change in circumstances that present an immediate threat to officers, the Canine, or the public; such applications should be conducted on-leash or under

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

conditions that minimize the likelihood the Canine will bite or otherwise injure the individual, if located.

- (b) Assisting members should take direction from the Handler in order to minimize interference with the Canine.
- (c) Throughout the deployment the Handler should periodically give verbal commands that encourage the individual to make him/herself known.
- (d) Once the individual has been located, the Canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

#### 344.6.1 ARTICLE DETECTION

A Canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A Canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

#### 344.6.2 NARCOTICS DETECTION

A Canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained Canine in support of probable cause.

A narcotics-detection trained Canine will not be used to search a person for narcotics unless the Canine is trained to passively indicate the presence of narcotics.

#### 344.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a Canine team trained in explosive detection may be considered.

When available, an explosive-detection Canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas.
- (d) Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (e) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

- (f) At no time will an explosive-detection trained Canine be used to render a suspected device safe or clear.

#### **344.7 HANDLER RESPONSIBILITIES**

The Handler(s) shall perform general duties except when their services are required for special details or training.

On Duty Assignments - The Canine unit may be assigned to or respond to any incident where the unit could be of assistance. Examples include but are not limited to the following:

- (a) Burglary in progress calls, intrusion and/or robbery alarms, events in progress or that have just occurred.
- (b) Felony or misdemeanor crimes where the suspect has fled on foot and a need for tracking exists.
- (c) Drug searches for Canine units certified in this field.
- (d) Building or area searches for suspects.
- (e) Searches for evidence or discarded contraband.
- (f) Searches for lost or missing persons.
- (g) Bomb searches for units qualified in this field.
- (h) Department training presentations.
- (i) Public relations.

The Canine officer may not always be dispatched or requested by Patrol to respond to calls like the aforementioned. It is, therefore, imperative that the Canine officer monitor calls being dispatched in the city and respond to any situations where the Canine unit may be of assistance. The Canine officer should notify the Dispatch Center of the assist, prior to their arrival.

The Canine officer will notify the patrol supervisor and Dispatch Center of scheduled on-duty training and the location. Patrol supervisors will only clear the Canine officer from training in the event of necessity.

The Canine unit should not be used for the following situations:

- (a) To search for other animals.
- (b) To control a crowd, with the exception of situations where it is immediately imperative to prevent death or serious bodily harm to individuals.
- (c) To perform breeding services except as approved by the Chief of Police.
- (d) To accomplish any application where a strong potential exists for discrediting the Chippewa Falls Police Department and the Canine unit.
- (e) To be entered in any show or trial without the Chief of Police's prior approval.

The Canine Handler(s) should maintain accurate and up-to-date records in the following areas:

- (a) Training records.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

- (b) Medical and health records.
- (c) Performance records.

##### 344.7.1 CANINE IN PUBLIC AREAS

The Canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the Canine is trained.

- (a) A Canine shall not be left unattended in any area to which the public may have access.
- (b) When the Canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The Handler shall also ensure that the unattended vehicle remains habitable for the Canine.

##### 344.7.2 AVAILABILITY

The Handler may be available for call-out under conditions specified by the Canine Supervisor.

##### 344.7.3 CARE FOR THE CANINE AND EQUIPMENT

The Handler shall ultimately be responsible for the health and welfare of the Canine and shall ensure that the Canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The Handler will be responsible for the following:

- (a) Unless required by a particular application, the Handler should not expose the Canine to any foreseeable and unreasonable risk of harm.
- (b) The Handler should maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Handlers
- (d) Any changes in the living status of the Handler that may affect the lodging or environment of the Canine will be reported to the Canine unit Supervisor as soon as possible.
- (e) When off-duty, Canines should be maintained in kennels provided by the City at the homes of their Handlers. When a Canine is kenneled at the Handler's home, the Handler will ensure the Canine is safely secured whenever the Canine is not under the direct control of the Handler.
- (f) Whenever a Canine Handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the Canine. The Handler shall make the appropriate arrangements.
- (g) The City of Chippewa Falls shall provide:
  - 1. Food and veterinarian care.
  - 2. All other necessary equipment for training and patrol duties as deemed necessary by the department through the usual process.
- (h) An off duty Canine Handler may use the department Canine vehicle as long as they are performing Canine duties and the Handler is prepared to respond to calls if needed. Any



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

passenger, other than the Canine, must abide by the department policy concerning use of seat belts.

#### **344.8 DISPOSITION OF CANINE**

Whenever a dog is removed from active service except for illness, viciousness, or some similar situation, the dog may be offered to the Handler consistent with any current contractual language.

(a) If the dog is to be released from its Canine assignment, the new owner will be required to sign a waiver of legal liability, releasing the City of Chippewa Falls, the Chippewa Falls Police Department, and departmental personnel from all liability or responsibility for anything which concerns the dog from that day forward.

(b) The new owner receiving the dog must, as a condition of their receipt of the dog, immediately re-license the dog in the new owner's name at their expense.

(c) All pedigree papers will be given to the new owner receiving the Canine.

In the event of the death of the Canine, the following procedures will be followed:

(a) The supervisor will be immediately notified. The Canine Supervisor and police administration will be notified as soon as practicable.

(b) The veterinarian and/or District Attorney's office will be contacted to determine whether an autopsy is necessary and if so, where the Canine should be transported.

(c) If no autopsy is necessary, the Handler shall make arrangements with the veterinarian for proper disposal.

#### **344.9 CANINE INJURY AND MEDICAL CARE**

In the event that a Canine is injured, or there is an indication that the Canine is not in good physical condition, the injury or condition will be reported to the Canine Supervisor or Administration as soon as practicable and appropriately documented.

All medical attention should be rendered by the designated Canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment should be maintained in the Canine Record File.

#### **344.10 TRAINING**

Before assignment in the field, each Canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained Canine teams or those Canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The Canine Handler should schedule periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department Canines.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

All Canine training should be conducted while on-duty unless otherwise approved by the Canine Supervisor or Administrator.

##### 344.10.1 CONTINUED TRAINING

Each Canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on as required. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Chippewa Falls Police Department Canine training provider.
- (b) Canine Handlers are encouraged to engage in additional training with approval of the Canine Supervisor.
- (c) To ensure that all training is consistent, no Handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

##### 344.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any Canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the Canine Handler shall be temporarily reassigned to regular patrol duties.

##### 344.10.3 TRAINING RECORDS

All Canine training records shall be maintained by the Canine Supervisor.

##### 344.10.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of Canines. Officers possessing, using or transporting controlled substances or explosives for Canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Chippewa Falls Police Department may work with outside trainers with the applicable licenses or permits.

##### 344.10.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection Canine training in compliance with state and federal laws (21 USC § 823(f); Wis. Stat. § 961.335; Wis. Admin. Code § CSB 3.05).

These procedures are not required if the Canine Handler uses commercially available synthetic substances that are not controlled narcotics.

##### 344.10.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the Canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

- (a) All controlled substance training samples should be weighed and tested prior to dispensing to the individual Canine Handler or trainer.
- (b) The weight and test results should be recorded and maintained by this department through the evidence records management program.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration should maintain custody and control of the controlled substances and should keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing should be recorded and maintained by the Canine Supervisor. A copy should be forwarded to the dispensing agency if obtained from an outside agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases should be secured in the trunk of the Canine Handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There should be no exceptions to this procedure.
- (f) The Canine Supervisor should periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples should be returned to an Evidence Custodian or to the dispensing agency.
- (h) All controlled substance training samples should be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

#### **344.11 SELECTION OF CANINE HANDLERS**

The following are the minimum qualifications for the assignment of Canine Handler:

- (a) Officers must be off probation and have 18 months experience with the Chippewa Falls Police Department before the start of their Canine Handler duties.
- (b) Officers should be volunteers.
- (c) The officer's residence should be capable of housing the Canine and have adequate space for a kennel. The officer will be required to house the Canine at their residence.
- (d) In the event the officer does not own the property, the officer will obtain written permission from the property owner for the housing of the Canine.
- (e) Any officer selected for the position of Canine Handler should expect to remain in the Canine unit for the working life of the dog.
- (f) The officer should be in good health and not suffer from serious medical problems and must be strong enough to withstand the dog handling, training, and work conditions.
- (g) The officer should have family in agreement with their being assigned to the Canine unit.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Canines*

---

- (h) If there are other pets in the home, the officer should agree that if conflict occurs between the department's animal and the pet which compromises the Canine's ability to live and function with the pet, that the Canine will be kept separate and handled independently from the pet
- (i) The officer should understand and embrace the Canine unit's mission and philosophy.

## Therapy Canines

### 345.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of therapy canines to help department employees, victims, and witnesses cope with the exposure to traumatic incidents, support the department's wellness program to improve members' resiliency and overall well-being, and participate in community outreach.

### 345.2 POLICY

It is the policy of the Chippewa Falls Police Department that therapy canines and handlers regularly train to maintain the appropriate proficiency to reasonably carry out the objectives of the program.

### 345.3 ASSIGNMENT

Therapy canines may be assigned to any full time officer of the Police Department. Therapy canine handlers will primarily be responsible for their normal job assignments. Therapy canine handlers will be expected to make therapy canines regularly available to staff. Use of therapy canines following critical incidents, for special events, or any other request outside of their normal assignment will be reviewed and approved by a supervisor.

### 345.4 THERAPY CANINE COORDINATOR

Along with all applicable responsibilities described under section - the Therapy Canine Coordinator will have the following additional responsibilities related to the therapy comfort canine program:

- (a) Maintaining liaison with the contracted training vendor.
- (b) Ensuring that the therapy canine and handler meet the minimum training and performance standards as set by the training vendor.
- (c) Ensuring that the therapy canine is being cared for properly with regular veterinarian visits and medications if necessary.
- (d) Maintaining liaison with the Department's Wellness Program Coordinator ensuring that the therapy canine program provides the most benefit to department members.

### 345.5 REQUESTS FOR THERAPY CANINES

While an important focus of Chippewa Falls Police Department's therapy canine program is internal staff wellness; the canines can be utilized to help individuals exposed to trauma, those who experience vicarious trauma, investigators requesting assistance during interviews, and other instances where the use of the therapy canine would be suitable under this policy to achieve a department goal.

At all times, consideration of the therapy canine and handler's health and safety will be the guiding principle utilized to determine the best method of response to provide service in the safest atmosphere for all involved. This response is left to the discretion of the Therapy Canine Handler. The therapy canine handler knows the therapy dog best and has the best training in proper use of the therapy dog. Therefore, the therapy dog handler at the scene can terminate the response

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Therapy Canines*

---

if the handler feels that the situation is not safe for the canine. Therapy canines should generally not respond or be utilized during active scenes.

When the therapy canine is deployed, the handler will be focused on ensuring the therapy canine is responding appropriately; therefore, safety considerations must include the presence of loose or aggressive dogs, suspects who could pose a threat to the handler and therapy canine, and any other environmental concern that could be present.

Therapy canines should not be intermingled with the enforcement canines in the K9 Unit due to the vast differences in their functional roles and temperaments, and to avoid adverse interactions between the animals.

#### **345.6 THERAPY CANINE DEPLOYMENTS**

The therapy canine handler should monitor the length of deployments to make sure the dog has sufficient breaks.

The handler should monitor the dog's activity, or check in with others that are monitoring the dog, to help ensure the dog is not interfering with employees duties in the workplace. Care should be taken if someone who is working does not want to interact with the dog.

Self-initiated interactions are also encouraged at special events or known locations that attract residents and visitors if dogs are welcome (outdoor shopping areas, City-sponsored events particularly those occurring outdoors). Care should be taken when the temperatures are extremely hot or cold because it poses a risk to the dog's well-being. Handlers should be cognizant of the length of the appearance, and the dog should be given a break afterward.

After-hours requests for use of the therapy canine will be considered on a case-by-case basis and should generally be approved by a supervisor. If a call-in is determined to be appropriate for the situation by a supervisor, the handler and therapy canine may respond.

#### **345.7 REPORTING OF BITES OR INJURIES**

Any bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the Therapy Canine Coordinator. The Therapy Canine Coordinator, or on-duty supervisor, should respond to the scene of the incident without delay. Unintended bites or injuries caused by a canine should be documented in an administrative report.

If an individual alleges an injury, either visible or not visible, a supervisor should be notified, and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs should be retained until the time any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements; however, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Therapy Canines*

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##### **345.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) A full-time officer of the Chippewa Falls Police Department with a minimum of 18 months of service who is off of probationary status
- (b) Residing in a home that is appropriate to house a medium to large canine safely.

##### **345.9 HANDLER RESPONSIBILITIES**

The canine handler is ultimately responsible for the health and welfare of the canine and should ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler is responsible for the following:

- (a) The dog will be brushed to remove excess hair and reduce any shedding.
- (b) The dog will be bathed as necessary.
- (c) Nails will be clipped as needed to minimize injury to the dog or those with whom the dog will make contact.
- (d) The handler will feed the dog the supplied food on a routine schedule and provide fresh water at all times. Food and water bowls will be cleaned regularly.
- (e) Medication for flea and parasite control will be given on the appropriate schedule.
- (f) The handler will ensure transport of the dog to veterinarian appointments as required.
- (g) Proper disposal of canine waste.
- (h) Transport of the therapy canine to the workplace and back. The city will provide safety belts and/or portable kennel to assist in safe transport to and from the workplace.
- (i) The dog should feel safe and relaxed while off-duty when residing in the handler's home. The conditions at the home must be conducive to a healthy environment for the therapy canine in addition to the handler's family members. Consideration should be given for allergies and fears other family members may have of animals. There must also be adequate space for the therapy canine and the handler's family to interact appropriately. If there are other pets in the home, the handler shall agree that if conflict occurs between the department's animal and the pet which compromises the therapy canine's ability to live and function with the pet, that the department animal will be kept separate and handled independently from the pet.
- (j) Any department member may be authorized by the Therapy Canine Coordinator to keep the therapy canine overnight. All of the above stipulations for the residence the therapy canine will stay overnight at will apply. Authorization will be based on input from the handler to the Therapy Canine Coordinator.
- (k) The canine may also be kept at commercial boarding locations approved by the Therapy Canine Coordinator. The canine should not be lodged at another location unless approved by the Therapy Canine Coordinator or Shift Commander.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Therapy Canines*

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- (l) While off-duty, the dog will wear a collar displaying the rabies tag and license if the dog is separated from the handler. It also should be noted that each dog should be micro-chipped. The contracted veterinarian will maintain the microchip number.
- (m) A crate will be provided to each handler to secure the dog inside the home when the handler is not home or when the dog is left alone.
- (n) Therapy canines are chosen carefully based on their temperament; therefore, it is imperative that the dog be protected from significant adverse interactions with aggressive dogs, other animals, or individuals that could harm the dog.
- (o) The handler shall not expose the canine to any foreseeable or unreasonable risk of harm.
- (p) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (q) Handlers should permit the Therapy Canine Coordinator to conduct on-site inspections as needed of affected areas of their homes and their vehicles to verify that conditions and equipment conform to this policy.
- (r) Any changes in the handler's living status that may affect the lodging or environment of the canine shall be reported to the Therapy Canine Coordinator as soon as possible.
- (s) The canine should be permitted to socialize in the home with the handler's family under the handler's direction.
- (t) Whenever a canine handler is on vacation or traveling for an extended number of days, it may be necessary to relocate the canine temporarily. In those situations, the handler should make appropriate arrangements and give reasonable notice to the Therapy Canine Coordinator.

#### **345.10 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific operations for which the canine is trained.

- (a) A therapy canine should not be left unattended in any area to which the public may have access.
- (b) If the therapy comfort canine needs to be secured in a vehicle, the vehicle shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains habitable for the canine.

#### **345.11 HANDLER COMPENSATION**

Participation in the therapy comfort canine program is voluntary. Compensation will be defined by the current union contract.

#### **345.12 CANINE INJURY AND MEDICAL CARE**

If a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Therapy Canine Coordinator or Shift Commander as soon as practicable and appropriately documented. All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Therapy Canines*

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from the nearest available veterinarian. All records of medical treatment shall be maintained in the therapy dog's file.

#### **345.13 TRAINING**

The therapy canine and handler will be certified by the Chippewa Falls Police Department's designated training vendor to the standards deemed appropriate by the trainer. The dog and handler must be proficient with basic canine obedience commands. After the initial certification, training with the vendor should occur as recommended. The handler will conduct ongoing training as necessary to keep the dog obedient and current as a therapy canine.

All training records will be maintained by the handler and reviewed by the training coordinator and vendor regularly.

If the handler or canine fails to meet the minimum standards to maintain certification or perform therapy canine duties, the department will remove the canine from service and either reassign the canine to another handler or permanently remove the canine from active service.

#### **345.14 RETIREMENT OF THERAPY CANINE**

If the contracted veterinarian determines a therapy canine is no longer viable for health or age-related reasons, the handler will be given the option of accepting financial responsibility and liability for the continued care and maintenance of the dog. The handler will be required to sign a waiver of liability accepting responsibility for the canine.

- (a) If the handler declines taking ownership of the dog, the dog will be offered to other members of the department.
- (b) If no one in the department accepts the dog, it will be placed for public adoption or otherwise placed in a good home at the discretion of the Police Chief. All issued equipment will be returned to the Therapy Canine Coordinator.

#### **345.15 SEPARATION OF A THERAPY CANINE HANDLER**

Therapy canines are property of the Chippewa Falls Police Department. As a voluntary collateral program, the therapy canine handler serves at the pleasure of the Police Chief and may be removed from the assignment at any time.

If the assigned handler separates from employment with the Chippewa Falls Police Department during the service life of the canine, the canine may be reassigned to an appropriate employee based upon the established selection process.

All equipment purchased through department funds will be returned to the Therapy Canine Coordinator.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organizational cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Chippewa Falls, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state laws, local ordinances and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide services within the limits of available resources. These include:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and crashes, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential, business and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the patrol and other divisions within the Department, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Response to disasters, civic unrest and natural emergencies.
- (k) Assist in the service of civil papers.
- (l) Work to sustain and improve police community relations and build the reputation of the Chippewa Falls Police Department

#### 400.1.2 TERRORISM

It is the goal of the Chippewa Falls Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Function*

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The supervisor should ensure that all terrorism-related reports are forwarded to the Investigations supervisor in a timely fashion.

The Investigations supervisor should review all terrorism-related reports as soon as practicable and contact the Wisconsin Statewide Intelligence Center (WSIC), the Wisconsin Joint Terrorism Task Force (JTTF) or the Southeastern Wisconsin Terrorism Alert Center (STAC) when there is a reasonable suspicion that a terrorist threat exists.

#### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-organizational cooperation and information flow between the various divisions of the Chippewa Falls Police Department.

##### **400.2.1 PATROL BRIEFINGS**

Patrol supervisors, investigators and patrol officers are encouraged to share information as much as reasonably possible. All supervisors and/or officers are provided an opportunity to share information through daily patrol briefings, as time permits.

##### **400.2.2 INFORMATION CLIPBOARDS**

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These include information on police calls from the prior shifts, information on persons or situations of interest, officer safety information, and any other relevant information to share.

##### **400.2.3 BULLETIN BOARDS**

A bulletin board will be kept in the briefing room for the display of suspect and warrant information, community notes of gratitude, investigative information and other departmental information for dissemination.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved. Officers should contact a supervisor before taking enforcement action, if time permits.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Chippewa Falls Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This also includes color, ancestry, political affiliation, marital status, or other identifiable characteristics.

### 401.2 POLICY

The Chippewa Falls Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIASED-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

### 401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and should handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Bias-Based Policing*

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- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - (a) Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should initiate investigations of any actual or alleged violations of this policy either reported to them or that they discover through the execution of their normal supervisory duties. This investigation should include review of MAV recordings, portable audio/video recordings, MDC data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy. Recordings or data that contain evidence of bias-based policing that is contrary to this policy should be appropriately retained for investigative purposes.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **401.6 ADMINISTRATION**

The Police Chief should review the efforts of the Department to provide fair and objective policing. This includes providing training to officers as well as reviewing reports of public concerns and complaints. This policy should be reviewed and acknowledged by all employees annually.

## Briefing

### **402.1 PURPOSE AND SCOPE**

Briefing is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing. However, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, certain basic tasks, including:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### **402.2 PREPARATION OF MATERIALS**

The supervisor conducting briefing, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

## Crime and Disaster Scene Integrity

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 403.2 POLICY

It is the policy of the Chippewa Falls Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

### 403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Crime and Disaster Scene Integrity*

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

##### **403.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

##### **403.6 CRIME OR DISASTER SCENE CLEANUP**

Crime scene cleanup on public property will be requested through the fire department. Private property owners should be advised to contact their insurance carrier or the state's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene cleanup (Wis. Stat. § 949.06(1)(f)).

Cleanup of human health hazards at methamphetamine labs will be requested through the local health department and the Wisconsin Department of Justice (WisDOJ) Division of Criminal Investigation (DCI) should be notified. The Wisconsin Department of Natural Resources (WisDNR) should be notified to assess environmental impacts from outdoor chemical spills or improper waste disposal (Wis. Stat. § 254.59; Wis. Stat. § 292.11).

##### **403.7 INVESTIGATION DIVISION COMMANDER RESPONSIBILITIES**

The Investigation Division Commander is responsible for:

- (a) Ensuring reasonable access to qualified personnel, equipment, and supplies for processing crime or disaster scenes, including serious traffic crashes.
  - 1. Access should be available on a 24-hour basis.
- (b) Establishing procedures for collecting, processing, and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video recording, and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting, and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation, and submission of biological and other evidence for DNA testing and evaluation.

##### **403.8 TRAINING**

The Lieutenant of Field Operations should ensure that members who are responsible for the collection and preservation of DNA evidence receive appropriate training.

## SWAT Team

### 404.1 PURPOSE AND SCOPE

The Chippewa Falls Police Department is a member of the Eau Claire Regional Regional SWAT Team. It has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

#### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### 404.1.2 SWAT TEAM DEFINED

**SWAT team** - A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

### 404.2 POLICY

It is the policy of this department to work with the Eau Claire Regional SWAT team and to provide the equipment, manpower and training necessary to maintain our department members assigned to this team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *SWAT Team*

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##### 404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

##### **404.3 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

##### 404.3.1 SELECTION OF PERSONNEL

When a vacancy is created for a Chippewa Falls Police Department position on the Eau Claire Regional SWAT Team interested sworn personnel who are off probation shall submit a letter of interest to the Chief. A copy of this will be sent to the SWAT Team commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Team commander. The testing process may consist of an oral board, physical agility test and a SWAT basic handgun and team evaluation and other steps as deemed necessary by the SWAT Team Commander.

A list of successful applicants shall be submitted to the Chief by the SWAT Team Commander along with their recommendations.

The number of CFPD positions on the regional SWAT team is set by the Police Chief with consideration to department staffing.

##### 404.3.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWAT Team Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team. Information about the performance of each of our Chippewa Falls Police Department officers who are assigned to the SWAT Team will be communicated from the SWAT Team Commander to the officer's direct supervisor. An officer's assignment to the Regional SWAT team is at the discretion of the Police Chief.

##### **404.4 OPERATIONAL GUIDELINES FOR CRISISRESPONSEUNIT**

The following procedures serve as guidelines for the operational deployment of the Eau Claire Regional SWAT Team. Generally, the SWAT team and the Negotiation Team (CNT) will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT Team commander.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *SWAT Team*

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##### 404.4.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the SWAT Team should respond. Upon final determination by the Shift Commander, the SWAT Team Commander will be notified.

##### 404.4.2 APPROPRIATE SITUATIONS FOR USE OF A CRISISRESPONSEUNIT

Examples of incidents that may result in the activation of the SWAT Teaminclude:

- (a) Barricaded suspects who refuse an order to surrender
- (b) Incidents where hostages have been taken
- (c) Cases of suicide threats
- (d) Arrests of persons reasonably believed to be dangerous
- (e) Any situation in which SWAT Team or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

##### 404.4.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Commander.

##### 404.4.4 MOBILIZATION OF CRISISRESPONSEUNIT

The on-scene supervisor shall make a request to the Shift Commander for the Eau Claire Regional SWAT Team to respond. The Shift Commander shall then notify the SWAT Team Commander. If unavailable, another SWAT team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Commander's office. The Shift Commander will then notify the Patrol Division Commander as soon as practicable.

The Shift Commander should brief the SWAT Team commander with the following information if available:

- (a) The number of suspects, known weapons and resources
- (b) If the suspect is in control of hostages
- (c) If the suspect is barricaded
- (d) The type of crime involved
- (e) If the suspect has threatened or attempted suicide
- (f) The location and safe approach to the command post
- (g) The extent of any perimeter and the number of officers involved
- (h) The status of any warrant application

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### SWAT Team

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Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SWAT Team Commander shall then mobilize SWAt Team members to respond.

#### 404.4.5 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team, field personnel should, if safe, practicable and if sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the SWAT Team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the SWAT Team commander on the situation.
- (g) Plan for and stage anticipated resources.

#### 404.4.6 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team, the Incident Commander shall brief the SWAt Team Commander and SWAT Team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SWAT Team Commander, whether to deploy the SWAT Team. Once the Incident Commander authorizes deployment, the SWAT Team Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the SWAT Team. The Incident Commander and the SWAT Team Commander or the authorized designee shall maintain communications at all times.

#### 404.4.7 COMMUNICATION WITH CRISISRESPONSEUNIT PERSONNEL

All persons who are non-SWAT Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT Team personnel directly. All non-emergency communications shall be channeled through the CNT sergeant or the authorized designee.

## Ride-Along

### 405.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

#### 405.1.1 ELIGIBILITY

The Chippewa Falls Police Department ride-along program is offered to residents, students and those employed within the City. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age. Note: at the discretion of the Police Chief and with a parental signature and an officer agreeing to take them, an individual at least 16 years of old may be allowed to ride.
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### 405.1.2 AVAILABILITY

The ride-along program is available based on staffing levels. Generally riders are limited to 4 or less hours and only once every six months. However, prospective officers, interns or others at the discretion of the Lieutenant of Patrol may be allowed to ride more often and for longer periods of time.

### 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Lieutenant of Field Operations. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-along form.

The Lieutenant of Field Operations will schedule a date, based on availability. If approved, a copy of the ride-along waiver form will be forwarded to the respective Shift Commander as soon as possible for his/her scheduling considerations. Shift Commanders should be cautious when assigning Ride-Alongs to Probationary Officers and should give consideration to that officer's experience and ability.

Officers should complete their section of the Ride-along form to provide feedback.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Ride-Along*

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##### **405.2.1 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: qualified volunteers, chaplains, interns and police applicants with approval from the Lieutenant of Patrol.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time. When practicable, ride-alongs who request multiple opportunities to participate in the ride-along program should be rotated among officers.

##### **405.2.2 SUITABLE ATTIRE**

Any person approved to ride-along is required to be suitably dressed in weather appropriate business casual attire. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

##### **405.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Shift Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

##### **405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Wisconsin Department of Justice (WisDOJ) Criminal History System check prior to approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Chippewa Falls Police Department).

#### **405.3 OFFICER'S RESPONSIBILITIES**

The officer or shift commander should advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift Commander.

The Lieutenant of Field Operations is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Lieutenant of Field Operations with any comments that may be offered by the officer.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Ride-Along*

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#### **405.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.



# Hazardous Material Response

## 406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Wisconsin law, the following represents the policy of this department.

### 406.1.1 HAZARDOUS MATERIAL DEFINED

**Hazardous substance** - Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives (Wis. Stat. § 299.01(6)).

## 406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic crash, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potential hazardous material from a safe distance.
- (b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.
- (d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:
  1. Placards and use of the Emergency Response Guidebook.
  2. Driver's statements or shipping documents from the person transporting the material.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Hazardous Material Response*

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3. Information obtained from any involved person with knowledge regarding the hazardous material.
- (e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:
  1. The identity of the material.
  2. How to secure and contain the material.
  3. Any other information to protect the safety of those present, the community and the environment.
- (f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (g) Provide first aid to injured parties if it can be done safely and without contamination.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (j) Establish a decontamination area when needed.
- (k) Contact the 24-hour Wisconsin Emergency Operations Center at 800-943-0003 to request assistance.
- (l) If available, activate reverse 9-1-1 calling to the affected area.

#### **406.3 REPORTING EXPOSURE**

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure should be documented by the employee on the first report of injury form, which should be forwarded via chain of command to the Division Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it is the responsibility of the notified supervisor to complete the documentation.

Injury or illness caused or believed to be caused from exposure to hazardous materials should be reported the same as any other on-duty injury or illness.

##### **406.3.1 SUPERVISOR RESPONSIBILITIES**

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she should ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Hazardous Material Response*

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##### **406.4 HAZARDOUS MATERIALS TRAINING**

Employees should receive periodic training regarding hazardous material awareness and how to handle a hazardous material incident.

## Hostage and Barricade Incidents

### 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

**SWAT** - The Chippewa Falls Police Department is part of the Eau Claire Regional SWAT Team. This SWAT team is our primary and initial contact when referenced in this policy.

### 407.2 POLICY

It is the policy of the Chippewa Falls Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 407.3.1 EMERGENCY COMMUNICATIONS

Department members responding to a hostage situation or barricade situation may order a telecommunications utility to interrupt or reroute telecommunications service to or from the

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Hostage and Barricade Incidents*

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suspected person for the duration of the situation to prevent the person from communicating with anyone other than an authorized person.

#### **407.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should, as soon as possible, request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

##### **407.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a Immediate Reaction Team (IRT) team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Hostage and Barricade Incidents*

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- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish an Incident Command (IC) post.

#### 407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to an (IRT) to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish an (IRT) in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Hostage and Barricade Incidents*

---

##### **407.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

##### **407.6 SWAT UNIT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation with oversight from the Incident Commander. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

###### **407.6.1 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Emergency Detentions

### 409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person in under emergency detention (Wis. Stat. § 51.15).

### 409.2 POLICY

It is the policy of the Chippewa Falls Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

### 409.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15). Officers shall utilize Northwest Connections for assistance when making this determination.

#### 409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Facilitate transport of the person by a responsible party to an appropriate facility that is able to conduct the evaluation and admit the person. In general, officers should only transport the person if there are not reasonable responsible party alternatives for transport or if the officer believes it is in the best interest of the person for the officer to transport them.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

### 409.4 TRANSPORTATION

In general, Northwest Connections should assist with coordination between the officer and the receiving facility prior to transport. This also may necessitate doctor to doctor communication regarding the individual's condition.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Commander approval should be sought before transport commences.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Emergency Detentions*

---

##### **409.5 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntarily treatment, the officer should provide the staff member with the written application for emergency detention and remain present to provide clarification of the grounds for detention, upon request.

##### **409.6 DOCUMENTATION**

The officers should complete a Statement of Emergency Detention and Rights on Detention form, provide it to the facility staff member assigned to that patient and retain a copy of the form for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

###### **409.6.1 PROBABLE CAUSE STATEMENT**

The Statement of Emergency Detention petition should include the circumstances under which the individual's condition was called to the attention of the officer. It must contain an allegation of probable cause statement of the officer's belief that the individual, because of mental illness, disability or dependency, is likely to harm him/herself or others or is unable to care for him/herself. If the probable cause is based on the statement of a person other than the officer, this detail shall be included along with the person's identifying information (Wis. Stat. § 51.15(4); Wis. Stat. § 51.15(5)).

##### **409.7 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergency detention should consider resolving the criminal matter by a warning, a diversion, a citation or by referring the matter to the District Attorneys Office, as appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should seek supervisor approval to determine if the individual should go to jail or a treatment facility:

- (a) The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Department to regain custody of the individual, department resources (posting a guard) and other relevant factors in making this decision.
- (b) If the individual is taken to jail, the officer shall inform jail staff of all factors that would support an emergency detention and any other mental health or safety concerns of which they are aware.

##### **409.8 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an emergency detention, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. evidence,

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Emergency Detentions*

---

consent). Depending of the circumstances, it may be appropriate for a responsible family member to take possession of firearms or dangerous weapons with the individual's consent.

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **409.9 TRAINING**

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergency detentions and crisis intervention.

The Lieutenant of Field Operations will attend relevant in-service training on emergency detention and emergency protective placement procedures that is offered by the county department of community programs (Wis. Stat. § 51.15(11m)).

## Citation Releases

### 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Chippewa Falls Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

#### 410.1.1 DEFINITIONS

Definitions related to this policy include:

**Misdemeanor citation** - A directive, issued by an officer, that requires a person appear in court and answer criminal charges. A misdemeanor citation is not a criminal complaint and may not be used as a substitute for a criminal complaint (Wis. Stat. § 968.085(1)).

**Municipal citation** - A directive, issued by a member of this department, that requires a person to appear in municipal court for violation of a municipal ordinance (Wis. Stat. § 800.02).

### 410.2 POLICY

The Chippewa Falls Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

### 410.3 NOTIFICATION

Whenever this department receives notice that the District Attorney has declined to prosecute a misdemeanor citation, the Records shall attempt to notify the person identified in the citation that he/she will not be charged and does not have to appear as directed in the citation (Wis. Stat. § 968.085(5)).

### 410.4 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations.

All criminal arrests or referrals for juveniles shall be documented with a juvenile referral form which is then sent to Juvenile Intake.

Upon issuing a misdemeanor or municipal citation to a juvenile, this department shall notify the juvenile's parent, guardian or legal custodian within seven days (Wis. Stat. § 938.17(2)(c)).

### 410.5 PROHIBITIONS

The release of a suspected offender on a citation is not permitted for violation of protective orders involving or harassment (Wis. Stat. § 813.125(6)).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Citation Releases*

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See the Domestic Abuse Policy and Child Abuse Policy for release restrictions related to those investigations.

#### **410.6 RELEASE CONSIDERATIONS**

A law enforcement officer may issue a citation to any person whom he or she has reasonable grounds to believe has committed a misdemeanor. A citation may be issued in the field or at the headquarters or precinct station of the officer instead of or subsequent to a lawful arrest. If a citation is issued, the person cited may be released on his or her own recognizance (Wis. Stat. § 968.085(2)).

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.
- (g) The person appears to represent a danger of harm to him/herself, another person or property.
- (h) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with the department's policies.

# Foreign Diplomatic and Consular Representatives

## 411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Chippewa Falls Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 411.2 POLICY

The Chippewa Falls Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website, [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification).

## 411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Foreign Diplomatic and Consular Representatives*

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##### **411.4 ENFORCEMENT ACTION**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - (a) International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - (b) Support staff of missions to international organizations
  - (c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - (d) Honorary consular officers

##### **411.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

###### **411.5.1 TRAFFIC OFFENSES**

An officer who issues a citation to the operator of a motor vehicle who displays a driver license issued by DOS, or otherwise claims immunities or privileges, for violation of any state traffic law or any local traffic law shall (Wis. Stat. § 345.11(7)(b)):

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Foreign Diplomatic and Consular Representatives*

- (a) As soon as practicable, contact the DOS Diplomatic Security Command Center's diplomatic motor vehicle office to verify the operator's status and immunity, if any.
- (b) Within 10 days after the citation is issued, forward a copy of the traffic citation, at no charge, to the DOS Diplomatic Security Command Center's diplomatic motor vehicle office.

#### **411.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
<b>Diplomatic Agent</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise	No for official act Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
<b>Int'l Org Staff (note b)</b>	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Foreign Diplomatic and Consular Representatives*

<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.



## Rapid Response and Deployment

### 412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

### 412.2 POLICY

The Chippewa Falls Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or injury.

### 412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent, or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

If a suspect is actively engaged in the infliction of great bodily harm or other life-threatening activity toward others, officers will take immediate action to stop the threat consistent with department provided Active Shooter and Critical Incident Response training, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action, officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Rapid Response and Deployment*

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded or trapped suspect with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

#### **412.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.
- (e) Neutralize the threat as rapidly as reasonable possible to minimize injury and loss of life when in an emergency situation.

#### **412.5 PLANNING**

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Rapid Response and Deployment*

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##### **412.6 TRAINING**

The Lieutenant of Field Operations should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shield, breaching tools, control devices and any other related training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

# Immigration Violations

## **413.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to members of the Chippewa Falls Police Department relating to immigration and interacting with federal immigration officials.

## **413.2 POLICY**

It is the policy of the Chippewa Falls Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## **413.3 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Wisconsin constitutions.

## **413.4 DETENTIONS**

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Immigration Violations*

---

##### **413.4.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

##### **413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer will not need to notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

##### **413.6 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

##### **413.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

##### **413.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

##### **413.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Immigration Violations*

---

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations supervisor assigned to oversee the handling of any related case.

The Investigations supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

## Emergency Utility Service

### 414.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

#### 414.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by Dispatch.

#### 414.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

#### 414.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 414.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

### 414.2 TRAFFIC SIGNAL MAINTENANCE

The City of Chippewa Falls contracts with a private company to furnish maintenance for all traffic signals within the City, other than those maintained by the Wisconsin Department of Transportation (WisDOT).

#### 414.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

## Field Training Officers

### 415.1 PURPOSE AND SCOPE

The Field Training Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting or former employment to the actual performance of general law enforcement duties of the Chippewa Falls Police Department.

### 415.2 POLICY

It is the policy of this department to assign all new police officers to a structured FTEP that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

### 415.3 FIELD TRAINING OFFICER (FTO)

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

#### 415.3.1 SELECTION PROCESS

FTOs will be selected based on certain requirements, which include:

- (a) Desire to be an FTO.
- (b) Projected to be off of probationary status before beginning FTO duties.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process if one is applicable
- (e) Evaluation by supervisors and current FTOs.
- (f) Possess a Wisconsin Law Enforcement Standards Board (LESB) basic certificate.

#### 415.3.2 TRAINING

An officer selected as an FTO shall successfully complete an FTEP course approved by the Department as soon as practicable after being assigned as an FTO.

All FTOs should complete an FTEP update approved by the Department every three years while assigned to the position of FTO.

### 415.4 FIELD TRAINING EVALUATION PROGRAM COORDINATOR

The FTEP Coordinator will be selected from the rank of Sergeant or above by the Police Chief. The FTEP Coordinator will attend training appropriate to that position as soon as practicable.

The responsibilities of the FTO Program supervisor include:

- (a) Assign trainees to FTOs.
- (b) Conduct FTEP meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Field Training Officers*

---

- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor the overall FTEP.
- (g) Maintain liaison with FTEP coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

#### **415.5 REQUIRED TRAINING**

New officers shall be required to successfully complete the Field Training Evaluation Program.

The training period for a new outside hire at the executive or administrative level (such as Police Chief or Lieutenant) may be modified depending on that individual's demonstrated performance and experience level.

To the extent practicable, entry level and lateral officers should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training.

##### **415.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at or before the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Chippewa Falls Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Chippewa Falls Police Department.

#### **415.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **415.6.1 FIELD TRAINING OFFICER**

The Field Training Officer (FTO) duties include the following:

- (a) FTOs will complete a Daily Observation Report (DOR) on the performance of their assigned trainee.
- (b) FTOs will review the Daily Trainee Observation Report with the trainee ideally each day, but otherwise as soon as practicable.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, evaluating the performance of the assigned trainee.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Field Training Officers*

---

##### **415.6.2 IMMEDIATE SUPERVISOR**

The FTO's immediate supervisor may review the Daily Trainee Performance Evaluations as time permits or as needed. They should also periodically communicate with the FTO assigned to their shift so they stay current on the progress of the Trainee.

##### **415.6.3 FIELD TRAINING EVALUATION PROGRAM COORDINATOR**

The FTEP Coordinator will oversee the DOR's submitted by the FTO's.

The FTEP Coordinator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Evaluation Program. As they determine necessary, the FTEP Coordinator will hold a process review meeting with all FTOs to discuss changes needed in the FTEP. A summary of this meeting, with any substantive recommendations or changes made, will be forwarded to the Police Chief and Lieutenant of Field Services for approval of any substantive changes.. Minor changes needed to ensure smooth operations of the FTEP may be made at the discretion of the FTEP Coordinator.

##### **415.6.4 TRAINEE**

At the completion of the Field Training Evaluation Program, the trainee will submit a performance evaluation of the Field Training Evaluation Program.

The trainee will also complete weekly self-evaluations. The trainee also may be required to complete FTO evaluations as directed.

##### **415.7 DOCUMENTATION**

All documentation of the Field Training Evaluation Program will be retained and will consist of the following:

- (a) Daily Observation Reports
- (b) End of phase evaluations
- (c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training and a Recommendation to the Police Chief that the trainee move to solo patrol.

## Aircraft Accidents

### 416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

#### 416.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 416.2 POLICY

It is the policy of the Chippewa Falls Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Aircraft Accidents*

---

##### **416.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

##### **416.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

##### **416.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Aircraft Accidents*

---

- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **416.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Chippewa Falls shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of CFPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

##### **416.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **416.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

#### **416.9 MEDIA RELATIONS**

The Police Chief or designated Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Aircraft Accidents*

---

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Air Support

### **417.1 PURPOSE AND SCOPE**

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

### **417.2 REQUEST FOR AIR SUPPORT**

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

#### **417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

After consideration and approval of the request for air support, the Shift Commander or the authorized designee will call the closest agency having air support available. The Shift Commander will apprise that agency of the specific details of the incident prompting the request.

#### **417.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

Law enforcement air support may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits
- (f) Pre-planned events or actions that require air support
- (g) When the Shift Commander or equivalent authority determines a reasonable need exists

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

## Contacts and Temporary Detentions

### 418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 418.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions (Wis. Stat. § 968.24).

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - This is a limited type of search, often referred to as a "frisk", used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the an officer, the detainee, or others (Wis. Stat. § 968.25).

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity (Wis. Stat. § 968.24).

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is being required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement (Wis. Stat. § 968.24).

### 418.2 POLICY

The Chippewa Falls Police Department respects the rights of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Contacts and Temporary Detentions*

---

photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

#### **418.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contacts with consenting individuals is encouraged by the Chippewa Falls Police Department to strengthen community involvement, community awareness, and problem identification.

##### **418.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

##### **418.3.2 DURATION OF DETENTION**

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place of detention unless the detainee is arrested.

#### **418.4 CONSENSUAL SEARCHES**

An officer may conduct a consensual search of a person who is not under arrest, and any effects of the person or a vehicle as follows:

- (a) The person has apparent or actual authority to provide permission to search the vehicle or effects, if any.
- (b) The person is aware that he/she is being asked to voluntarily consent to a search and is aware that he/she has the right to refuse the request to search.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Contacts and Temporary Detentions*

---

- (c) The person voluntarily provides consent.

When asking for consent, officers should explain the scope of the search. Officers should stop a consent search if the person withdraws consent.

The officer should record any verbal consent when possible. Depending on the seriousness of the crime being investigated, the officer should consider the option of gaining written consent.

#### **418.5 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **418.6 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **418.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. Consent should be documented by body/squad camera when possible.

##### **418.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Contacts and Temporary Detentions*

---

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted with the report materials, reviewed by a supervisor and retained in compliance with this policy.

#### **418.7 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **418.8 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and attached to the report along with a description explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in compliance with the organization's records retention schedule.

##### **418.8.1 JUVENILE PHOTO FILE**

All photographs and records of juveniles shall be kept separate from adult photographs and records (Wis. Stat. § 938.396(1)(a)).

This department does not allow copies of juvenile photo files to be automatically obtained by parents, guardians or legal custodians. However, parents, guardians or legal custodians may submit a written request to review a juvenile's record or photograph in compliance with the Records Maintenance and Release Policy (Wis. Stat. § 938.396(1)(c)(1)).

#### **418.9 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Contacts and Temporary Detentions*

---

identification, officers should attempt to identify the witness prior to the witness's departure.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

## Shift Commanders

### **420.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each shift.

### **420.2 DESIGNATION AS ACTING SHIFT COMMANDER**

When a Sergeant is unavailable for duty as shift commander an officer-in-charge will be assigned as the shift commander. Only those officers who have been designated by Administration as being able to serve as an officer-in-charge will be assigned. The Sergeant will assign the officer-in-charge in accordance with current practices.

Officers who have been determined as being able to serve as Officers-in-Charge should be provided training for that responsibility.

## Mobile Audio Video

### 421.1 PURPOSE AND SCOPE

The Chippewa Falls Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

#### 421.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV technician** - Personnel certified or trained in the operational use of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 421.2 POLICY

It is the policy of the Chippewa Falls Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

### 421.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Chippewa Falls Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mobile Audio Video*

---

#### **421.4 ACTIVATION OF THE MAV**

The MAV system is designed to turn on manually or whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. When audio is being recorded, the video will also record.

##### **421.4.1 REQUIRED ACTIVATION OF THE MAV**

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Pedestrian checks
  - 9. OWI investigations including field sobriety tests
  - 10. Consensual encounters
  - 11. Crimes in progress
  - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - 1. Domestic abuse calls
  - 2. Disturbance of peace calls
  - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mobile Audio Video*

---

- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.

#### 421.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims on scene have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or in other similar situations.

#### 421.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Police Chief or the authorized designee for the purpose of conducting a criminal or administrative investigation.

#### 421.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch. These officers should be equipped with a functioning Body Worn Camera.

On reasonable intervals, supervisors should validate that:

- (a) Media check-out and check-in procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
  1. The tracking number of the MAV system media.
  2. The date it was issued.
  3. The law enforcement operator or the vehicle to which it was issued.
  4. The date submitted.
  5. Law enforcement operators submitting the media.
  6. Holds for evidence indication and tagging as required.

The operation of MAV systems by new employees is assessed and reviewed.

When a serious incident arises (e.g., serious crime scenes, peace officer-involved shootings, department-involved crashes), The technician or investigator should ensure the media is retained appropriately, often as evidence. Copies may be distributed to investigators as appropriate to the investigation.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mobile Audio Video*

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#### **421.5 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law. Release of video can be authorized by the Police Chief or designee.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Police Chief or the authorized designee
- (i) By the media through proper process or with permission of the Police Chief or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection
- (l) Recordings may be uploaded to Department Social Media at the direction of the Police Chief or designee. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officers's objection.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

#### **421.6 DOCUMENTING MAV USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the Video Records Management System. If an incident is generated or a citation is issued, the officer shall make a notation only if the event was **not** recorded and for what reason.

#### **421.7 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage, all recording media will be digitally stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 121 days and disposed of in compliance with the established records retention schedule.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mobile Audio Video*

---

##### **421.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

Upon proper request of the Police Chief or designee, a physical copy of the original recording media will be made for use as authorized in this policy.

Physical copies of recorded media may only be released in response to a court order or upon approval by the Police Chief or the authorized designee.

##### **421.7.2 MAV RECORDINGS AS EVIDENCE**

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Chippewa Falls Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

#### **421.8 SYSTEM OPERATIONAL STANDARDS**

- (a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MAV system should be configured to minimally record video only for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

#### **421.9 MAV TECHNICIAN RESPONSIBILITIES**

The MAV technician is the Lieutenant of Investigations who is responsible the following are completed as needed:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media.
- (c) Once collected,:
  - 1. Ensures it is stored in a secured location with authorized controlled access.
  - 2. Makes the appropriate entries in the chain of custody log.
- (d) Deletion of media pursuant the the Records Retention Policy and Procedure
- (e) Maintaining a record of issued media:
- (f) Ensuring that an adequate supply of recording media is available.
- (g) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mobile Audio Video*

---

#### **421.10 TRAINING**

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

## Mobile Digital Computer Use

### 422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

### 422.2 POLICY

Chippewa Falls Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

### 422.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 422.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members should log off the MDT or secure the MDT when it is unattended. A locked patrol vehicle is a secure location. This added security measure will minimize the potential for unauthorized access or misuse.

#### 422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. It is the responsibility of the vehicle operator to drive their vehicle in a safe manner remaining aware of their surroundings. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Mobile Digital Computer Use*

---

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **422.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity.

##### **422.5.1 STATUS CHANGES**

Changes in status should generally be transmitted over the police radio so that the other members are aware of the officer's activity and location. This is an important officer safety tool. However, changes in status may be done on the MDT if there are sufficient security or confidentiality reasons.

#### **422.6 EQUIPMENT CONSIDERATIONS**

##### **422.6.1 MALFUNCTIONING MDT**

Whenever possible, officers assigned to patrol duties will not use vehicles with malfunctioning or missing MDTs. Whenever members must drive a vehicle in which the MDT is not working or is not available, they shall notify Dispatch. The officer will have to make sure that there is the necessary documentation of their activities in the Records Management System.

##### **422.6.2 BOMB CALLS**

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

## Portable Audio/Video Recorders

### 423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, hand-held, or integrated into portable equipment (Wis. Stat. § 165.87).

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Chippewa Falls Police Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

### 423.2 POLICY

The Chippewa Falls Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 423.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 423.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member assigned to patrol or designated special event will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, CFPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Portable Audio/Video Recorders*

---

If any incident is recorded with a body camera linked to the MAV then 422.6 applies with regard to documentation.

If a body camera not linked to an MAV or any other type of audio/video recorder was used then the existence of the recording shall be documented in any report or other official record of the contact. If the contact should have been recorded per 424.5 but was not, the reason why should also be documented.

#### **423.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

##### **423.5.1 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

##### **423.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. § 968.31(2)(b)).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Portable Audio/Video Recorders*

---

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Police Chief or the authorized designee.

#### **423.5.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### **423.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while engaged in a law enforcement function, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices to record while on-duty without the express consent of a supervisor or Shift Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### **423.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Portable Audio/Video Recorders*

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- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Public Records Law (Wis. Stat. § 19.31 et seq.).

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### **423.8 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Police Chief or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court (Wis. Stat. § 165.87(3)).

#### **423.9 COORDINATOR**

The Police Chief or the authorized designee should designate a coordinator responsible for (Wis. Stat. § 165.87):

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Portable Audio/Video Recorders*

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- (e) Coordinating with the Lieutenant of Field Operations to provide training on this policy to:
  - 1. Officers who are authorized to use portable audio/video recorders.
  - 2. Members of the Department who use, maintain, store, or are responsible for the release of records and recordings.
- (f) Periodically reviewing the Department's practices relating to the use, maintenance, and storage of body cameras and data to confirm compliance with this policy.
- (g) Ensuring this policy is available to the public on the Department's website.

#### **423.10 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 120 days (Wis. Stat. § 165.87).

##### **423.10.1 EXCEPTIONS TO RETENTION REQUIREMENTS FOR BODY-WORN CAMERAS**

Exceptions to the 120-day retention period for body-worn cameras are as follows (Wis. Stat. § 165.87):

- (a) Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:
  - 1. Death or actual or alleged physical injury to any person in the recording
  - 2. An encounter resulting in custodial arrest
  - 3. A search during a temporary detention pursuant to Wis. Stat. § 968.25
  - 4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal
- (b) Recordings used in any criminal, civil, or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.
- (c) Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by an officer from this department or another law enforcement agency, member of a board of fire and police commission, prosecutor, defendant, or a court.

##### **423.10.2 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

## Public Recording of Law Enforcement Activity

### 424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 424.2 POLICY

The Chippewa Falls Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

Supervisor and Shift Commander are interchangeable for the purposes of this policy.

### 424.3 RECORDING OF LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 424.4 OFFICERS RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Public Recording of Law Enforcement Activity*

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **424.5 SUPERVISOR RESPONSIBILITIES**

A supervisor, if not already present, should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **424.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Public Recording of Law Enforcement Activity*

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Bicycle Patrol Unit

### 425.1 PURPOSE AND SCOPE

The Chippewa Falls Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### 425.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer's mobility and visibility in the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor and the Shift Commander.

### 425.3 SELECTION OF PERSONNEL

The Bicycle Patrol Unit supervisor will be selected by the Lieutenant of Field Operations from among the current Bicycle Patrol Unit Officers.

The Bicycle Patrol Unit supervisor should recommend for selection an Assistant Bicycle Patrol Unit supervisor from among the current Bicycle Patrol Unit Officers. This recommendation will be forwarded to the Lieutenant of Field Operations for confirmation.

Bicycle Patrol Unit Officer openings will be posted when positions are available to fill.

Interested sworn personnel shall submit a letter of interest to the Bike Patrol Unit supervisor. All applicants will be given consideration by a review board consisting of the Bicycle Patrol Unit supervisor, the Assistant Bike Patrol unit supervisor (if appointed) and the Lieutenant of Field Operations. The panel will consider the following criteria for each applicant:

- (a) Recognized competence and ability as evidenced by performance
- (b) Special skills or training as they pertain to the assignment
- (c) Good physical condition
- (d) Willingness to perform duties using the bicycle as a mode of transportation

#### 425.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor's responsibilities include:

- (a) Organizing bicycle patrol training
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Bicycle Patrol Unit*

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- (c) Scheduling maintenance and repairs
- (d) Monitoring the performance of bicycle officers and reporting information as needed to the appropriate bicycle officer supervisor
- (e) Coordinating activities with the Patrol Division
- (f) Inspecting bicycles in and out of active service are in a serviceable condition
- (g) Other activities as required to maintain the efficient operation of the unit

The Bicycle Patrol Unit supervisor should be assisted in these tasks by an Assistant Bicycle Unit supervisor.

#### **425.4 TRAINING**

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive periodic in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

#### **425.5 UNIFORMS AND EQUIPMENT**

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle uniform consists of the standard short sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

#### **425.6 CARE AND USE OF PATROL BICYCLES**

- (a) Officers will be assigned a specially marked and equipped patrol bicycle with attached gear bag.
- (b) Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Bicycle Patrol Unit*

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such bicycle shall be equipped with sufficient lamps and reflectors to meet legal requirements.

- (c) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls. Additional equipment may be required to be carried in the gear bag as determined by the Bicycle Patrol Unit supervisor.
- (d) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment.
- (e) If a needed repair is beyond the ability of the bicycle officer, the Bicycle Patrol Unit supervisor should be notified. He/she will arrange for repair by an approved technician.
- (f) Each bicycle will have scheduled maintenance performed as determined by the Bicycle Patrol Unit supervisor to help ensure safe operation of the patrol bicycles.
- (g) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.
- (h) Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the Bicycle Patrol Unit supervisor or in the event of an emergency.
- (i) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.
- (j) Bicycles shall be properly secured when not in the officer's immediate presence.

#### **425.7 OFFICER RESPONSIBILITIES**

Officers must operate the bicycle in compliance with Wisconsin law under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. During any operation of a bicycle, the exemptions granted to an officer when operating an authorized emergency vehicle do not provide relief from the duty to drive or ride with due regard for the safety of all persons nor do they provide protection from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

Officers are exempt from the rules of the road under the following conditions (Wis. Stat. § 346.03(3)):

- (a) In response to an emergency call
- (b) While engaged in rescue operations
- (c) In the immediate pursuit of an actual or suspected violator of the law



## Foot Pursuits

### 426.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 426.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of immediately apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

### 426.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must continually balance the seriousness of the crime and the need for immediate apprehension of a suspect against the potential for injury. Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. Officers and supervisors should not be criticized or disciplined for deciding not to start or continue a foot pursuit because of the perceived risk involved. Depending on the circumstances, alternatives to foot pursuit such as containment and searching may be considered.

Officers may initiate a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. Mere flight by a person who is not suspected of criminal activity alone does not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

### 426.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider the following factors when deciding to initiate or continue a foot pursuit:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect(s) should a confrontation occur.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Foot Pursuits*

---

- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with Dispatch or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time.
- (o) Danger to the public if the suspect is not immediately apprehended.
- (p) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

#### **426.5 RESPONSIBILITIES IN FOOT PURSUITS**

##### **426.5.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer is responsible for coordinating the progress of the pursuit and containment.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Reason for the foot pursuit
- (c) Number of suspects and description, to include name if known
- (d) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Foot Pursuits*

---

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered, if warranted, based upon the circumstances, severity of the crime and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

#### **426.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

#### **426.5.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor should make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible. However, the supervisor does not have to be physically present to exercise control over the foot pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

#### **426.6 REPORTING REQUIREMENTS**

The initiating officer shall complete a report documenting the foot pursuit. This report should include:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course of the foot pursuit.
- (d) Involved vehicles and officers.
- (e) Whether a suspect was apprehended as well as any use of force documented in compliance with the Use of Force Policy.
- (f) Any injuries and/or medical treatment.
- (g) Any property or equipment damage.

Assisting officers taking an active role in the apprehension of the suspect should complete supplemental reports as necessary or as directed.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Foot Pursuits*

---

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

## Automated License Plate Readers (ALPR)

### 427.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Chippewa Falls Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 427.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Lieutenant of Investigations. The Lieutenant of Investigations will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 427.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR response through the Transaction Information for the Management of Enforcement (TIME) system or National Law Enforcement Telecommunications System (NLETS) before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may access TIME or NLETS data unless otherwise authorized to do so.

### 427.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Chippewa Falls Police Department and because such data may contain confidential TIME information, it is not open

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Automated License Plate Readers (ALPR)*

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to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Lieutenant of Investigations is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in department vehicles to the department server.

All ALPR data downloaded to the server should be stored for the period established in the department records retention policy and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records.

#### **427.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Chippewa Falls Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Lead Records Clerk and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) All ALPR system audits should be conducted on a regular basis.

# Homeless Persons

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Chippewa Falls Police Department recognizes that members of the homeless community are often in need of special protection and services. The Chippewa Falls Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

### 428.1.1 POLICY

It is the policy of the Chippewa Falls Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

## 428.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

### 428.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Homeless Persons*

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- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

#### **428.3 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to the supervisor.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform the supervisor if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of the supervisor to address the matter in a timely fashion.

#### **428.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Homeless Persons*

---

#### **428.5 ECOLOGICAL ISSUES**

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

# First Amendment Assemblies

## 429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 429.2 POLICY

The Chippewa Falls Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest or other lawful reason.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *First Amendment Assemblies*

---

Supervisors and Officers-in-charge should consider consultation with or activation of the Eau Claire Regional Special Events Team (SET) who have additional training, experience and equipment for First Amendment Assemblies.

Supervisors and Officers-in-charge should carefully weigh the benefits of sending police units to First Amendment Assemblies, and potentially becoming a focal point, when there does not reasonably appear to be a need to preserve life/safety or prevent property damage.

#### **429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### **429.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### **429.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events. The Eau Claire Special Events Team (SET) should be notified.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *First Amendment Assemblies*

---

##### 429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

##### 429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan may include the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with City government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *First Amendment Assemblies*

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- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event
- (t) Parameters for the use of body-worn cameras and other portable recording devices

#### **429.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### **429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### **429.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *First Amendment Assemblies*

---

a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage. Any use of CED must conform to the Conducted Energy Device Policy.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **429.8 ARRESTS**

The Chippewa Falls Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see Citation Releases Policy).

#### **429.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *First Amendment Assemblies*

---

##### **429.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

##### **429.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

##### **429.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

In addition to after-action reports, consideration should be given to conducting a debriefing of the incident within the department and with partner agencies.

##### **429.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

## Civil Disputes

### 430.1 PURPOSE AND SCOPE

This policy provides members of the Chippewa Falls Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Wisconsin law.

### 430.2 POLICY

The Chippewa Falls Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 430.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that unusually long peacekeeping efforts are warranted.

### 430.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Civil Disputes*

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult the shift commander or a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

If a report is completed, a copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **430.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should advise the person making the request that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, and the owner of the location is unknown or disputed the member will not allow entry into the location or the removal of property from the location.

#### **430.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **430.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Civil Disputes*

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##### 430.6.1 CRIMINAL TRESPASS TO DWELLINGS

It is the policy of the Chippewa Falls Police Department to adhere to the provisions of 2015 Wisconsin Act 176 – Revision to Criminal Trespass to Dwelling Law and provide guidance to all sworn officers regarding the investigation of complaints alleging a violation of Wisconsin Statute 943.14 Criminal Trespass to Dwellings.

The 2015 Wisconsin Act 176 – Revision to Criminal Trespass to Dwelling Law created Wis. Stat. 175.403 **Trespassing; arrest and removal** and became effective on March 2, 2016. The Act broadened the definition of criminal trespass and requires law enforcement agencies to have a written policy regarding investigations of violations of Wis. Stat. 943.14 **Criminal trespass to dwelling**. The Act further requires removal of a subject from the premises when probable cause to arrest exists for a violation by that subject of Wis. Stat. 943.14 but does not require arrest after removal.

#### Objective:

- A. Comply with requirements of 2015 Wisconsin Act 176.
- B. Establish a procedure for the investigation of violations of Wis. Stat. 943.14.

#### Definitions:

Create or Provoking a Breach of the Peace – a person in a dwelling without consent, lease, or other tenant relationship, is creating a circumstance that tends to create or provoke a breach of the peace when the complainant/property owner is not present.

Criminal trespass to dwelling – enumerated in Wis. Stat. 943.14.

**943.14 Criminal trespass to dwelling. (1)** In this section, "dwelling" means a structure or part of a structure that is used or intended to be used as a home or residence by one or more persons to the exclusion of all others. For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident. **(2)** Whoever intentionally enters or remains in the dwelling of another without the consent of some person lawfully upon the premises or, if no person is lawfully upon the premises, without the consent of the owner of the property that includes the dwelling, under circumstances tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.

#### Procedure:

When officers receive a complaint of trespassing they shall first determine if there is a violation of Wis. Stat. 943.14 criminal trespass to dwelling. In making this determination, the complainant does not need to be on the premises when the trespass occurs. However, the trespass by a person(s) must be under circumstances that tend to create or provoke a breach of the peace.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Civil Disputes*

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- (a) This process involves only a complaint regarding dwellings; trespass to land/property/premises (non-dwellings) is not included for purposes of this Policy and Procedure.
- (b) Violations of Wis. Stat. 943.14 can include occupied and unoccupied dwellings.
- (c) Landlords and tenants are not exempt from this law.
- (d) A landlord entering a property without given proper notice or in absence of exigent circumstances may be in violation of Wis. Stat. 943.14.
- (e) A tenant who is present after a properly served court eviction or a court mediated agreement may be in violation of Wis. Stat. 943.14.
- (f) If probable cause exists to make an arrest for this violation, the person(s) shall be removed from the dwelling.
- (g) If a person(s) has any lease, rental agreement, or a tenant relationship with the complainant, no probable cause exists nor shall these circumstances be used as an eviction process.
- (h) In the event the violator refuses to leave and must be removed by force, the investigating officer shall take enforcement action and document the force used to remove the violator.
- (i) The mandate in this law is that a law enforcement officer shall remove a person from a dwelling if probable cause exists for a violation of criminal trespass to a dwelling.

**The law does not mandate a custodial arrest.** This will be left to officer discretion based on the totality of the circumstances. Alternatives to arrest may include:

- Referral to the District Attorney's Office for a misdemeanor charge
- Verbal warning
- Diversion

If the person(s) has left the scene and is not able to be located, the investigating officer may still seek misdemeanor charges as noted above.

Pursuant to Wis. Stat. 704.05(5) **Disposition of personalty** (personal, moveable property) **left by the tenant**, the property owner/landlord is responsible for any personal property left behind by a tenant removed from or evicted from a premises. The property owner/landlord must hold such property at least seven (7) days before disposing of same to allow the suspect to claim the property from the landlord.

## Suspicious Activity Reporting

### 431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

#### 431.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

**Fusion Center** - A collaborative effort of two or more agencies that provide resources, expertise, and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity. Intelligence processes through which information is collected, integrated, evaluated, analyzed, and disseminated are a primary focus. Wisconsin has two fusion centers, the Wisconsin Statewide Intelligence Center (WSIC) in Madison and the Southeastern Wisconsin Threat Analysis Center (STAC) in Milwaukee.

### 431.2 POLICY

The Chippewa Falls Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Suspicious Activity Reporting*

---

##### **431.3 RESPONSIBILITIES**

The Investigation Lieutenant and authorized designees will manage SAR activities. Authorized designees should include officers who have received training and are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Lieutenant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

##### **431.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should create an incident and prepare a SAR including information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

All SARs should be forwarded to the Lieutenant of Investigations. The Lieutenant of Investigations should share the SAR information with all officers specially trained in Suspicious Activity Reporting.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Suspicious Activity Reporting*

---

##### **431.5 HANDLING INFORMATION**

The Lieutenant of Investigations will coordinate the forwarding of copies of SARs to the Fusion Centers and elsewhere as needed. A copy of the SAR should be saved with the incident report.

## Crisis Intervention Incidents

### 432.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 432.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 432.2 POLICY

The Chippewa Falls Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 432.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Crisis Intervention Incidents*

---

#### **432.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Police Chief or designee should collaborate with mental health professionals to provide resources for officers. It should include a list of community resources, to help department interaction(s) with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **432.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

#### **432.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Crisis Intervention Incidents*

---

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Intentionally use stances or tactics that can be interpreted as aggressive, unless circumstances reasonably warrant their use.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **432.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication, if known.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

Additional resources and a supervisor should be requested as warranted. Contact information for a treating physician or mental health professional may be helpful, if known.

#### **432.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Crisis Intervention Incidents*

---

- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Evaluate whether an after-action tactical and operational debriefing is warranted. If so, notify the Division Commander of the incident and any relevant information gained from the debrief.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted. If so notify Police Administration of the incident and the need.

#### **432.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

##### **432.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

#### **432.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **432.11 EVALUATION**

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is ongoing. The Police Chief should be notified of any concerns.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Crisis Intervention Incidents*

---

#### **432.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will work to develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

## Medical Aid and Response

### 433.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 433.2 POLICY

It is the policy of the Chippewa Falls Police Department that all officers and other designated members be trained to provide emergency medical aid consistent with First Responder training and to facilitate an emergency medical response.

### 433.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex, and age, if known.
  - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Medical Aid and Response*

---

##### **433.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

##### **433.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

If the officer believes that the person who is in custody requires EMS care the officer should make reasonable attempts to convince the person of the need for medical care. If the person still refuses the officer may require the transport of the person to a medical facility for required medical care. In such cases the officer should consult with a supervisor prior to transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

##### **433.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

##### **433.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Medical Aid and Response*

---

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **433.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

##### **433.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED weekly to ensure it is properly charged and functioning. Stationary AED's maintained within the facility should be regularly checked by the Lieutenant of Field Operations or designee to ensure they are properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Lieutenant of Field Operations who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Medical Aid and Response*

---

##### **433.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

##### **433.8.3 AED TRAINING AND MAINTENANCE**

The Lieutenant of Field Operations should ensure appropriate training is provided to members authorized to use an AED (Wis. Stat. § 256.15(8)).

The Lieutenant of Field Operations is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

#### **433.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

A member may administer opioid overdose medication in accordance with protocol specified by the physician or ambulance service provider who prescribed the overdose medication for use by the member as long as the member has the knowledge and training necessary to safely administer the opioid overdose medication (Wis. Stat. § 256.40).

##### **433.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment periodically to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Lieutenant of Field Operations.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

Officers should understand that persons who are administered opioid overdose medication could quickly become violent as a result. Therefore, for the safety of the person, officers and others, prior to the administration of an opioid overdose medication officers should consider restraining the person either through the use of additional personnel or handcuffs or other approved restraints. Also see Policy 302 Handcuffing and Restraints.

##### **433.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

##### **433.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Lieutenant of Field Operations should ensure training is provided to members authorized to administer opioid overdose medication.

#### **433.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Medical Aid and Response*

---

officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee with a serious medical issue to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **433.11 FIRST AID TRAINING**

Subject to available resources, the Lieutenant of Field Operations should ensure officers receive periodic first aid training appropriate for their position.



## Chapter 5 - Traffic Operations

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic crashes and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations but also in terms of traffic-related needs.

### 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Chippewa Falls Police Department. Information provided by the Wisconsin Department of Transportation (WisDOT) is a valuable resource for traffic crash occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address crash-causing violations during those periods and at those locations where the incidence of crashes is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-crash incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

### 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Factors such as the violator's socio-economic status, political office or affiliation, race, sex, age, or any racial/bias-based profiling element are generally inappropriate factors to consider when making violation enforcement decisions. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Wis. Stat. § 349.025(2)). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of crashes:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Traffic Function and Responsibility*

---

##### 500.3.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

##### 500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers shall provide the following information at a minimum (Wis. Stat. § 345.27):

- (a) Explanation of the violation or charge (Wis. Stat. § 345.27):
  - 1. That certain convictions may result in revocation or suspension of the person's operating privileges, if the conviction will have that effect
  - 2. That demerit points may be assessed against the person's driving record for the offense
  - 3. The number of demerit points that is cause for revocation or suspension
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) The court contact information

##### 500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation is alleged to have occurred (Wis. Stat. § 345.11(2); Wis. Stat. § 345.11(5)).

##### 500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses (Wis. Stat. § 345.22). These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular homicide
- (b) Operating a vehicle while under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances
- (e) Inability to positively identify the violator, the violator has no permanent address or ties to the community, or the violator is an out-of-state resident

#### **500.4 SUSPENDED OR REVOKED DRIVER LICENSE**

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Wis. Stat. § 343.44.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Traffic Function and Responsibility*

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##### **500.5 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

##### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

##### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition.

# Traffic Crash Response and Reporting

## 501.1 PURPOSE AND SCOPE

The policy provides guidelines for responding to and investigating traffic crashes.

## 501.2 POLICY

It is the policy of the Chippewa Falls Police Department to respond to traffic crashes and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request (Wis. Stat. § 346.70(4)).

## 501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
  - 1. A life-threatening injury.
  - 2. A fatality.
  - 3. A City vehicle involved.
  - 4. A City official or employee involved.
  - 5. An on- or off-duty member of this department involved.
- (b) Is within another jurisdiction within a reasonable distance and there is:
  - 1. A City of Chippewa Falls vehicle involved.
  - 2. A City of Chippewa Falls official involved.
  - 3. An on-duty member of this department involved.
  - 4. If the location of the crash scene is a prohibitively long distance away, the supervisor should coordinate with the investigating agency.

### 501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares, or other devices if available to provide protection for members, the public, and the scene.
- (c) First aid for any injured parties if it can be done safely.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Traffic Crash Response and Reporting*

---

- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- (f) Any enforcement action
- (g) Clearance and cleanup of the roadway.

#### **501.4 NOTIFICATION**

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or the Shift Commander. The Shift Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Commander will ensure notification is made to the Patrol Lieutenant and department command staff in accordance with the Major Incident Notification Policy.

##### **501.4.1 NOTIFICATION OF FAMILY**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Coroner, department chaplain, or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim's immediate family.

#### **501.5 MINIMUM REPORTING REQUIREMENTS**

A crash report shall be taken when (Wis. Stat. § 346.70(4)(b)):

- (a) The crash originated or terminated on a traffic way, or public or private premises as outlined within Wis. Stat. § 346.66, and involved at least one motor vehicle in transport and resulted in any of the following (Wis. Stat. § 346.70):
  - 1. Injury or fatality of a person
  - 2. Total damage to one person's property that is reasonably believed to be \$1,000 or more
  - 3. Damage to government-owned property that is reasonably believed to be \$200 or more, except to government-owned vehicles, which is \$1,000 or more

Motor vehicle crashes that do not meet the above criteria are considered non-reportable and may be documented in a call for service in lieu of the WisDOT report form. The information contained in the call for service shall be sufficient for the officer to gather information to complete the WisDOT report form should it later be determined that the crash involved injuries or property damage that meet the state criteria of a reportable crash.

##### **501.5.1 PRIVATE PROPERTY**

Generally, reports should not be taken when a traffic crash occurs on private property unless it involves an injury or fatality, a hit-and-run violation, or other traffic law violation. Members may

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Traffic Crash Response and Reporting*

---

provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

##### **501.5.2 CITY VEHICLE INVOLVED**

A traffic crash report shall be taken when a City vehicle is involved in a traffic crash that results in property damage or injury.

This may be documented on a Call for Service in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a department vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

##### **501.5.3 INJURED ANIMALS**

Department members should refer to the Animal Control Policy when a traffic crash involves the disposition of an injured animal.

##### **501.5.4 TRAFFIC CRASHES INVOLVING DIPLOMATIC OR CONSULAR CONTACTS**

When a member of this department investigates or receives a report of a traffic crash in which the operator of any vehicle involved in the crash displays a driver's license issued by the U.S. Department of State (DOS) or the person claims immunity or privilege under 22 USC § 254a through 22 USC § 258a, with respect to the operator's violation of any state traffic law or any local traffic law enacted by any local authority in accordance with Wis. Stat. § 349.06, the department member shall do the following (Wis. Stat. § 346.70(4)(i)):

- (a) As soon as practicable, contact the DOS Office of Foreign Missions (OFM) Diplomatic Security Command Center, Diplomatic Motor Vehicle Office to verify the status and immunity, if any, of the driver claiming diplomatic immunity.
- (b) Within 10 days after the date of the crash, forward a copy of the crash report to the DOS OFM Diplomatic Motor Vehicle Office.

#### **501.6 INVESTIGATION**

When a traffic crash meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of involved parties.
- (b) Identification and interview of witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Traffic Crash Response and Reporting*

---

##### **501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY**

The Patrol Lieutenant or on-duty Shift Commander should request that the Wisconsin State Patrol or other outside law enforcement agency investigate and complete a traffic crash investigation when a life-threatening injury or fatal traffic crash occurs within the jurisdiction of the Chippewa Falls Police Department and involves:

- (a) An on- or off-duty member of the Department.
- (b) An on- or off-duty official or employee of the City of Chippewa Falls Police Department.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the agency having jurisdiction.

The supervisor may choose to have an outside agency investigate any crash involving a department member or city official when they feel it is in the best interest of the department.

##### **501.7 ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, authorized members should generally issue a municipal citation or arrest/refer the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

##### **501.8 REPORTS**

Department members shall utilize the written or automated report forms approved by WisDOT as required for the reporting of traffic crashes.

Crash reports are required to be submitted to WisDOT within 10 days of the date of the crash. Therefore, reports should be completed and forwarded to Records as soon as practicable..

##### **501.8.1 REPORT MODIFICATION**

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

If the modification is to add a fatality, a Wisconsin Motor Vehicle Fatal Accident Supplement Form shall be completed and a Transaction Information for the Management of Enforcement (TIME) administrative message sent to Motor Vehicle Fatality Reporting. A fatality is any injury received in a traffic crash that results in death within 30 days of the crash.

##### **501.8.2 LIEUTENANT OF FIELD OPERATIONS RESPONSIBILITIES**

The responsibilities of the Lieutenant of Field Operations include but are not limited to:



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Traffic Crash Response and Reporting*

---

- (a) Ensuring any monthly and quarterly reports on traffic crash information and statistics are completed and forwarded as required.
- (b) Ensuring forwarding of the original written or automated format WisDOT report form for all reportable accidents to WisDOT within 10 days of the date of the crash (Wis. Stat. § 346.70(4)(a)).
- (c) Ensuring forwarding of a copy of the WisDOT report form to the governing body where the crash occurred (Wis. Stat. § 346.70(4)(h)).
- (d) Review and analysis of traffic crash data to determine selective enforcement activities.
- (e) Traffic direction and control procedures.
- (f) Traffic crash and reporting procedures that include, at a minimum, protocol for the following crash conditions:
  - 1. Death or injury
  - 2. Hit and run
  - 3. Property damage only
  - 4. Damage to public vehicles or property
  - 5. Hazardous materials
  - 6. Occurrences on private property

## Vehicle Towing and Release

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Chippewa Falls Police Department.

### 502.2 TOWING

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (Wis. Stat. § 349.13(3)).

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### 502.2.1 VEHICLE REPORT

Department members requesting a seizure or impound of a vehicle shall provide the tow truck operator with the incident number. The officer shall notify Records that a vehicle has been seized/impounded so that proper notification can be completed.

#### 502.2.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the officer should have the driver select a towing company, if reasonably possible, and relay the request for the specified towing company to Dispatch. When there is no preferred company requested, or the selected towing company's response time is prohibitively long given the circumstances, the officer will request a non-preference wrecker.

If for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a crash, the officer shall request the towing company contracted by the city or, if there is none, a non-preference wrecker.

#### 502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

#### 502.2.4 RECORDS RESPONSIBILITY

Vehicle impound/storage information shall be promptly completed with the incident in the Records Management System by the officer so that the information is immediately available for release by Records or review should inquiries be made.

Records personnel shall determine the names and addresses of any individuals having an interest in the vehicle through WisDOT or TIME computers. Notice shall be sent to all such individuals by certified mail. The notice shall include:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Towing and Release*

---

- (a) The name, address, and telephone number of this department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.

#### **502.3 TOWING SERVICES**

The City of Chippewa Falls periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

#### **502.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on an inventory report. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

#### **502.5 PRESERVATION OF EVIDENCE**

An officer removing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

#### **502.6 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Towing and Release*

---

a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).

Any individuals having an interest in the vehicle, as determined through WisDOT or TIME computers or other valid evidence of ownership or interest, may contest the validity of the seizure or impound of the vehicle. This complaint will be handled the same as other citizen complaints and may be handled informally. This will typically be handled by the Lieutenant of Field Operations who will investigate the complaint and make a determination as to the validity for the seizure/impound. If reasonable cause for the seizure/impound is determined not to be present, the department will pay the associated costs. Regardless of the the determination the affected party may pursue civil action, if desired.

## Impaired Driving

### 504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of operating while intoxicated (OWI).

### 504.2 POLICY

The Chippewa Falls Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Wisconsin's impaired driving laws.

### 504.3 INVESTIGATIONS

All officers are expected to enforce OWI laws with due diligence.

### 504.4 FIELD TESTS

Officers should primarily use Standardized Field Sobriety Tests whenever possible consistent with their training. If other tests are deemed necessary by the officer, the officer will use their best judgement.

### 504.5 CHEMICAL TESTS

A person implies consent under Wisconsin law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Wis. Stat. § 343.305):

- a. The officer has arrested the person for operating a motor vehicle while under the influence of an intoxicant, controlled substance or any other drug.
- b. The officer has arrested the person for operating a motor vehicle with a detectable amount of a restricted controlled substance in the person's blood.
- c. The officer has arrested the person for operating a motor vehicle with a prohibited alcohol concentration.
- d. The officer has arrested a person under the age of 21 who has any detectable amount of alcohol in his/her system.
- e. The officer has arrested a person who was operating a commercial motor vehicle while having an alcohol concentration of 0.04 or more.
- f. The officer has arrested the person for causing injury to another person while OWI or with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his/her blood.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Impaired Driving*

---

- g. The officer has arrested the person for causing injury to another person while operating a commercial motor vehicle with an alcohol concentration of 0.04 or more.
- h. The officer has arrested the person for a violation of Wis. Stat. § 940.25 (injury by intoxicated use of a vehicle).
- i. The officer has arrested the person for a violation of Wis. Stat. § 940.09 (homicide by intoxicated use of vehicle or firearm).
- j. The person was involved in an accident resulting in substantial bodily harm to any person and the officer detects any presence of alcohol, a controlled substance, a controlled substance analog or other drug (Wis. Stat. § 343.305(3)(ar)).
- k. The person is unconscious or otherwise not capable of withdrawing consent and the officer has probable cause to believe that the person was OWI or caused great bodily injury or death of another (Wis. Stat. § 343.305(3)(b)).

If a person withdraws this implied consent, or is unable to withdraw this implied consent (e.g. the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

The primary chemical test for the Chippewa Falls Police Department is blood and the alternative chemical test is a breath test. These options may be switched if in the best judgment of the officer that is the better option.

A urine test is not an available and viable option unless there are exceptional extenuating circumstances. In these cases, an Administrator and the District Attorney should be consulted prior to the administration of a urine test.

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit. Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen. The collection kit shall be marked with the person's name, offense, case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

#### 504.5.1 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test shall read to the person the mandatory statutory warning provided by Wis. Stat. § 343.305(4) "Informing the Accused".

#### 504.5.2 BREATH SAMPLES

If a breath sample is needed a site with that equipment should be utilized such as the Chippewa County Jail or similarly properly equipped testing site. Breath samples shall be obtained by certified operators of the breath sample collection machine. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Impaired Driving*

---

The Patrol Lieutenant should remain aware of the condition of devices used for the collection and analysis of breath samples to ensure they are properly serviced and tested, and that a record of such service and testing is properly maintained by the agency owning that equipment.

#### **504.5.3 BLOOD SAMPLES**

Only persons authorized by law to draw blood shall collect blood samples (Wis. Stat. § 343.305(5)(b)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (Wis. Stat. § 343.305(5)(b)).

##### **Officers**

Two samples should be drawn and retained as evidence. The blood sample shall be packaged, marked, handled, stored and transported consistent with the officers training.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### **504.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Audio- and/or video-record the admonishment and the response when it is practicable.
- (b) Document the refusal in the appropriate report.

##### **504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL**

Upon refusal to submit to a chemical test as required by law, officers shall serve the person with the notice of intent to revoke the person's operating privilege (Wis. Stat. § 343.305).

The officer shall forward copies of the notice to Records. Records will forward the forms to the appropriate prosecuting attorney, as well as the Wisconsin Department of Transportation (WisDOT), in the manner prescribed by WisDOT. If the person was operating a commercial motor vehicle, the officer shall issue the person a 24-hour out-of-service order (Wis. Stat. § 343.305(9)).

##### **504.6.2 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist, the person has been arrested for OWI, the officer reasonably believes that a chemical test will reveal evidence of intoxication, and no reasonable objection to the withdrawal has been presented by the arrestee. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Impaired Driving*

---

of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

#### **504.6.3 FORCED BLOOD SAMPLE**

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request the shift commander to respond, when reasonably possible.

The responding shift commander or officer should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, the blood test in a timely manner.
- (c) Attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In first-time OWI, if the arrestee becomes violent or more resistant, no additional force should be used and a refusal should be noted in the report.
  - 3. In misdemeanor cases, the level of force and potential for injury should be balanced against the seriousness of the offense.
  - 4. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a shift commander is unavailable, officers are expected to use sound judgment and perform as a responding shift commander, as set forth above.

#### **504.6.4 OFFICER ACCESS TO ADDITIONAL SAMPLE**

If a person refuses to submit to a chemical test but has had a sample of blood, urine or other bodily substance taken for any reason, the officer may obtain a portion of that sample sufficient for analysis or may request that a sample be available as allowed by law (Wis. Stat. § 905.04(4)(f)).

### **504.7 ARREST AND INVESTIGATION**

#### **504.7.1 OFFICER RESPONSIBILITIES**

If a chemical test indicates the presence of a controlled substance or a prohibited alcohol concentration, the officer shall forward the result to Records who will send it to WisDOT (Wis. Stat.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Impaired Driving*

---

§ 343.305(7)). The person shall be informed that his/her driving privilege will be administratively suspended for six months and that the person has the right to an administrative hearing. The form to request the administrative review shall be provided to the person (Wis. Stat. § 343.305(8)). If the person was operating a commercial motor vehicle, the person will also be issued an out-of-service order.

##### **504.7.2 PRELIMINARY BREATH TESTING**

An officer who has probable cause to believe that a person has committed OWI or where the officer detects any presence of alcohol, a controlled substance or any other drug on a person operating a commercial motor vehicle, may request that the person submit to a preliminary breath test (PBT). The result of the PBT may be used by the officer in deciding whether to arrest the person and whether to require or request additional chemical testing under Wis. Stat. § 343.305(3). A person may refuse to take the PBT (Wis. Stat. § 343.303).

##### **504.7.3 ADDITIONAL TESTING**

If a person submits to a chemical test requested pursuant to the implied consent law, he/she is entitled to a reasonable opportunity, upon request, to have additional chemical testing done (Wis. Stat. § 343.305(5)).

##### **504.7.4 ARRESTEE RELEASE**

A person arrested for OWI generally may not be released until 12 hours have elapsed or until a chemical test administered under Wis. Stat. § 343.305 shows a blood alcohol content of less than 0.04 (Wis. Stat. § 345.24).

A person arrested for OWI may be released to a sober and responsible adult if circumstances dictate this is the best option in the opinion of the officer. The individual to whom the person is released should be advised that he/she is responsible for the person. The identity of the person should be noted in the report.

##### **504.7.5 CRASHES**

Officers investigating a person for OWI shall make all reasonable efforts to obtain a chemical sample if the person was involved in a crash that resulted in a fatality or serious physical injury (Wis. Stat. § 343.305(2)).

#### **504.8 RECORDS RESPONSIBILITIES**

The Lead Records Clerk will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office and WisDOT (Wis. Stat. § 343.305(7); Wis. Stat. § 343.305(8); Wis. Stat. § 343.305(9)).

#### **504.9 ADMINISTRATIVE HEARINGS**

The Lead Records Clerk will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to WisDOT.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Impaired Driving*

---

An officer called to testify at an administrative hearing should document the hearing date and WisDOT file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

#### **504.10 TRAINING**

The Lieutenant of Field Operations should ensure that officers participating in the enforcement of OWI laws receive Standardized Field Sobriety Training. The Lieutenant of Field Operations should confer with the prosecuting attorney's office and update training topics as needed.

## Traffic Citations

### 505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

### 505.2 RESPONSIBILITIES

Employees of this department shall use the State of Wisconsin Uniform Traffic Citation for moving traffic violations and other violations pursuant to Wis. Stat. § 345.11. Officers shall inform the person charged with a violation of a traffic regulation of the consequences of the citation on his/her driving privilege (Wis. Stat. § 345.27(1)). After issuing the citation, the officer shall process the person in accordance with Wis. Stat. § 345.23.

Records shall be responsible for providing and accounting of all physical (paper) traffic citations provided to employees of this department and certain authorized city employees (Wis. Stat. § 345.11(7)(a)). Records is responsible for transmitting citations using the TraCS system.

Records shall prepare and submit reports as required by the Wisconsin Secretary of Transportation (Wis. Stat. § 345.11(7)(a)).

Records will comply with Open Records laws when transmitting or sending citations.

### 505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued and transmitted through TraCS, or otherwise delivered to Clerk of Courts. Only the court has the authority to dismiss a citation at that point.

Should an officer determine that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation. The request for dismissal will be done through the court officer who will forward the request for dismissal to the appropriate prosecutor.

Requests from a citation recipient to dismiss a citation shall be referred to the court officer. The court officer will review the circumstances involving the issuance of the citation, contacting the issuing officer if necessary. If the court officer recommends dismissal of the citation, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

### 505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has been partially or fully completed but not issued. Officers may also void citations that have been issued, but not transmitted to TraCS, or otherwise delivered to Clerk of Courts. In these cases, the recipient of the citation shall be notified that the citation has been voided and will not be subject to prosecution.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Traffic Citations*

---

##### **505.5 CORRECTION OF TRAFFIC CITATIONS**

Records reviews all traffic citations before transmittal to TraCS or delivery to Clerk of Courts. If a traffic citation is in need of correction Records will contact the issuing officer for clarification if needed. Records will then make the correction or cause the correction to be made through the Clerk of Courts office.

##### **505.6 DISPOSITION OF TRAFFIC CITATIONS**

Any physical citation copies shall be filed with Records.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records.

##### **505.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults.

- (a) Juveniles 16 or 17 years of age shall be treated as adults when issued a Uniform Traffic Citation.
- (b) Juveniles 12 to 15 years of age who commit a Section I traffic offense listed in the Wisconsin Uniform Traffic Bond Schedule may be issued a Uniform Traffic Citation. However no bond shall be listed on the traffic citation, and a court date shall be assigned. Referral to juvenile court is not necessary.
- (c) Juveniles under the age of 12 who commit a Section I traffic offense, or juveniles under the age of 15 who commit a Section II traffic crime, must be referred to the appropriate juvenile intake office.
- (d) When a citation is issued to a juvenile under 18 years of age this department shall notify the parent, guardian or legal custodian of the violation within seven days (Wis. Stat. § 343.15(5); Wis. Stat. § 938.17(2)(c)).

## Disabled Vehicles

### 506.1 PURPOSE AND SCOPE

The Chippewa Falls Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

### 506.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance.

### 506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

#### 506.3.1 MECHANICAL REPAIRS

Department personnel should use sound judgment and safety precautions when deciding to what extent they should assist with the disabled vehicle, this includes the use of a push bumper to move a disabled vehicle.

Officers should advise the person in control of vehicle that some damage could occur before assisting.

#### 506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

## Abandoned Vehicle Violations

### **507.1 PURPOSE AND SCOPE**

This policy provides procedures for the marking, removal and recording of vehicles abandoned in violation of abandoned vehicle laws or ordinances or that must be removed due to an emergency.

### **507.2 MARKING VEHICLES**

Vehicles on public roadways suspected of being abandoned in violation of state or local laws shall be marked and documented using the department Records Management System (currently Spillman).

A visible chalk, crayon or paint mark should be placed on a tire unless the vehicle is missing tires or other vehicle conditions or the weather prevents marking.

Reasonable attempts should be made by the investigating member to identify and notify the owner of the pending removal of the vehicle using information available from the Wisconsin Department of Justice Transaction Information for the Management of Enforcement (TIME) system. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle prior to removal.

### **507.3 VEHICLE REMOVAL**

Any abandoned vehicle qualifying for a tow should be removed by the authorized towing service and documented on a Call-For-Service.

## **Chapter 6 - Investigation Operations**

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Wis. Stat. § 940.22(2); Wis. Stat. § 940.225; Wis. Stat. § 948.02; Wis. Stat. § 948.025; Wis. Stat. § 948.05; Wis. Stat. § 948.06; Wis. Stat. § 948.085; and Wis. Stat. § 948.095.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Chippewa Falls Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sexual Assault Investigations*

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##### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

###### **601.4.1 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

###### **601.4.2 POLYGRAPH EXAMINATIONS**

Victims shall not be asked or required to take a polygraph examination nor shall an officer suggest a victim submit to a polygraph or provide the victim with any information regarding tests using polygraphs unless the victim requests information (34 USC § 10451; Wis. Stat. § 968.265).

###### **601.4.3 VICTIM CONFIDENTIALITY**

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

##### **601.5 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations supervisor.

Classification of a sexual assault case as unfounded requires the Investigations supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

##### **601.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sexual Assault Investigations*

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3. Victim advocacy.
4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  1. Interviewing sexual assault victims.
  2. SART.
  3. Medical and legal aspects of sexual assault investigations.
  4. Serial crimes investigations.
  5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
- (c) Techniques for communicating with victims to minimize trauma.

#### **601.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

##### **601.7.1 COLLECTION AND TESTING REQUIREMENTS**

Members investigating sexual assaults or handling related evidence are required to do the following (Wis. Stat. § 165.775):

- (a) Upon notification by a health care professional, take possession of a sexual assault kit within 72 hours
- (b) Send a sexual assault kit to a state crime laboratory within 14 days of its receipt in accordance with the rules established by the Wisconsin Department of Justice
  1. If a member is notified by the victim before the kit is sent to a state crime laboratory that the victim does not want the kit analyzed, the member should send the kit to a state crime laboratory for storage.
- (c) Notify a state crime laboratory of a victim's delayed report of sexual assault and request processing of the stored sexual assault kit in their possession (Wis. Admin. Code § JUS 20.04; Wis. Admin. Code § JUS 20.02)

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sexual Assault Investigations*

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- (d) Make the required entries into the Wisconsin Sexual Assault Kit Tracking System when applicable (Wis. Stat. 165.776)

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

#### **601.7.2 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

#### **601.8 CASE REVIEW**

The Investigations supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Police Chief.

#### **601.9 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

## Asset Forfeiture

### 603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Police Chief to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Chippewa Falls Police Department seizes property for forfeiture or when the Chippewa Falls Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Police Chief who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - This includes:

- (a) Property, real or personal, including money, used in the course of, intended for use in the course of, or directly or indirectly derived from, or realized through the commission of any crime (Wis. Stat. § 973.075).
- (b) Motor vehicles, boats, and planes that are used in any of the following ways (Wis. Stat. § 973.075):
  - 1. To transport any property or weapon used, to be used, or received in the commission of any felony.
  - 2. To commit a crime involving impersonating peace officers, firefighters, or other emergency personnel in violation of Wis. Stat. § 946.70.
  - 3. In the commission of prostitution (Wis. Stat. § 944.30); patronizing prostitutes (Wis. Stat. § 944.31); soliciting prostitutes (Wis. Stat. § 944.32); pandering (Wis. Stat. § 944.33); keeping a place of prostitution (Wis. Stat. § 944.34); human trafficking (Wis. Stat. § 940.302); sexual assault of a child (Wis. Stat. § 948.02); engaging in repeated acts of sexual assault of the same child (Wis. Stat. § 948.025); sexual exploitation of a child (Wis. Stat. § 948.05); trafficking of a child (Wis. Stat. § 948.051); causing a child to view or listen to sexual activity (Wis. Stat. § 948.055); incest with a child (Wis. Stat. § 948.06); child enticement (Wis. Stat. § 948.07); soliciting a child for prostitution (Wis. Stat. § 948.08); patronizing a child (Wis. Stat. § 948.081); sexual intercourse with a child age 16 or older (Wis. Stat. § 948.09); exposing genitals (Wis. Stat. § 948.10); or possession of child pornography (Wis. Stat. § 948.12).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Asset Forfeiture*

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4. In the commission of a crime relating to a submerged cultural resource in violation of Wis. Stat. § 44.47.
5. To cause more than \$2,500 worth of criminal damage to cemetery property in violation of Wis. Stat. § 943.01(2)(d) or Wis. Stat. § 943.012.
6. In the commission of any of the following crimes:
  - (a) Domestic abuse restraining orders and injunctions (Wis. Stat. § 813.12(8)).
  - (b) Child abuse restraining orders and injunctions (Wis. Stat. § 813.122(11)).
  - (c) Restraining orders and injunctions for individuals at risk (Wis. Stat. § 813.123(10)).
  - (d) Harassment restraining orders and injunctions (Wis. Stat. § 813.125(7)).
  - (e) Foreign protection orders (Wis. Stat. § 813.128(4)).
  - (f) Stalking (Wis. Stat. § 940.32).
- (c) Property that is used, or intended for use, as a container for either controlled substances or objects used to manufacture, deliver, distribute, etc., controlled substances (Wis. Stat. § 961.55).
- (d) Vehicles used to sell or receive controlled substances (simple possession of a controlled substance is generally excluded) (Wis. Stat. § 961.55).
- (e) Vehicles used to transport any property or weapon used, to be used, or received in the commission of any felony under the Uniform Controlled Substances Act (simple possession of a controlled substance is generally excluded) (Wis. Stat. § 961.55).
- (f) Property, real or personal, including money, directly or indirectly derived from or realized through the commission of any crime under the Uniform Controlled Substances Act (Wis. Stat. § 945.05).
- (g) A motor vehicle or aircraft used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of illegal gambling devices (Wis. Stat. § 945.05).
- (h) Real or personal property used in the course of, or intended for use in the course of, derived from, or realized through, racketeering or an ongoing criminal enterprise (Wis. Stat. § 946.86; Wis. Stat. § 946.87).
- (i) Cigarettes acquired, owned, imported, possessed, kept, stored, made, sold, distributed, or transported in violation of Chapter 139 (Tobacco Taxes) and all personal property used in connection therewith (Wis. Stat. § 139.40).
- (j) Any property used in the commission of an unauthorized release of animals (Wis. Stat. § 943.75).
- (k) Any property used in the commission of a child enticement (Wis. Stat. § 948.07).
- (l) Bootlegged recordings and devices to make them (Wis. Stat. § 943.207 et. seq.).

**Seizure** - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Asset Forfeiture*

---

or personal, including money, directly or indirectly [SP1]derived from or realized through the commission of any crime under the Uniform Controlled Substances Act (Wis. Stat. § 961.55

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[SP1]Does this need to change to match the changes made to the definition (a)?

#### **603.2 POLICY**

The Chippewa Falls Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Chippewa Falls Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### **603.3 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

##### **603.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture identified in a search warrant or court order (Wis. Stat. § 968.13; Wis. Stat. § 973.075; Wis. Stat. § 961.55).
- (b) Property subject to forfeiture not identified in a search warrant or court order may be seized in any of the following circumstances:
  - 1. The seizure is legal as incident to an arrest or an inspection under an administrative or inspection warrant.
  - 2. There is probable cause to believe that the property:
    - (a) Was derived from or realized through a crime or was used for child enticement (Wis. Stat. § 948.07; Wis. Stat. § 973.075).
    - (b) Is a vehicle that was used to transport any property or any weapon that was used, was to be used or was received in the commission of any felony, used in the commission of a crime relating to a submerged cultural resource in violation of Wis. Stat. § 44.47, used in the commission of child enticement under Wis. Stat. § 948.07, or used to cause more than \$2,500 worth of criminal damage to cemetery property in violation of Wis. Stat. § 943.01(2)(d) or Wis. Stat. § 943.012 (Wis. Stat. § 973.075).
  - 3. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act, that the property was derived from or realized through a crime under the Uniform Controlled Substances Act, or that the property is a vehicle subject to forfeiture under the Uniform Controlled Substances Act (Wis. Stat. § 961.55).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Asset Forfeiture*

---

4. There is probable cause to believe that the property is directly or indirectly dangerous to health or safety (Wis. Stat. § 961.55; Wis. Stat. § 973.075).
- (c) The officer reasonably believes that a vehicle or aircraft was used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of gambling devices (Wis. Stat. § 945.05).

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### **603.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds
- (b) Property that the officer reasonably believes the owner or interest holder of did not know about the related offense (an innocent owner) (Wis. Stat. § 961.55; Wis. Stat. § 973.075)
- (c) A vehicle used for a simple possession in a controlled substance violation (Wis. Stat. § 961.41(3g)(b) to Wis. Stat. § 961.41(g); Wis. Stat. § 961.55)

#### **603.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Asset Forfeiture*

---

estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **603.5 MAINTAINING SEIZED PROPERTY**

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

#### **603.6 FORFEITURE REVIEWER**

The Police Chief will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Wis. Stat. § 973.075 et seq., Wis. Stat. § 961.55 et seq., and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Asset Forfeiture*

---

3. A space for the signature of the person from whom cash or property is being seized.
  4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
  4. Property is promptly released to those entitled to its return.
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Police Chief to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Chippewa Falls Police Department unless the Police Chief authorizes in writing the retention of the property for official use.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Asset Forfeiture*

---

- (l) If seized property is referred to a federal agency, create an itemized report of actual forfeiture expenses to submit to the Wisconsin Department of Administration as set forth in Wis. Stat. § 961.55 and Wis. Stat. § 973.075.
- (m) Confirm no proceeds are accepted without a conviction unless an exception applies under Wis. Stat. § 961.55 and Wis. Stat. § 973.075.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

#### **603.7 DISPOSITION OF FORFEITED PROPERTY**

When property is forfeited by order of a court under the Uniform Controlled Substances Act, the Chippewa Falls Police Department shall act in accordance with Wis. Stat. § 961.55.

When property is forfeited by order of a court as derived from a crime under Wis. Stat. § 973.075 through Wis. Stat. § 973.077, the department shall act in accordance with Wis. Stat. § 973.075.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Police Chief has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

# Eyewitness Identification

## 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Wis. Stat. § 175.50).

### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 604.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The eyewitness identification process should be video recorded (body camera, squad camera, interview room camera, etc) whenever possible.

The eyewitness identification process should be documented in a report with information including:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Eyewitness Identification*

---

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.

The following instructions should be given during the eyewitness procedure:

- (a) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (b) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (c) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (d) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (e) The officer should confirm that the witness acknowledges that he/she understands the identification procedures and instructions.
- (f) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed and modified when necessary.

#### **604.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case (Wis. Stat. § 175.50). Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

##### **604.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person is viewed by the witness. Techniques to achieve

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Eyewitness Identification*

---

this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously (Wis. Stat. § 175.50). The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

#### 604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Eyewitness Identification*

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- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

#### **604.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (Wis. Stat. § 175.50).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

#### **604.7 POLICY REVIEW**

At a minimum, the Department will biennially review the Eyewitness Identification Policy. In developing and revising this policy, the Department will consider model policies and policies adopted by other jurisdictions (Wis. Stat. § 175.50).

## Brady Material Disclosure

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information" ) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the Chippewa Falls Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The Chippewa Falls Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Chippewa Falls Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

### 605.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Brady Material Disclosure*

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- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
  - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

#### **605.5 INVESTIGATING BRADY ISSUES**

The Department will investigate allegations that a member may have issues of credibility, dishonesty or having been engaged in an act of moral turpitude or criminal conduct.

#### **605.6 BRADY PROCESS**

The Police Chief shall coordinate requests for *Brady* information or assign a designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
  - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

#### **605.7 SUBPOENA PROCESSING**

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.



# Unmanned Aerial System (UAS) Operations

## 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - A powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely (Wis. Stat. § 175.55).

**Unmanned aerial vehicle (UAV)** - An aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft. The term does not include an unmanned aircraft that is flown within the line of sight of the operator and is strictly for hobby or recreational purposes.

## 606.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 606.3 PRIVACY

Criminal investigations involving the use of the UAS potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55). The operator of an unmanned aerial vehicle (UAV) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

## 606.4 PROGRAM COORDINATOR

The Police Chief will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the Part 107 or the Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers, if any, have completed any required FAA and department-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform Department protocol for deploying a UAV.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Unmanned Aerial System (UAS) Operations*

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- Developing protocol for conducting criminal investigations involving the UAV including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAV deployment, when necessary.
- Developing operational protocol governing the deployment and operation of a UAV including but not limited to use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAV inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAV up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Police Chief.

#### **606.5 USE OF UAS**

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required department and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

UAS operations should only be conducted under current part 107 guidelines and a UAV shall not be flown over defined populated areas without FAA approval.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55):

- In a public place
- To assist in an active search and rescue operation
- To locate an escaped prisoner

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Unmanned Aerial System (UAS) Operations*

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- To surveil a place or location for the purpose of executing an arrest warrant
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence

#### **606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

#### **606.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the records retention schedule.

#### **606.8 TRAINING**

All department members authorized to operate or access the UAS shall receive appropriate training.

## Chapter 7 - Equipment

## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 DOCUMENTATION OF ISSUED PROPERTY

City owned property issued to employees due to initial hire, change in rank, change of assignment (such as investigator), or additional specialized duties requiring equipment (such as SWAT) should be documented in the appropriate equipment log maintained by the department Administrative Assistant. Employee receipt of city owned and issued firearms and armor should be acknowledged by employee signature. City owned property should be returned upon an employee's separation or change of rank/assignment/special duties. Documentation of the return should be signed by the employee and Police Chief designee.

#### 700.2.1 CARE OF DEPARTMENT PROPERTY

Employees are responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.
  - 1. A supervisor receiving such a report shall conduct an appropriate investigation into the reason for the loss or damage. The extent of the investigation is at the discretion of the supervisor and should be based on the severity of the issue. The supervisor should communicate the results of the investigation to the appropriate Division Commander.. The supervisor's report should address whether reasonable care was taken to prevent the loss, damage or unserviceable condition. The supervisor should also include any recommendation to policy, procedure or trained use that would be appropriate to prevent re-occurrence. Depending on the severity of the issue the Division Commander may request the supervisor present the investigation results in writing.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and replaced with comparable department property, as determined by the Police Chief or designee, soon as available.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property should not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Department-Owned and Personal Property*

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- (e) In the event that any department property becomes damaged or unserviceable, no employee should attempt to repair the property without prior approval of a supervisor.

An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

#### **700.3 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause loss/damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below:

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A Property Damage Report and an Incident Report detailing the circumstances surrounding the loss/damage should be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

##### **700.3.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Chippewa Falls, it is the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, should promptly be forwarded to the appropriate Division Commander.

## Vehicle Maintenance

### 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

### 702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or in need of repair.

#### 702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage that would impact the safe operation of the vehicle, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

#### 702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable.

#### 702.2.3 REMOVAL OF WEAPONS

All unsecured firearms, weapons and kinetic impact weapons should be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair. Exceptions to this rule will only be allowed with approval from a Lieutenant.

### 702.3 VEHICLE REFUELING

Absent emergency conditions department vehicles, especially marked squads, should not remain below one-quarter tank before refueling. Vehicles shall only be refueled at the city shops unless the city shops pumps are not functioning or the vehicle is being used for travel outside of the city limits. Members should try to refuel department vehicles by the end of their shift when possible.

### 702.4 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

### 702.5 CIVILIAN EMPLOYEE USE

Non-sworn employees using department vehicles shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Chippewa Falls to provide assigned take-home vehicles.

### 703.2 POLICY

The Chippewa Falls Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

### 703.3 USE OF VEHICLES

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Commander shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule.

#### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Commander.

This subsection does not apply to those who are assigned to transport vehicles for maintenance or a car wash.

#### 703.3.3 INSPECTIONS

Members are responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

When transporting any suspect, prisoner or arrestee, the transporting member should search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Use*

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lights, canine safety, equipment charging) unless the vehicle is locked. Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.5 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Dispatch. Use of the MDT is governed by the Mobile Digital Computer Use Policy.

#### 703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Police Chief, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system.

#### 703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution, members are prohibited from duplicating keys without permission from a Division Commander. Members who are assigned a specific vehicle should be issued keys for that vehicle.

The loss of a key shall be promptly reported through the member's chain of command.

#### 703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### 703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### 703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should generally be parked in assigned stalls. Members generally should not park privately owned vehicles in stalls assigned to department vehicles.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Vehicle Use*

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##### **703.3.11 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, permanent additions or removal of any equipment or accessories assigned to that vehicle without permission from the Division Commander.

##### **703.4 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various divisions. Other use of these vehicles should be by supervisor/shift commander approval (travel for training, surveillance, etc.)

##### **703.5 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify the shift commander and their direct supervisor. Depending on the severity of the damage, the supervisor should consider having a separate agency investigate the crash. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented with the Report of Accident or Damage form, and a traffic crash report if appropriate, and forwarded to the supervisor. The supervisor will review the incident to determine if there has been any vehicle abuse or misuse.

##### **703.6 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members should dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 704.2 POLICY

It is the policy of the Chippewa Falls Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 704.3 PETTY CASH FUNDS

The Police Chief designates the Administrative Assistant as the fund manager responsible for maintaining and managing the petty cash fund.

The petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### 704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. The ledger or forms utilized for such transactions shall include starting and ending balances and include an accounting of debits, credits and any adjustments. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### 704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once a year. This audit requires that the fund manager and the Police Chief, or designee, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Police Chief.

Transference of fund management to another member shall require a separate petty cash audit and involve the Police Chief.

### 704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property, investigative assignment, or supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Cash Handling, Security and Management*

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and current civilian cash handling procedures. The Lieutenant of Investigations is responsible for oversights and update of this process.

#### **704.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling duties shall, as soon as reasonably practicable, verify the amount, summon another member to verify their accounting, and process the cash as safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

# Personal Protective Equipment

## 705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 705.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or P100 masks. Members may be assigned Respiratory PPE based on specialized assignment, such as SWAT.

## 705.2 POLICY

The Chippewa Falls Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training and work rules.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Safety and Health Program Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95, Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personal Protective Equipment*

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 29 CFR 1910.133, Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.

#### **705.6 RESPIRATORY PROTECTION**

Respiratory Protection PPE is available to those employees who have specialized assignments requiring its use, such as SWAT.

The Police Chief is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Wis. Stat. § 101.055, Wis. Admin. Code § SPS 332.50):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **705.6.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment. (e.g. SWAT)

Respiratory PPE may be worn when the officer determines the type and level of protection appropriate at a scene based upon an evaluation of the hazards present is necessary.

SWAT commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the SWAT commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the SWAT commander reasonably believes (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personal Protective Equipment*

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- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 705.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 705.6.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

A SWAT commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personal Protective Equipment*

---

##### **705.6.3 SELF-CONTAINED BREATHING APPARATUS**

SWAT commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a SWAT commander.

##### **705.6.3 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of facepiece used.
- (c) Whenever there are significant physical changes in the user that may affect the fit of the facepiece seal.

All respirator fit testing shall be conducted in negative-pressure mode.

##### **705.6.4 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

##### **705.7 RECORDS**

The Lieutenant of Field Operations is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personal Protective Equipment*

---

- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- (a) These records shall be maintained in a the employee's medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

#### **705.8 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

## **Chapter 8 - Support Services**

## Records

### 801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Chippewa Falls Police Department Records Department. The policy addresses department file access and internal requests for case reports.

### 801.2 POLICY

It is the policy of the Chippewa Falls Police Department to maintain department records securely, professionally and efficiently.

### 801.3 RESPONSIBILITIES

#### 801.3.1 LEAD RECORDS CLERK RESPONSIBILITIES

The Police Chief shall appoint and delegate certain responsibilities to a Lead Records Clerk. The Lead Records Clerk shall be directly responsible to the Lieutenant of Investigations or the authorized designee. The responsibilities of the Lead Records Clerk include, but are not limited to:

- Overseeing the efficient and effective operation of the Records Department.
- Scheduling and maintaining RecordsTIME records.
- Overseeing, training and evaluating Records staff in coordination with the Lieutenant of Investigations.
- Maintaining and updating any Records procedure guides/manuals.
- Ensuring compliance with established policies and procedures.
- Serving as the department's Court Officer.
- Supervising the access, use and release of protected information (see the Protected Information Policy).
- Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
  - Homicides
  - Cases involving department members or public officials
  - Any case where restricted access is prudent

#### 801.3.2 RECORDS RESPONSIBILITIES

The responsibilities of the Records Department include, but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.
- (b) Entering case report information into the records management system.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records*

---

- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Forwarding reports of suspected prescription drug law violations, opioid-related drug overdoses, narcotic-related deaths or controlled substance prescription thefts to the Wisconsin prescription drug monitoring program pursuant to Wis. Stat. § 961.37.

Reports that require special processing include:

- (a) Completed domestic abuse reports and investigations. These shall be immediately forwarded to the District Attorney for review (Wis. Stat. § 813.12; Wis. Stat. § 968.075(4)).
- (b) Completed emergency detention statements. These shall be filed with the detention facility at the time of admission and with the court immediately thereafter (Wis. Stat. § 51.15(5); Wis. Stat. § 55.135).
- (c) Completed Animal Bite Quarantine forms. These will be sent as soon as practicable to Public Health

#### **801.4 FILE ACCESS AND SECURITY**

The security of files in the Records must be a high priority and shall be maintained as mandated by state or federal law.

Access to official records of this department are limited to when members who are acting in their official capacity and in furtherance of their official duties. Members of the department wishing access to official records for personal use should follow open records request guidelines.

Release of official records outside of the agency will follow the guidelines set forth in the Records Maintenance and Release Policy.

##### **801.4.1 ORIGINAL CASE FILE**

Generally, officers should utilize a copy in place of an original case file for investigative, court or other purposes.

The original physical case files (original signed statements, original Emergency Detention Forms, original OWI forms, etc) stored in the Records storage cabinets shall not be removed from the Police Department building and shall be returned to the Records storage cabinet before the end of their shift.

Should an original case file be needed for a longer duration, the requesting department member shall first obtain authorization from the Lead Records Clerk. The Lead Records Clerk is responsible for ensuring the return of the original case file to the Records storage cabinet.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records*

---

##### **801.5 CONFIDENTIALITY**

Records staff has access to information that may be confidential or sensitive in nature. Records staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and Records procedure guides/manuals.

# Records Maintenance and Release

## 802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 802.1.1 DEFINITIONS

Definitions related to this policy include:

**Legal custodian of records** - The person designated by the Department as the legal custodian of records to fulfill all duties required by law, if no designation is made the legal custodian of records shall be the Police Chief (Wis. Stat. § 19.21; Wis. Stat. § 19.33).

**Public records** - Records that are not classified, restricted, confidential or private, and may be released by law, upon request.

**Record** - Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created by or is being kept by an authority (Wis. Stat. § 19.32).

**Record subject** - An individual about whom personally identifiable information is contained in a record (Wis. Stat. § 19.32).

## 802.2 POLICY

The Chippewa Falls Police Department is committed to providing public access to records in a manner that is consistent with the Wisconsin Public Records Law (Wis. Stat. § 19.31 through Wis. Stat. § 19.39).

## 802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Lead Records Clerk is designated as the department's Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records Maintenance and Release*

---

- (g) Ensuring the prominent display of information regarding the department's public records policy, including the procedure to request information, the established times and places to make requests or obtain copies of records, and the costs (Wis. Stat. § 19.34).
- (h) Ensuring juvenile records are distinguished from adult records and stored separately.
- (i) Establishing procedures for the destruction of both adult and juvenile records, when appropriate and in accordance with established retention schedules.

#### **802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

##### **802.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist (Wis. Stat. § 19.35(1) (L)).
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Wis. Stat. § 19.36(6)).
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) The Custodian of Records shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for nondisclosure will be provided as soon as practicable and without delay (Wis. Stat. § 19.35(4)).
- (d) If the request cannot be completed within 10 days from the initial date of request and unless unusual circumstances preclude doing so, the requestor shall be notified in writing of the delay.

##### **802.4.2 RECORDS INVOLVING THE REQUESTER**

If a request is received from an individual or a person authorized by the individual who identifies him/herself and states that the purpose of the request is to inspect or copy a record containing personally identifiable information, the request shall be granted or denied access in accordance with Wis. Stat. § 19.35(4)(c).

##### **802.4.3 NOTICE REQUIREMENTS IN LIMITED CIRCUMSTANCES**

If a record subject to Wis. Stat. § 19.356(2) or any portion thereof, is released, the Department shall notify the affected individual before access is granted and within three days after making the decision to grant access (Wis. Stat. § 19.356(2)(a)).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records Maintenance and Release*

---

Within five days after receipt of notice by the Department, an individual may provide written notification of his/her intent to seek a court order restraining the Department from providing access to the requested record (Wis. Stat. § 19.356(3)).

Within 10 days after receipt of a notice by the Department, an individual may commence an action seeking a court order to restrain the Department from providing access to the requested record (Wis. Stat. § 19.356(4)).

The Department shall not provide access to the requested record within 12 days of sending a notice to an individual pertaining to that record. In addition, if the individual commences a court action, the Department shall not provide access to the requested record during pendency of the action. The Department shall not provide access to the requested record until any appeal is decided, until the period for appealing or petitioning for review expires, until a petition for review is denied, or until the Department receives written notice from the individual that an appeal or petition for review will not be filed, whichever occurs first (Wis. Stat. § 19.356(5)).

#### **802.4.4 DENIALS**

The denial of a request for records is subject to the following:

If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. The denial shall inform the requester that the written request for the record release determination is subject to review by a court or upon application to the Attorney General or a District Attorney (Wis. Stat. § 19.35(4)(b)).

#### **802.4.5 RECORDS DESTRUCTION**

No record shall be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied.

If the Department receives written notice that an action relating to a record has been commenced in court, the record may not be destroyed until after the order of the court is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record, and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted (Wis. Stat. § 19.35(5)).

#### **802.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any department record, including traffic crash reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records Maintenance and Release*

---

or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Wis. Stat. § 19.36(10)).

- (b) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstance and that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding. This includes any record that is collected or maintained in connection with such an action or proceeding (Wis. Stat. § 19.35(1)(am)).
- (c) Any record containing personally identifiable information that, if disclosed, could result in (Wis. Stat. § 19.35(1)(am)):
  - 1. Endangering an individual's life or safety.
  - 2. Identifying a confidential informant (Wis. Stat. § 19.36(8)).
  - 3. Endangering security, including that of the staff or population of a detention facility.
- (d) Any record that is part of a records series that is not indexed, arranged or automated in a way that the record can be retrieved by use of an individual's name, address or other identifier (Wis. Stat. § 19.35(1)(am)).
- (e) Any record with the home, school or work address of a participant in the Wisconsin Department of Justice Address Confidentiality Program (Wis. Stat. § 19.35(1)(am)2m).
- (f) Crime victim and witness information (Wis. Stat. § 950.04).
- (g) Juvenile-related information (Wis. Stat. § 938.396; Wis. Stat. § 48.78; Wis. Stat. § 48.396; Wis. Stat. § 938.78).
- (h) Search warrants until they have been executed (Wis. Stat. § 968.21).
- (i) Investigative information obtained for law enforcement purposes, when required by federal law or regulation to be kept confidential, or when confidentiality is required as a condition to receipt of state aids (Wis. Stat. § 19.36(2)).
- (j) Information in employee personnel records (Wis. Stat. § 19.36(10)).
- (k) Patient health care records (Wis. Stat. § 146.82).
- (l) Records where the government's interest in nondisclosure outweighs the public's interest in disclosure.

#### **802.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records Maintenance and Release*

---

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **802.7 EXPUNGEMENT**

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court (Wis. Stat. § 973.015; Wis. Stat. § 938.355). Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is expunged, members shall respond to any inquiry as though the record did not exist.

#### **802.8 SECURITY BREACHES**

Members who become aware that any Chippewa Falls Police Department system containing personal information may have been breached should notify the Lead Records Clerk as soon as practicable.

The Lead Records Clerk shall ensure the required notice is given to any person whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 1,000 individuals, notice of the timing, distribution and content of the notices shall also be given to each consumer reporting agency (Wis. Stat. § 134.98).

Notice shall be given within a reasonable time, not to exceed 45 days, after the Chippewa Falls Police Department discovers the breach. Notice may be delayed if notification will impede an investigation or homeland security (Wis. Stat. § 134.98).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (Wis. Stat. § 134.98):

- (a) Social Security number
- (b) Driver's license number or Wisconsin identification card number
- (c) Full account number, credit or debit card number or any required security code, access code or password that would permit access to an individual's financial account
- (d) The individual's DNA profile (as defined by Wis. Stat. § 939.74), or the individual's biometric data, including fingerprint, voice print, retina or iris image or any other unique physical representation

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Lead Records Clerk should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

#### **802.9 IN-CAR, INTERVIEW ROOM, BODY CAMERA EVENT TYPES**

The Event Types for in-car, interview room, and body camera video will be based around a deletion procedure. One reason for this is to reduce the amount of employee work hours required to manage

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records Maintenance and Release*

---

the video from recording through deletion. Specific information related to the type of call is already in the shared Chippewa County RMS system. Given the massive file sizes and sheer number of videos this system is designed to ensure timely automated deletion of unneeded videos and to ensure proper retention of needed videos.

No part of this section is intended to modify or limit the open records request procedures outlined elsewhere in this policy.

When an Incident number is required it must be in the following format so that it is searchable: "xxCFxxxxx". \*Example 21CF00032

It is solely the officer's responsibility to select the correct Event Type. If the wrong Event Type is selected an evidentiary video could be lost. Automatic Deletion means exactly that, there is no retrieval if it is lost.

### **Event Types**

#### **(1) Contact - Automatic Deletion at 121 days.**

Videos that do not meet the criteria of the other Event Types and have no long term evidentiary value such as verbal warning on traffic, interactions with the public that do not result in law enforcement action, unfounded complaints, testing of the video equipment or videos made in error.

#### **(2) Citation - Automatic Deletion at 1 year.**

Videos of events that lead to the issuing of a traffic or ordinance citation (exception: Criminal Traffic and OWI 1<sup>st</sup>). Also would include compliance warnings with a return date.

**Note: This event category was created on April 30, 2021 at noon when the "Citation/Crash" event type was discontinued and archived.**

#### **(3) Crash - Automatic Deletion at 3 years.**

Videos of reportable crashes and crash investigations

**Note: This event category was created on April 30, 2021 at noon when the "Citation/Crash" event type was discontinued and archived.**

#### **(4) Criminal/Custodial - No Automatic Deletion**

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records Maintenance and Release*

---

Videos of events that are associated with crimes, criminal traffic, or custodial situations such as OWI 1<sup>st</sup>/Warrant/Probation Hold/Curfew/Truancy/Runaway/Emergency Detention. This also includes a search during a temporary detention pursuant to Wis. Stat. 968.25.

#### **(5) Investigations - No Automatic Deletion.**

Videos of Events or Investigations that are not currently deemed criminal but in the opinion of the investigating officer should be saved because of the potential for further investigation and criminal charges. This includes any Death Investigation, alleged sexual assault, alleged child abuse, and significant Use of Force videos; if not stored in another event category.

Videos should be periodically checked by the responsible officer and the event type updated as appropriate.

#### **(6) Officer/Discretion - No Automatic Deletion.**

Videos of Events that the officer determines he/she would like to keep from being automatically deleted.

Videos should be periodically checked by the responsible officer and the event type updated as appropriate.

#### **(7) Permanent - No Automatic Deletion.**

Videos moved here by Records for videos that should never be deleted.

#### **(8) Confidential - No Automatic Deletion.**

Videos deemed by Administration to be of a confidential nature such as Citizen Complaints, Internal Investigation, Investigation for other Agencies, Videos of Confidential Informants, or videos of an exceptionally sensitive or embarrassing nature.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Records Maintenance and Release*

---

Videos will be deleted depending on nature of each event. Videos should be periodically checked by the responsible officer and the event type updated as appropriate.

#### (9) Training - **Automatic Deletion after One Year.**

Videos saved for in-house training value.

Videos will be deleted when no longer needed. Videos should be periodically checked by the responsible officer and the event type updated as appropriate.

Note: The archived Event Category "Citation/Crash" contains WatchGuard videos as described in the Citation and the Crash Event Categories prior to April 30, 2021 at noon, consistent with retention policy.

Note: The WatchGuard system underwent an upgrade over April 19-20, 2022 moving from a on-site physical server with an off-site physical server back-up to a cloud based on-line server system. Therefore it is recommended when searching for video in the WatchGuard system over this period of time that at a minimum the below recommendations be followed when searching for video:

- For video taken on April 17, 2022 or before search the Physical Server System (old system)
- For video taken on April 20, 2022 or after search the Cloud based system (new system)
- For video taken between April 19 – 20, 2022 search both systems

# Property and Evidence

## 800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

### 800.1.1 PROPERTY AND EVIDENCE SECURITY

The Lieutenant of Investigations shall oversee the secure storage and control of all property necessitating custody by the Department. The evidence custodian reports to the Investigation Division supervisor and is responsible for the security of the Evidence Room. Evidence Room keys/door codes are possessed only by the evidence custodians and the Investigation Division supervisor. The evidence custodian and the Investigation Division supervisor shall not loan Evidence Room keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Room other than the evidence custodian must be accompanied by the evidence custodian or the Investigation Division supervisor.

## 800.2 EVIDENCE BARCODE SYSTEM

The Chippewa Falls Police Department implemented the BEAST digital evidence management system in 2015 and is used for the majority of the evidence seized by officers. The BEAST system creates a label containing a unique number and corresponding barcode specific for each item of evidence. This barcode is used to maintain the chain of custody throughout the evidence process. The BEAST is supplemented by the previous card system. The evidence card system is still in place in the evidence storage room for property entered into evidence prior to 2015. The card system will also be used for property not entering the evidence storage room such as lost and found property or abandoned property. Property intended to be destroyed, such as seized alcohol or multiple pieces of drug paraphernalia may be entered using a property card. If Lost/Found Property of significant value (generally over \$100) such as cash or jewelry is taken into custody, the officer should create a barcode label and enter the property into the evidence room for safe keeping.

## 800.3 DEFINITIONS

Definitions related to this policy include:

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Found property** - Includes property found by a member or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

#### **800.4 PROPERTY HANDLING**

Any member who first comes into possession of any property, as defined above, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage area. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence. Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Wis. Stat. § 950.04(1v)(s)).

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner directly. The property card must be completed to document the release of this property. The owner shall sign the appropriate form acknowledging receipt of the item.

##### **800.4.1 PROPERTY ENTRY PROCEDURE**

All property must be secured in an evidence locker, temporary evidence locker or entered directly into the evidence storage room prior to the member going off-duty. Members booking property shall observe the following guidelines:

- (a) Complete the property label in the BEAST or complete a property card describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) The officer shall use evidence tape and mark each item of evidence with initials and date.
- (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- (d) Complete an evidence/property entry into the BEAST, print evidence barcode label and attach it to each package or envelope in which the property is stored.
- (e) An evidence log should be submitted with the case report.
- (f) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in department basement or garage stall #4 or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

##### **800.4.2 CONTROLLED SUBSTANCES**

All controlled substances shall be booked separately using a separate property number. Drug paraphernalia shall also be booked separately. If the items are intended to be destroyed, multiple

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

items can be placed in the same container. The officer seizing the controlled substances shall place them in the property locker.

#### 800.4.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift Commander. The bomb squad may be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives should not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence custodian is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 800.4.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Any evidence collected which may contain biological samples, should be properly labeled as such.
- (b) Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing. (CHSO has a drying cabinet for this purpose)
- (c) License plates found not to be stolen or connected with a known crime should be released directly to the registered owner or placed in the lost and found where the registered owner can claim them. After 60 days, they may be destroyed.
- (d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence custodian or placed in the bicycle storage area until a evidence custodian can log the property.
- (e) All cash shall be counted in the presence of another officer and the envelope initialed/ signed by both officers. A supervisor should be contacted for cash in excess of \$1,000. The supervisor should also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.
- (f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label or on the packaging.
- (g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

##### **800.5 PACKAGING OF PROPERTY**

All property should be packaged in compliance with Wisconsin Division of Criminal Investigations standards or standards set by this department.

Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards
- (h) Consider separately packaging any original container or packaging, including controlled substances packaging, to permit latent print or other evidence recovery

##### **800.5.1 PACKAGING CONTAINER**

Members shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes or tubes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles. Guns and knives should be secured to the box by use of Zip-Ties.

A property label shall be securely attached to the outside of all items or group of items packaged together.

##### **800.5.2 PACKAGING CONTROLLED SUBSTANCES**

The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, labeled and placed in an evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Controlled substances shall be packaged in an envelope of appropriate size, available in the evidence room. The booking officer shall seal the packaging with evidence tape and initial the sealed envelope. Controlled substances SHALL NOT be packaged with other property.

The booking officer shall weigh the suspected controlled substance in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form.

The weight will be verified every time the package is checked in or out of the Evidence Room. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Investigation Division supervisor.

A completed property label shall be attached to the outside of the container.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

##### **800.5.3 RIGHT OF REFUSAL**

The evidence custodian has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

##### **800.6 RECORDING OF PROPERTY**

All property entering the evidence storage room will be scanned in by the Evidence Custodian and placed in the proper storage area. When scanned, the BEAST will automatically record the time and date.

##### **800.7 PROPERTY CONTROL**

Each time the evidence custodian receives property or releases property to another person, he/she shall scan the item out. When releasing property to the owner, a receipt shall be created and signed by persons receiving the property. Officers desiring property for court shall contact the evidence custodian at least one day prior to the court day.

###### **800.7.1 RESPONSIBILITIES OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody.

###### **800.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

Officers needing property to be sent to the Wisconsin Crime Lab for analysis will fill out the appropriate Transmittal form and provide a case synopsis to the Evidence Custodian as soon as possible.

Requests for the analysis of any evidence shall be completed on the appropriate Transmittal Form and submitted to the Evidence Custodian. This request may be filled out anytime after booking of the evidence.

The Evidence Custodian will be responsible for packaging the evidence and will mail the evidence via USPS, UPS, Fedex or Speedee Delivery parcel service. The Evidence Custodian will add a supplemental report to the case file that includes the tracking number.

Any transfer of evidence to the crime laboratory requires:

- (a) The name and contact information of the person submitting the evidence.
- (b) Appropriate packaging and conveyance of evidence to the laboratory.
- (c) Necessary documentation accompanies evidence at time of transmittal.
- (d) Adequate receipts and signatures to support chain of evidence.

When property is returned from the Crime Lab, the Evidence Custodian will scan the property back into the Evidence Storage room placing it in the proper location. The Evidence Custodian will sign and return the receipt provided by the Crime Lab. A copy of the receipt will be added to the case file.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

##### 800.7.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the BEAST and on the property if appropriate stating the date, time and to whom it was released.

The evidence custodian shall obtain the signature of the person to whom property was released and the reason for release. Any member receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property should be recorded in the BEAST, indicating date, time and the person who returned it. A copy of the receipt will be added to the case file.

##### 800.7.4 AUTHORITY TO RELEASE PROPERTY

The evidence custodian shall not release any property without authorization from an appropriate authorized member of the Department. The Investigations Lieutenant or designee shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a evidence custodian shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

##### 800.7.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence within 10 days of being taken unless the property is weapons, contraband or is otherwise excluded (Wis. Stat. § 950.04(1v)(s)).

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction (Wis. Stat. § 66.0139(2)). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented in related reports.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

An evidence custodian shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records for filing with the case. If some items of property have not been released, the property card will remain with the Evidence Room.

Upon release or other form of disposal, the proper entry shall be documented in the BEAST or on the property card.

#### **800.7.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or otherwise establishes undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

#### **800.7.7 CONTROL OF CONTROLLED SUBSTANCES**

The Evidence Room will be responsible for the storage, control, and destruction of all controlled substances coming into the custody of this department, including paraphernalia as described in Wis. Stat. § 961.571(1)(a).

#### **800.7.8 RELEASE AND DISPOSAL OF FIREARMS**

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or Wis. Stat. § 968.20(1m).

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with Wis. Stat. § 66.0139, Wis. Stat. § 165.81 and Wis. Stat. § 968.20(3)(b) and consistent with this policy.

#### **800.8 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 30 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal (Wis. Stat. § 66.0139(2)). The evidence custodian shall request a disposition or status on all property which has been held in excess of 30 days and for which no disposition has been received from a supervisor or investigator.

Upon any release or sale of any property, the proper notation shall be made in the BEAST. Proceeds from the sale of unclaimed property shall be deposited into the City treasury, minus reimbursement for department expenses.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

##### 800.8.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices
- Any property used in the commission of a crime

##### 800.8.2 RETENTION OF BIOLOGICAL EVIDENCE

The evidence custodian shall ensure that no biological evidence collected in a criminal investigation that resulted in a conviction, delinquency adjudication, or commitment under Wis. Stat. § 971.17 or Wis. Stat. § 980.06 held by the Department is destroyed prior to the discharge date of every person convicted, adjudicated, or committed unless (Wis. Stat. § 968.205):

- (a) The evidence custodian notifies by certified mail each person who remains in custody and their attorney of record or the state public defender of the intent to destroy the biological evidence unless a motion for testing of the evidence is filed or a written request for the retention of the evidence is received by the Department within 90 days of receipt of the notice.
- (b) No person notified files a motion for testing of the evidence or submits a written request for retention of the evidence within 90 days of receipt of the notice.
- (c) No other provision of law requires the Department to retain the evidence.

A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor, and the evidence retained until the discharge date of the person making the request unless the court orders destruction or transfer of the evidence or further order of the court (Wis. Stat. § 968.205).

##### 800.8.3 RETENTION OF SEXUAL ASSAULT KITS

After a state crime laboratory processes a sexual assault kit and returns it to the Department's possession, the Department shall securely store the kit for a period of 50 years, until the expiration

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Property and Evidence*

---

of the statute of limitations, or until the end of the convicted offender's term of imprisonment or probation, whichever period is longer (Wis. Stat. § 165.775; Wis. Admin. Code § JUS 20.05).

#### **800.9 REPORT OF ABANDONED PROPERTY AND UNCLAIMED FUNDS**

The Evidence Room supervisor shall complete and file a report of presumed abandoned property or unclaimed funds, and periodically submit the record to the Administration supervisor and the City Treasurer/Finance Department.

#### **800.10 INSPECTIONS OF THE EVIDENCE STORAGE ROOM**

On a monthly basis, the Investigation Division supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

Unannounced inspections of evidence storage areas should be conducted periodically, as directed by the Police Chief.

An annual audit of evidence held by the Department should be conducted by a Division Commander, who is not routinely or directly connected with evidence control, as assigned by the Police Chief. This annual audit should inspect a randomized sample of the evidence room. The sample size should be at least 10 percent of the storage room shelving or as determined by the Chief of Police.

Whenever a change is made in personnel who have access to the Evidence Room, an inventory check consisting of a random sampling check of other evidence/property should be made by an individual not associated with the Evidence Room or function, with the assistance of the new personnel, to make sure records are correct.

## Protected Information

### 803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Chippewa Falls Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

#### 803.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Chippewa Falls Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

**TIME agency Coordinator (TAC)** - The TAC is the Lieutenant of Field Operations. The TAC serves as the liaison between the agency and the Crime Information Bureau. The TAC is responsible for all physical, personnel, computer and communications safeguards and security in compliance with the Department of Justice, Crime Information Bureau, Criminal Justice Information Services Division and International Justice and Public Safety Information Sharing network rules and regulations. The TAC has an important role in ensuring terminal operators are properly trained, certified, and re-certified.

### 803.2 POLICY

Members of the Chippewa Falls Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 803.3 RESPONSIBILITIES

The TAC shall coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Transportation (DOT) records and the Transaction Information for the Management of Enforcement (TIME) system.
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Protected Information*

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- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### **803.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Chippewa Falls Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Lead Records Clerk for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Protected Information*

---

### **803.6 SECURITY OF PROTECTED INFORMATION**

The TAC shall oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Police Chief and appropriate authorities.

#### **803.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

#### **803.6.2 DESTRUCTION OF CRIMINAL HISTORY RECORD INFORMATION (CHRI)**

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding in compliance with the organization's records retention schedule.

Each member shall be responsible for properly destroying the CHRI documents he/she receives.

### **803.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## **Chapter 9 - Custody**

# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Chippewa Falls Police Department, Chippewa County Jail or other similar facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the genitals, pubic area, buttock or anus, or female breast. This includes monitoring an individual who is changing clothes, where genitals, pubic area, buttock or anus, or female breasts are visible.

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

When practicable, a witnessing officer should be present during the search of an opposite sex subject or an officer of the same sex as the subject may be used. The search should be recorded by the officer's camera system, when available.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Custodial Searches*

---

##### **900.4 STRIP SEARCHES**

No person may be the subject of a strip search unless he/she is arrested or detained, in accordance with Wis. Stat. § 968.255(1).

No person held at any Chippewa Falls Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention, or is concealing a weapon or contraband. Probable cause to believe the person is concealing a weapon or an item that may constitute evidence of the offense for which the person is arrested is required if the person is arrested for a violation of state law punishable by forfeiture, any local ordinance, or a misdemeanor offense other than the following list of offenses that involve weapons or violence:

- Wis. Stat. § 167.30(1)
- Wis. Stat. § 940.19
- Wis. Stat. § 941.20(1)
- Wis. Stat. § 941.23
- Wis. Stat. § 941.237
- Wis. Stat. § 941.231
- Wis. Stat. § 948.60
- Wis. Stat. § 948.61

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Custodial Searches*

---

##### 900.4.1 STRIP SEARCH PROCEDURES

Strip searches should be conducted at the Chippewa County Jail or other correctional facility. Chippewa Falls Police members should generally not be involved in a strip search. Strip Searches shall be conducted in accordance with state statute and guided by the facility's own policy on strip searching (28 CFR 115.115; Wis. Stat. § 968.255):

- (a) Authorization from the Shift Commander shall be obtained prior to the strip search. Officers should assist with completion of the jail Strip Search Form as requested.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched. If the sex is not known or able to be determined, follow the strip search policy at the facility where the search is being conducted.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating or assisting in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should assist with the search for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search should be jail staff. They shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.
  - 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Custodial Searches*

---

- (h) A copy of the completed report shall be maintained and given to the individual who was searched.

#### **900.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Shift Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Commander authorization does not need to be in writing.

#### **900.5 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (Wis. Stat. § 968.255):

- (a) No individual arrested or detained in accordance with Wis. Stat. § 968.255(1)(a) shall be subjected to a physical body cavity search without written approval of the Shift Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, physician's assistant or registered nurse may conduct a physical body cavity search.
- (c) Except for the physician, physician's assistant or registered nurse conducting the search, persons present must be of the same sex as the individual being searched. If the sex is not known or able to be determined, follow the strip search policy at the facility where the search is being conducted. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present. Officers should stay out of view of the individual being searched, except when doing so would unnecessarily compromise the safety of the medical staff, officers or the individual being searched.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Custodial Searches*

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3. The Shift Commander's approval.
  4. A copy of the search warrant.
  5. The time, date and location of the search.
  6. The medical personnel present.
  7. The names, sex and roles of any department members present.
  8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and a copy shall be provided to the individual who was searched or other authorized representative upon request.

#### **900.6 TRAINING**

The Lieutenant of Field Operations shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Members who may conduct a strip search as part of their duties shall also be given annual training on this policy and any related department procedures (Wis. Stat. § 968.255).

#### **900.7 SEARCHES OF PERSONS WITH PHYSICAL DISABILITIES**

A search of a person who requires an assistive device for mobility including, but not limited to, a wheelchair, brace, crutch or artificial limb shall be conducted in a careful manner. If the search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his/her body, the search shall be conducted with extreme care by a member who has had training in handling physically disabled persons (Wis. Stat. § 968.256(2)).

In the event no available department member has the requisite training, contact may be made with the Chippewa County Jail, or other correctional facility, who has members with specialized training in searches.

## **Chapter 10 - Personnel**



# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Chippewa Falls Police Department and that are promulgated and maintained by City of Chippewa Falls.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Chippewa Falls Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Police Chief should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Police Chief shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Recruitment and Selection*

---

##### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Written or Physical Agility Testing
- (c) Driving record
- (d) Reference checks
- (e) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (f) Information obtained from public internet sites
- (g) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (h) Local, state, and federal criminal history record checks
- (i) Polygraph or voice stress analyzer (VSA) examination (when legally permissible) (Wis. Stat. § 111.37)
- (j) Medical and psychological examination (may only be given after a conditional offer of employment)
- (k) Review board or selection committee assessment

##### **1000.4.1 VETERAN'S PREFERENCE**

The Department will provide veteran preference points as required (Wis. Stat. § 63.08(1)).

##### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Chippewa Falls Police Department (Wis. Admin. Code § LES 2.01).

##### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Recruitment and Selection*

---

##### 1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Police Chief shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Wis. Stat. § 995.55).

The Police Chief should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Police Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### 1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

##### 1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

##### 1000.5.5 CANDIDATE WAIVERS

Officer candidates are required to complete a waiver authorizing the disclosure of previous personnel files. The assigned background investigator shall submit the waiver to every government agency that has employed the candidate and request the personnel file information. The waiver should be submitted to the prior employing agency at least 30 days before a hiring decision is made. No hiring decision should be made without reviewing the information (Wis. Stat. § 165.85).

#### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Recruitment and Selection*

---

- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Wis. Stat. § 165.85; Wis. Admin. Code § LES 2.01 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The City of Chippewa Falls should maintain validated standards for all positions.

##### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by Wisconsin law, including those provided in Wis. Stat. § 165.85, Wis. Admin. Code § LES 2.01, and Wis. Admin. Code § LES 2.02:

- Possess a valid Wisconsin driver's license
- Be free of any felony convictions, misdemeanor crime of domestic violence, or of any offense that if committed in Wisconsin could be punished as a felony unless an absolute and unconditional pardon has been granted
- Be at least 18 years of age
- Be a citizen of the United States (Wis. Stat. § 66.0501(1))
- Submit to a local, state, and national fingerprint check
- Possess good moral character as determined by a thorough background investigation (Wis. Stat. § 165.85)
- Possess a high school diploma or GED equivalent
- Possess a two-year associate degree or a minimum of 60 fully accredited college level credits. Candidates who have not met this standard at the time of initial employment must meet the standard by the end of their fifth year of employment.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Recruitment and Selection*

---

- Be free from any physical, emotional, or mental condition that might adversely affect the performance as an officer
- Undergo a physical assessment by a licensed physician, physician assistant, or nurse practitioner to verify the candidate can meet the required physical standards
- Complete a satisfactory oral interview
- Submit to a drug test upon hire

The Chippewa Falls Police Department may establish additional standards for selection of a candidate for the position of officer (Wis. Stat. § 165.85(4)).

#### **1000.8 JOB DESCRIPTIONS**

The Police Chief should ensure that a current job description is maintained for each position in the Department.

# Evaluation of Employees

## 1001.1 PURPOSE AND SCOPE

The department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## 1001.2 POLICY

The Chippewa Falls Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

## 1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented or observed performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel should attend an approved supervisory course that includes training on the completion of performance evaluations as soon as practicable following a supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee during the annual evaluation interview.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise. Supervisors should not wait to address deficient behavior until an evaluation meeting.

Employees demonstrating substandard performance shall be notified of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity.

Employees who disagree with his/her evaluation and who desire to make a formal response or a rebuttal may do so in writing in the prescribed format and time period.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Evaluation of Employees*

---

##### **1001.4 FULL-TIME PROBATIONARY PERSONNEL**

Full-Time Probationary Employees require monthly evaluations per the Field Training Evaluation Program (FTEP). Employees in the FTEP program who receive an "Unacceptable" level rating will discuss their performance in that area with their immediate supervisor. Steps for improvement will be documented in the monthly evaluation. If the employee fails to correct the deficient performance the employee's supervisor and Division Commander will discuss what further action is needed. Failure by the employee to correct the issue may result in discipline up to and including termination.

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. Probationary sworn personnel are evaluated daily, weekly and monthly as per the Field Training Evaluation Program during the probationary period. Yearly evaluations are completed on personnel who have received all three trimester evaluations for that year.

##### **1001.5 FULL-TIME REGULAR STATUS PERSONNEL**

Regular employees are subject to performance evaluations:

An employee performance evaluation should be completed once each year by the employee's immediate supervisor. Officers may receive evaluations every third of year, the contents of which may be used to complete the annual evaluation.

###### **1001.5.1 RATINGS**

The definition of each rating category is as follows:

**Superior:** Actual performance that is well beyond that required for the position. Represents performance that is better than expected of a fully competent employee. Performance that is definitively superior or extraordinary.

**Acceptable:** Performance that is at the level of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Unacceptable:** A level of performance that is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated. Employee who are rated at "Unacceptable" will be considered for a Performance Improvement Plan (PIP). The suitability of implementing a PIP will be determined by the employee's supervisor in consultation with the Division Commander. Immediate corrective measures may need to be identified and documented in a PIP, and discussed with the employee by their supervisor. PIPs are plans of action developed on an individual basis as determined by the seriousness and nature of the unacceptable rating. PIPs focus on the root cause and contain clearly defined goals for desired employee performance. If implemented a PIP should be re-evaluated at 60 days, or shorter depending on the seriousness of the issue at hand. Failure by the employee to correct the issue and positively respond to the plan may result in discipline up to and including termination.

A Performance Improvement Plan is not discipline. It is an action plan designed to work with the employee to help them correct deficient performance. A Performance Improvement Plan will be developed by the employee's supervisor and approved by the Division Commander before implementation.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Evaluation of Employees*

---

##### **1001.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may include a document containing their own comments to be filed with their evaluation.

##### **1001.6.1 EMPLOYEE SIGNATURE**

At the completion of the evaluation interview, if the employee declines to sign the evaluation, the reviewing supervisor should write the words "refused to sign" on the employee signature line.

##### **1001.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall use the quality of performance ratings prepared as a factor to evaluate the supervisor.

##### **Evaluation Appeal Procedure**

When an employee does not agree with the contents of their evaluation, the employee should attempt to resolve the difference of opinion through discussion with that supervisor. If agreement cannot be achieved in reference to ratings, the employee may appeal sequentially through the following steps:

1. Request to discuss the situation with the evaluator's supervisor promptly after receiving the evaluation.
2. Request a review by the Police Chief whose decision on the matter is final.
3. If the employee convinces the evaluating supervisor, the evaluator's supervisor, or the Police Chief through discussion and/or documentation that a rating in a category was inappropriate, that rating may be changed.

If the employee remains dissatisfied, written comments in reference to the evaluation may be submitted to the evaluating supervisor's supervisor within 10 days of the Police Chief's final decision. These comments will be attached with the performance appraisal form.

##### **1001.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file for the employee's tenure. A copy will be given to the employee.



## Promotions and Transfers

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Chippewa Falls Police Department.

#### 1002.1.1 GENERAL REQUIREMENTS

General Requirements are listed in the appropriate position description for promotions and transfers.

The following are examples of factors that would be used in evaluating employees for promotion and transfer:

- (a) Alignment with Department Values and Mission Statement
- (b) Presenting a professional and neat appearance.
- (c) Showing prior interest in the position applied for
- (d) Maintaining a physical condition that aids in his/her performance.
- (e) Education, training and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing and public relations
- (f) Demonstrating the following traits:
  - 1. Positive attitude
  - 2. Emotional stability and maturity
  - 3. Competence and the ability to work without constant supervision
  - 4. Stress tolerance
  - 5. Experience
  - 6. Sound judgment and decision-making
  - 7. Dependability
  - 8. Personal integrity and ethical conduct
  - 9. Ability to communicate
  - 10. Leadership
  - 11. Strong work ethic
  - 12. Initiative
  - 13. Team Oriented
  - 14. Adaptability and flexibility
  - 15. Passionate about the profession
  - 16. Ability to conform to organizational goals and objectives

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Promotions and Transfers*

---

##### **1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS**

The following positions are considered transfers and are not considered promotions:

Sensitive Crimes Investigator

Financial Crimes Investigator

Drug Unit Investigator

School Resource Officer

##### **1002.3 SELECTION PROCESS**

The following criteria apply to promotions and transfers:

- (a) An administrative evaluation as determined by the Police Chief. This will include a review of past performance including evaluations. Depending on the position being applied for this may also include a panel interview, presentation of a project, and/or supervisor recommendation on a command assessment.
- (b) Appointment by the Police Chief.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

##### **1002.4 MANAGEMENT OF PROMOTIONAL PROCESS**

The Police Chief will manage and review all internal department promotional and transfer processes.

## Anti-Retaliation

### 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

### 1004.2 POLICY

The Chippewa Falls Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Anti-Retaliation*

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##### **1004.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Police Chief, City Human Resource Director or the Police and Fire Commission.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

##### **1004.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Police Chief via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Anti-Retaliation*

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##### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Police Chief should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

##### **1004.7 RECORDS RETENTION AND RELEASE**

The Police Chief shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

##### **1004.8 TRAINING**

The policy should be reviewed with each new member.

All members should review the requirements of this policy periodically.

##### **1004.9 WHISTLE-BLOWING**

State law protects a law enforcement officer who witnesses and reports or intervenes to stop any unlawful use of force by another law enforcement officer (Wis Stat. § 175.44). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Police.

# Reporting of Employee Convictions

## **1005.1 PURPOSE AND SCOPE**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administrative Assistant shall submit in a timely manner a notice to the Wisconsin Department of Justice Training Standards Bureau (WisDOJ TSB) of any appointment, termination, reinstatement, name change or status change regarding any peace officer employed by this department (Wis. Admin. Code LES § 2.01).

The Administrative Assistant shall submit in a timely manner a notice to WisDOJ TSB of a felony conviction or any lawful reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (Wis. Admin. Code LES § 6.02).

## **1005.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS**

Wisconsin and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Wis. Stat. § 813.12).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## **1005.3 CRIMINAL CONVICTIONS**

Any person convicted of a felony is prohibited from being a peace officer in the State of Wisconsin (Wis. Admin. Code LES § 2.01).

Convictions of certain motor vehicle law violations and other provisions of motor vehicle law may also place restrictions on an employee's ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may prohibit him/her from carrying out law enforcement duties.

## **1005.4 REPORTING PROCEDURE**

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Police Chief in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Reporting of Employee Convictions*

---

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Police Chief in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

An officer may be exempt from surrender of a firearm that he/she is required, as a condition of employment, to possess whether on- or off-duty if the peace officer is currently the subject of a domestic abuse restraining order or injunction (Wis. Stat. § 813.12(4m)(ag)). As such, members shall promptly notify the Department if they become the subject of any domestic abuse restraining order or injunction.

## Drug- and Alcohol-Free Workplace

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

#### 1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### 1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition. Also excluded from this prohibition are actions taken in furtherance of previously approved department programs such as the Citizen's Academy or other programs as approved by the Police Chief.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Drug- and Alcohol-Free Workplace*

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the City Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1006.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department. The Division Commander and Police Chief shall be notified if such an event occurs.

#### **1006.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in appreciable bodily injury, death, or substantial damage to property.

##### **1006.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Drug- and Alcohol-Free Workplace*

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- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1006.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and Wisconsin Family and Medical Leave Act (Wis. Stat. § 103.10); or for bone marrow and organ donation leave (Wis. Stat. § 103.11).

### 1007.2 POLICY

It is the policy of the Chippewa Falls Police Department to provide eligible employees with a sick leave benefit. The purpose of the sick leave benefit is to provide employees with paid time to address their own personal health care needs or the health care needs of their spouse or minor child.

### 1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

#### 1007.3.1 NOTIFICATION

All members should notify the Shift Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall provide the Department with notice of the impending absence as soon as possible and practicable.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sick Leave*

---

to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

#### **1007.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or City Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Chippewa Falls Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1008.2 POLICY

The Chippewa Falls Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1008.3 EXPOSURE CONTROL OFFICER

The Lieutenant of Investigations is the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of procedures for persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Health and safety standards established by the Wisconsin Department of Safety and Professional Services covering public employees (Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.01 et seq.).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communicable Diseases*

---

2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Exposure control mandates in 29 CFR 1910.1030 (Wis. Stat. 101.055; Wis. Admin. Code § SPS 332.50).
4. Reporting known and suspected cases of communicable diseases to the local health officer (Wis. Admin. Code § DHS 145.04).

The ECO should also act as the liaison with the Wisconsin Department of Safety and Professional Services, Industry Services Division (ISD) and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

#### **1008.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1008.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communicable Diseases*

---

- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

### 1008.5 POST EXPOSURE

#### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

#### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting and Safety and Health Program policies).

#### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communicable Diseases*

---

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### **1008.5.4 COUNSELING**

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

#### **1008.5.5 SOURCE TESTING**

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Testing the previously drawn blood of the source individual as authorized by Wis. Stat. § 252.15(5g).
  - 1. A court order may be obtained if the requirements of Wis. Stat. 252.15 are not satisfied (Wis. Stat. 252.15(5j)).
- (c) Requesting testing through a local health officer or the Department of Health Services (Wis. Stat. 252.02; Wis. Admin. Code § DHS 145.06 et seq.).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney and/or District Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Communicable Diseases*

---

##### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

# Smoking and Tobacco Use

## 1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Chippewa Falls Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

## 1009.2 POLICY

The Chippewa Falls Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members when in view of the public. Therefore smoking is prohibited by members and visitors in all Department facilities, buildings and vehicles, and as is further outlined in this policy.

## 1009.3 SMOKING AND TOBACCO USE

Smoking by members is prohibited anytime members are in public view representing the Chippewa Falls Police Department. Other tobacco use is only permitted if it is of such a minimal and unobtrusive nature that its use does not detract from the professional image of a Chippewa Falls Police Officer.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes inside City facilities and vehicles (Wis. Stat. § 101.123(2)(a)8r).

Depositing tobacco products or remnants thereof into any urinal, drinking fountain, or sink of any City owned facility is prohibited.

## 1009.4 ADDITIONAL PROHIBITIONS

The Police Chief or the authorized designee shall make reasonable efforts to prohibit smoking in department locations where smoking is prohibited, including, but not limited to (Wis. Stat. § 101.123):

- (a) Posting signs that prohibit smoking.
- (b) Asking a person who is smoking to refrain or to leave.
- (c) Enforcing the Wisconsin Clean Indoor Air Act.
- (d) Taking other actions as reasonably necessary to prevent persons from being exposed to others who are smoking.

## Seat Belts

### 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 and Wis. Stat. § 347.48.

### 1011.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Wis. Stat. § 347.48(2m)).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement (Wis. Stat. § 347.48(2m)(dm)).

### 1011.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should whenever possible be in a seated position and secured in the rear seat of a department vehicle using seat belts provided by the vehicle manufacturer.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 1011.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Police Chief.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 1011.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Seat Belts*

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##### **1011.6 POLICY**

It is the policy of the Chippewa Falls Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

##### **1011.7 TRANSPORTING CHILDREN**

Child passengers shall be transported using an approved child restraint system in compliance with Wis. Stat. § 347.48(4)(am)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

When the physical or medical needs of a child at least 4 years old make restraint by seat belt unreasonable, the child may be transported in an authorized emergency vehicle when the vehicle is being operated in the performance of official duties (Wis. Admin. Code § Trans 315.03(2)).

Note: The police department may have child restraint systems on hand at the station for use by officers or given to those in need. Providing a child restraint system to someone should be approved by the shift commander. A note should be provided to the Lieutenant of Field Operations for review and replacement of the child restraint system.

##### **1011.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

### 1012.2 POLICY

It is the policy of the Chippewa Falls Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1012.3 ISSUANCE OF BODY ARMOR

The Department shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Chippewa Falls Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

Personally purchased body armor approved for use on-duty must meet or exceed the standards of the National Institute of Justice and must be approved by the Chief of Police prior to use and shall be replaced or its use discontinued when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1012.3.1 USE OF BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear department-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in department range training. However, body armor may be temporarily removed while inside the police department or other safe building where the officer could not reasonably be expected to take enforcement action.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

In addition, officers authorized to use Rifle Plate Carrier Body Armor may deploy Rifle Plate Carrier Body Armor in any circumstance where the member can articulate a reasonable expectation that Rifle Plate Carrier Body Armor may be needed. Rifle Plate Carrier Body Armor is to be worn for special circumstances and is not for general patrol duties. Examples of some general guidelines

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Body Armor*

---

for deploying Rifle Plate Carrier Body Armor may include, but are not limited to situations where the member reasonably anticipates an elevated need for protection against rifle fire or when authorized or requested by a supervisor.

When not deployed, the Rifle Plate Carrier Body Armor shall be properly secured consistent with department training.

#### 1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation.

#### 1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

## Personnel Records

### 1013.1 PURPOSE AND SCOPE

This policy governs the maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1013.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Wisconsin (Wis. Stat. § 19.36(10)).

### 1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum (Wis. Stat. § 165.85):

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any member response shall be attached to and retained with the original adverse comment (Wis. Stat. § 103.13).
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments,

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personnel Records*

---

notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

#### **1013.5 TRAINING FILE**

An individual training file shall be maintained by the Training Records Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Records Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Records Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

The Training Records Manager is responsible for the creation, filing and storage of all training records in compliance with state data requirements and Law Enforcement Standards Board (LESB) standards. Training records shall be retained in compliance with the current records retention schedule. The Training Manager is responsible for completing and submitting the annual agency roster verification to LESB Training and Standards Bureau.

#### **1013.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Police Chief. Access to these files may only be approved by the Police Chief.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Exonerated
- (b) Unfounded
- (c) Not sustained
- (d) Sustained
- (e) Misconduct not based on the original complaint

#### **1013.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personnel Records*

---

- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1013.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password or other electronic means of protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

##### **1013.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records (Wis. Stat. § 19.31 et seq.).

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file, and the affected employee will be notified in writing prior to access and within three days after the decision is made to permit access (Wis. Stat. § 19.356(2)(a)).

##### **1013.8.2 RELEASE OF PERSONNEL INFORMATION**

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

##### **1013.8.3 BACKGROUND REQUESTS**

The Department shall release personnel records as set forth in Wis. Stat. § 165.85 to another agency submitting a waiver from a candidate. The requested personnel records should be supplied within 21 days of the receipt of the waiver. The Department should not release a candidate's

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personnel Records*

---

personnel records if it is prohibited from providing the records under a binding nondisclosure agreement that was executed before November 7, 2021.

#### **1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files twice in a calendar year or as otherwise provided in a collective bargaining agreement. If doing so requires the member to take time off work, arrangements for an alternate reasonable time should be made for the member to access the files. The Department will grant the inspection within seven working days (Wis. Stat. § 103.13).

Any member seeking the removal or correction of any item from his/her personnel records shall file a written request to the Police Chief through the chain of command. The Department may remove or correct any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed or changed. If the contested item is not removed or changed, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record as long as the contested item is a part of the file (Wis. Stat. § 103.13).

Members may obtain a copy of the information or part of the information contained in their file (Wis. Stat. § 103.13).

A member who is involved in a current grievance against the Department may designate in writing a representative of the member's union or collective bargaining unit or other representative to inspect the member's personnel record which may have a bearing on the resolution of the grievance (Wis. Stat. § 103.13).

Members may be restricted from accessing files containing any of the following information (Wis. Stat. § 103.13):

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personnel Records*

---

- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.
- (i) Medical records where it would have a detrimental effect on the member, in which case the Department may release the medical records to a physician designated by the member so that the physician may release the medical records to the member.

#### **1013.10 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Police Chief.
- (c) If, in the opinion of the Police Chief, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

## Fitness for Duty

### 1016.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Wis. Admin. Code LES § 2.01(1)(g)).

### 1016.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of his/her position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1016.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the supervisor or the employee's Division Commander, a determination should be made whether the employee should be temporarily relieved from duty.
- (e) The Police Chief shall be promptly notified in the event that any employee is relieved from duty.

### 1016.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Fitness for Duty*

---

##### **1016.5 WORK-RELATED CONDITIONS**

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Commander or unit supervisor and with the concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative assignment for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

##### **1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Police Chief may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the City Human Resources Department, and at no cost to the employee, to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical file.
- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

##### **1016.7 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Fitness for Duty*

---

- 16 hours in one-day period (24 hours). Exceptions to this in order to cover a 12 hour shift by having one or more employees work a 18 hour shift should be avoided and only allowed with approval from a Sergeant or higher.
- 30 hours in any two-day period (48 hours)
- 84 hours in any seven-day period (168 hours)

Members may be involved in an active investigation which, due to its' nature, require work periods longer than the above time frames. A member working such an investigation must notify the Lieutenant of Investigations, or if unavailable the Lieutenant of Field Operations or the Police Chief, as soon as practicable that they will be working extended hours and why.

Members working more than the above stated periods of time due to emergency operations must notify their supervisor if they are unable to safely perform their duties due to fatigue or other reason. Supervisors should also remain aware of the mental and physical condition of these employees.

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1016.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

## Meal Periods and Breaks

### 1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees that has been established by the City.

#### 1017.1.1 MEAL PERIODS

Sworn employees shall remain on-duty subject to call during meal breaks, other than as noted in Policy 1018 Lactation Breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City. Exceptions may be granted on a case by case basis by the employee's supervisor in the event of a special circumstance.

The time spent for the meal period should not exceed the authorized time allowed without supervisor approval. Supervisors may grant this only for good cause.

#### 1017.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break for each four-hour work period. Only one 15-minute break may be taken during each four hours of duty. These breaks cannot be taken at the end or the beginning of an employee's shift.

Field officers are subject to call and shall monitor their radios.

## Lactation Breaks

### 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

### 1018.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

### 1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

Reasonable effort will be made to provide additional time beyond authorized breaks if necessary and with supervisor approval.

Officers desiring to take a lactation break should notify a supervisor prior to taking such a break in the event the officer would experience a delay in responding to an emergency. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lactation Breaks*

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##### **1018.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

## Payroll Records

### 1019.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages using the department authorized scheduling and payroll program.

#### 1019.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

#### 1019.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis. Payroll records shall be completed and submitted using the department authorized scheduling and payroll program generally no later than 6:00 a.m. on the Tuesday morning which begins the next pay period, unless specified otherwise.

#### 1019.1.3 PAYROLL RECORDS RETENTION

The Finance Department shall make and keep for at least three years payroll records for each employee that contains the required statutory information (Wis. Admin. Code DWD § 272.11(1)).

## Overtime Compensation Requests

### 1020.1 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and approval.

#### 1020.1.1 EMPLOYEE RESPONSIBILITY

Employees should complete the overtime compensation request as soon as possible after working the overtime and submit it using the approved scheduling program. Employees submitting an overtime request for on-call pay when off-duty should submit it the first day after returning to work or earlier.

#### 1020.1.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime compensation request should check that all the information is correct and recorded properly before approving the request.

#### 1020.1.3 ADMINISTRATION RESPONSIBILITIES

A Lieutenant and/or the Administrative Assistant will review all overtime requests through the payroll approval process using the approved scheduling program. Once payroll has been approved a report will be sent to City Finance.

### 1020.2 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in overtime status. However, when two hour minimum call-in overtime pay is appropriate, pursuant to the current collective bargaining agreement, then the employee will submit for two hours, but will also indicate the actual time worked.

#### 1020.2.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	1/4 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

## Outside Employment

### 1021.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall initially obtain written approval from the Police Chief prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Police Chief in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employee collective bargaining agreement.

#### 1021.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

**Outside overtime** - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

### 1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Police Chief. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Police Chief for consideration.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Outside Employment*

---

##### **1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Police Chief within 10 days of the date of denial.

If an employee who is covered under a collective bargaining agreement has their appeal denied, the employee may file a grievance pursuant to the Grievances Policy or the procedure set forth in the current collective bargaining agreement.

##### **1021.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION**

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Police Chief may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.
- (b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Department or City, including impacting their reasonable availability to cover department overtime.

##### **1021.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of department time, facilities, equipment or supplies, the use of the department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Outside Employment*

---

- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.
- (e) Would reasonably be expected to damage the community's trust in the department and its officers or the department's reputation in the community.

#### 1021.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Police Chief in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
  - 1. The officer shall wear the department uniform/identification.
  - 2. The officer shall be subject to all the rules and regulations of this department.
  - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
  - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Police Chief.

#### 1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Outside Employment*

---

##### **1021.3.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

##### **1021.4 DEPARTMENT OFFICE RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

##### **1021.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to this policy.

##### **1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his/her outside employment during the period of an approved application, the employee should promptly submit written notification of such termination to the Police Chief through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees should also promptly submit in writing to the Police Chief any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should report the change.

##### **1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE**

Department members who are engaged in outside employment and are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing as soon as possible whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Police Chief whether such outside employment should continue or the approved application be suspended or revoked.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Outside Employment*

---

In the event the Police Chief determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the employee's application will be forwarded to the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment application while on disability status or administrative leave includes, but is not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advice.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The outside employment is not compatible with the reason the employee is on administrative leave.
- (d) The employee failed to make timely notice of his/her intentions to his/her supervisor.

When the disabled employee returns to full duty with the Chippewa Falls Police Department, a request (in writing) may be made to the Police Chief to restore the permit.



# Occupational Disease and Work-Related Injury Reporting

## 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - Any mental or physical harm to an employee caused by accident or disease (Wis. Stat. § 102.01(2)(c)).

## 1022.2 POLICY

The Chippewa Falls Police Department will address occupational diseases, some mental health issues and work-related injuries appropriately, and will comply with applicable state worker's compensation requirements (Wis. Stat. § 102.01 et seq.).

## 1022.3 RESPONSIBILITIES

### 1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any work-related injury or illness, as well as any member who is involved in any accident while on-duty, shall report such injury, illness or accident as soon as practicable, but within 24 hours, to his/her supervisor (Wis. Stat. § 102.37).

Any member observing or learning of a potentially hazardous condition should immediately take reasonable precautions to mitigate or eliminate the hazard and promptly report the condition to his/her immediate supervisor (see generally Wis. Stat. § 103.02).

Any member sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician. The member shall provide a note from a physician prior to their return to regular duty indicating that they are free from any work restrictions which would prohibit resumption of their normal duties.

A member sustaining a work-related injury or illness that requires relief from duty is also required to comply with department policies and directives relating to the duty to periodically call in during absences, in addition to the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, a member being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Modified duty may be available for members whose injuries prevent resumption of regular duties.

An injured member or a member who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such members

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Occupational Disease and Work-Related Injury Reporting*

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are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

##### **1022.3.2 SUPERVISOR RESPONSIBILITIES**

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding worker's compensation are completed and forwarded promptly. Any related City-wide illness- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Safety and Health Program policies apply and take additional action as required.

##### **1022.3.3 DIVISION COMMANDER RESPONSIBILITIES**

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Police Chief, the City's risk management entity, and the Administration Division Commander to ensure any required Department of Safety and Professional Services reporting is made as required in the safety and health program identified in the Safety and Health Program Policy.

##### **1022.3.4 POLICE CHIEF RESPONSIBILITIES**

The Police Chief shall review and forward copies of the report to the City Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

##### **1022.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for worker's compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Assistant.

This report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

##### **1022.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Occupational Disease and Work-Related Injury Reporting*

---

##### 1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Police Chief with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Police Chief. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Personal Appearance Standards

### 1023.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

### 1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Police Chief has granted exception.

Cosmetics, if worn, will be in good taste, subdued, and natural in appearance consistent with presenting a professional appearance in a business setting.

#### 1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Extreme hair colors are prohibited.

For male sworn officers and parking enforcement employees, hair must not extend below the top edge of the uniform collar while assuming a normal stance. Hair shall not fall over the ears or eyebrows.

For female sworn officers and parking enforcement employees, hair shall not extend below the bottom of the collar. Hair may be combed over the ear, but shall not be allowed to extend below the bottom of ear or more than two inches in front of the ear. No decorations may be worn in the hair except clips, pins, barrettes, cloth ties, or hair nets that are black or match the employee's hair.

For male and female non-sworn employees hairstyles shall be neat in appearance and of a type that presents a professional appearance in a business setting.

#### 1023.2.2 FACIAL HAIR

A short and neatly trimmed mustache or goatee may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. A goatee for these purposes is defined as one that connects the mustache to the hair on the chin.

A beard that is full and neatly trimmed may be worn. Beard hair must be no longer than 1/2" in length and must be worn with a mustache. The top of the beard should not cover the upper part of the cheek. The bottom of the beard should not go below the Adam's apple following the jaw line.

#### 1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat and end with a clean horizontal line.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personal Appearance Standards*

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##### **1023.2.4 FINGERNAILS**

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

Non-sworn employees may wear their fingernails of a length that does not interfere with performing their duties and project a professional appearance in a business setting.

##### **1023.2.5 JEWELRY AND ACCESSORIES**

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

One stud/post earring may be worn in each earlobe at the same time by uniformed sworn officers, investigators or special assignment personnel. Only one ring may be worn on each hand of the employee while on-duty. Medical bracelets may be worn. One rubber styled wrist band may be worn. One wristwatch or other electronic wrist device may be worn.

Non-sworn employees or sworn non-uniform employees may wear conservative earrings, necklaces, bracelets/wristbands that do not detract from their ability to perform their duties and project a professional appearance in a business setting.

##### **1023.3 TATTOOS**

The appearance of a police officer is the most common symbol of government authority and professionalism. It is a visual representation of the department and the government in general. Therefore, it should be assumed that reasonable restrictions will be placed on police officers who choose to have visible tattoos or body art.

Tattoos or body art that are extremist, indecent, sexist, racist, offensive, inappropriate for the law enforcement community or would otherwise undermine the Chippewa Falls Police Department's mission or its' ability to maintain the public's trust and respect are prohibited. Officers are encouraged to consult with Administration to determine if a tattoo or body art would be permissible to wear openly.

The final determination on the interpretation of a tattoo is determined by the Chief.

An employee shall not have any tattoos or body art on the head, face, neck (above the collar), scalp, or hands (below the wristbone) unless authorized by the Chief because of special circumstances.

##### **1023.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and that is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Personal Appearance Standards*

---

- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification

#### **1023.5 NOTIFICATION**

The Department shall, at the time of hiring, notify each employee of the personal appearance standards (Wis. Stat. § 103.14).

# Uniform Regulations

## 1024.1 PURPOSE AND SCOPE

The uniform policy of the Chippewa Falls Police Department is established to ensure that uniformed officers, special assignment personnel and non-sworn employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following policies:

- Firearms
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards
- Bicycle Patrol Unit
- Authorized Firearms, Ammunition, and Other Weapons

The uniform and equipment specifications manual is maintained and periodically updated by the Police Chief or the authorized designee. The manual should be consulted regarding authorized equipment and uniform specifications.

The Chippewa Falls Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

## 1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professional.
- (b) All officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Employees shall not loan any portion of the uniform to others, other than other Chippewa Falls Police Department officers.
- (e) Employees shall not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications, which are maintained separately from this policy.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

- (h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official department functions or events, or when otherwise authorized by the Police Chief or designee.
- (j) If the uniform is worn while in transit an outer garment may be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (k) Search gloves will be black in color, cover the entire hand and fingers and any manufacturer logos will be subdued
- (l) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (m) Conservative style prescription eyeglasses and sunglasses may be worn. "Aviator" style mirrored sunglasses will not be worn with any department uniform.
- (n) The Uniform Dress Hat is part of the official uniform. The Police Chief may authorize other head-wear such as a CFPD ball cap or CFPD winter cap to be worn as specified elsewhere in this policy. Those head-wear items are not considered police uniform. They may be worn separate from the rest of the uniform and may be worn by non-CFPD persons.
- (o) Sergeants (and officer-in-charge) may temporary suspend uniform and equipment requirements with good cause in situations such as extreme weather or dynamic critical incidents.

The following mandatory equipment is required for officers while wearing the duty uniform:

- (a) Portable radio with ear piece utilized (unless otherwise approved by the chief)
- (b) Handcuffs and key
- (c) Body armor (Note: body armor can be removed if its' use is not reasonably expected, i.e. inside the police department when utilizing the computers, taking break, in meetings, etc.)
- (d) Police Baton *on person or readily available in duty bag or squad*
- (e) ECD (Taser) *on person or readily available in duty bag or squad*
- (f) Oleoresin capicum
- (g) First Aid Equipment
  1. On person: Tactical Tourniquet, Quick Clot, latex gloves
  2. On person or readily available in duty bag or squad: Narcan, Pocket Mask, Other department provided PPE and/or medical equipment such as nasal pharyngeal airway, chest seal, N95 mask, etc.
- (h) Flashlight
- (i) Department issued pistol and magazines
- (j) Department squad car and building keys



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

- (k) Department identification card
- (l) Administrative materials such as writing tablets, writing utensils, and any other department issued materials necessary to perform the police function

The following mandatory equipment is required for officers while working in public or with the public on-duty in plain clothes:

- (a) Portable radio
- (b) Handcuffs and key
- (c) Oleoresin capicum
- (d) Department issued pistol and magazines
- (e) *Body armor on person, if its use is reasonably suspected, or in close proximity so it can be put on if needed*
- (f) Department identification card
- (g) Administrative materials such as writing tablets, writing utensils, and any other department issues materials necessary to perform the police function

Note that officers assigned to special duties; such as a Drug Unit Investigator, SWAT operator, Honor Guard or other assignment as designated by the Police Chief may operate without or with different mandatory equipment than listed above but with the understanding that reasonable efforts will be made in this area for the protection of the officer and the public.

#### **1024.2.1 DEPARTMENT - ISSUED IDENTIFICATION**

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Commander.

#### **1024.3 UNIFORM CLASSES**

The various uniform specification classes are those identified in this policy.

##### **1024.3.1 CLASS A UNIFORM**

The Class A uniform may be worn on special occasions, such as funerals, graduations, ceremonies or as directed. The Class A uniform is required for officers of Sergeant Rank and above. The Class A uniform includes a white long-sleeve shirt and tie, dress pants, overcoat, and polished shoes. The overcoat will have a name plate, badge, and large collar brass affixed. The long sleeve shirt will have small collar brass affixed. Body armor and firearm should be carried

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

unless reasonable efforts have been made in this area for the protection of the officer and the public; such as the presence of other armed and armored officers.

The Class A uniform may include the wearing of the uniform dress hat with badge during funerals. The uniform dress hat will have silver trim for Sergeants and gold trim for Lieutenants and the Police Chief. White cotton gloves may also be worn with the Class A uniform at the direction of the Police Chief or designee.

#### 1024.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. The Class B uniform is the working uniform for patrol officers and parking enforcement.

The Class B uniform for patrol officers will consist of:

- (a) The dark blue short-sleeve uniform shirt with the collar open to be worn during the summer months depending on weather as determined by the shift Sergeant. No tie is required.
- (b) The dark blue long-sleeve uniform shirt with the collar open to be worn during the winter months depending on weather as determined by the shift Sergeant. No tie is required. Sleeves will not be rolled up when in public view. A blue military style pullover style sweater may be worn over the uniform shirt. The sweater will have shoulder epaulets, a badge tab, reinforced elbows. Badge and nameplate should be affixed if it is worn without an outer vest carrier.
- (c) A white or black crew neck undershirt (or black mock turtleneck in the winter) must be worn with the uniform.
- (d) Unless an outer vest carrier is worn uniform shirts will have the badge, name plate, whistle chain, and any authorized collar brass affixed.
- (e) Outer vest carriers are an option for the wearing of body armor. The type of outer vest carrier must be approved by the Police Chief.
  - 1. An outer vest carrier is black in color and has pockets/pouches affixed for the carrying of gear on the vest. This style of vest will have the badge affixed and may have the name plate embroidered.
  - 2. A uniform shirt, or a shirt with sleeves and collar that match the uniform shirt, shall be worn under the outer vest carrier. That shirt will have any authorized collar brass affixed.
- (f) All shirt buttons must remain buttoned except for the last button at the neck.
- (g) Footwear will be an approved shoe or boot which is all black in color and constructed of a material designed to provide protection to the foot and perform the dynamic movements necessary for law enforcement tasks. Footwear will be clean and in good repair. When visible socks shall be black.
- (h) Authorized black suspenders may be worn with duty gear.
- (i) The Class B uniform may include the use of the uniform dress hat for special events such as funerals as directed by the Police Chief or designee. The uniform dress hat will

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

be black for officers, have silver trim for Sergeants, and have gold trim for Lieutenants and the Police Chief.

- (j) The Class B uniform may include the use of the uniform ball cap for:
  - 1. Special events as directed by the Police Chief or designee.
  - 2. When an officer is assigned to a long duration outdoor task in excessively hot and sunny weather or rain as approved by the shift commander (such as directing traffic or assignment to a outdoor perimeter for long periods of time).

The Class B uniform for parking enforcement will consist of:

- (a) Gloves, if worn will be black
- (b) Footwear will be the same as the Class B uniform for patrol officers
- (c) Understanding the extended periods of time this job spends outside a hat is recommended. An approved black or blue winter hat, ball cap, or wide brim summer hat may be worn. Hats should not be worn indoors for extended periods of time
- (d) Depending on the weather the shirt will be a white long or short sleeve polo. A white t-shirt or black mock turtle neck may be worn under the shirt.
- (e) Pants/shorts will be a black 5.11 style. If worn, the belt will be black.

#### 1024.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing for bike patrol and special duty assignments.

The Class C uniform is the same as the Class B Uniform but replaces the uniform shirt with the uniform polo as outlined in Policy 426 - Bicycle Patrol Unit. An approved ball cap may also be worn.

#### 1024.3.4 SPECIALIZED UNIT UNIFORMS

The Police Chief may authorize special uniforms to be worn by officers in specialized units, such as the canine team, SWAT, bicycle patrol, honor guard, and other specialized assignments.

#### 1024.3.5 SUPPLEMENTAL APPAREL

##### High Visibility Apparel

- Police officers are routinely required to conduct activities on or near roadways. Officers will wear the department issued high visibility vest when working on or near the roadway for more than a brief amount of time. This would include crash investigations, directing traffic, clearing roadway obstructions and other similar tasks. It is recognized that there are times when wearing high viability apparel is not appropriate or feasible such as traffic stops, surveillance activities, foot pursuits and other emergency or unplanned events.
- Parking Enforcement employees routinely park and walk in high traffic areas and are required to wear high visibility apparel on the outermost layer when outdoors engaged in parking enforcement duties or otherwise near traffic ways.

##### Rain Apparel

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

- Rain jackets may be black in color if worn with the high visibility vest during times when high visibility apparel is required. Rain jackets may also be considered high visibility apparel if they are an ANSI/OSHA Class 2 or 3 approved yellow/lime green or orange. If the dress hat is worn, a black or high visibility colored rain cover may be put over it.

#### Cold Weather Apparel

- Authorized outer jacket/coat may be worn with the duty uniform. The jacket/coat will have patches (and chevrons for sergeants) sewn in the same manner as the uniform shirt. Larger style collar brass shall be worn on the collar of the jacket/coat if possible in the same manner as the uniform shirt. The badge and name plate will be affixed in the same locations as the uniform shirt. Where appropriate buttons will be silver for officers and Sergeants, and gold for Lieutenants and the Police Chief.
- Winter hats and gloves may be worn. These will be either an approved winter hat or a plain black hat. No logos will be allowed other than authorized department logos and subdued manufacturers logos.

#### **1024.4 INSIGNIA AND PATCHES**

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.
- (b) The regulation name plate, or an authorized sewn on cloth name plate shall be worn at all times while in uniform. The name plate shall display the employee's name. If an employee's first and last names are too long to fit on the name plate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Police Chief. The name plate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the name plate to the outer edge of the pocket. If an outer vest carrier is worn the name plate will be in same location on the carrier as it would be on the uniform shirt.
- (c) When a jacket is worn, the name plate shall be affixed to the jacket in the same manner as the uniform.
- (d) Assignment insignias may be worn as designated by the Police Chief or the authorized designee. Only pre-approved pins may be worn on the uniform. These pins shall be worn centered above the name plate. In the event more than one pin is worn, they will be side by side and centered.
- (e) An American flag pin may be worn, centered above the nameplate.
- (f) The department-issued badge must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry the badge so it is in reasonable proximity to the firearm and can be displayed whenever appropriate.
- (g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Police Chief or the authorized designee may authorize exceptions.
  1. Sergeants will wear chevrons on their uniform shirts and jackets/coats. These chevrons will be three blue stripes on a silver background. They will be 3" in

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

width and will be sewn point up on each sleeve 1/2" beneath the bottom-most point of the department shoulder patch. Sergeants will also wear silver chevron collar brass on each side of the collar. Chevron collar brass will be worn point up 1/2" from the inner edge and 1" from the collar point.

2. Lieutenants will wear gold single bar collar brass on each side of the collar. This collar brass will be worn 1/2" from the inner edge and 1" from the collar point.
3. The Police Chief will wear gold single star collar brass on each side of the collar. This collar brass will be worn 1/2" from the inner edge and 1" from the collar point.

#### **1024.4.1 MOURNING BADGE BAND**

Uniformed employees may wear a mourning band across the uniform badge and civilian employees may wear the morning pin during the following mourning periods:

- (a) An officer of this department - As direct by the Police Chief or designee
- (b) A peace officer from this or an adjacent county - As directly by the Police Chief or designee
- (c) Funeral attendee - While attending the funeral of an out-of-region peace officer.
- (d) National Police Week. For the duration of any shift beginning on any day during that week.
- (e) As directed by the Police Chief or the authorized designee.

#### **1024.5 NON-UNIFORM ATTIRE**

There are sworn and non-sworn assignments within the Department that do not require wearing a uniform. The type of attire worn shall reflect a professional business setting. It is vital that the public see a police department that is competent and professional.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or visibly worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar and dress pants, polo shirt with dress pants or 5.11 style pants, or suits that are moderate in style. Shirts will be tucked in.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, dress pants, shirts, sweater, blouses, suits or other clothing that is moderate in style and appropriate to a business setting.
- (d) Jackets/coats when worn will be conservative and suitable for a business environment. Jackets/coats may have the department logo printed or embroidered.
- (e) The following items shall not be worn on-duty:
  1. T-shirt alone
  2. Open-toed sandals or thongs
  3. Swimsuit, tube tops or halter tops

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

4. Spandex type pants or see-through clothing
  5. Distasteful printed slogans, buttons or pins
  6. Denim pants of any color
  7. Shorts
  8. Sweatshirts, hoodies, sweatpants or similar exercise clothing
- (f) Variations from this order are allowed at the discretion of the Police Chief or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing, such as the Drug Unit Investigator.
- (g) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Chippewa Falls Police Department or the morale of the employees.
- (h) Officers and civilian employees who are on-duty in court will wear their Class B uniform or formal business attire.
- (i) These restrictions may be lifted for special occasions as determined by the police chief.

#### **Training Attire**

Employees assigned to attend outside training represent our police department to other departments and partner agencies. Therefore, they should follow the above attire guidelines whenever doing so does not unreasonably affect the employees' ability to train, such as during tactical training. The employee should use their best judgment.

Employees assigned to instruct outside training or in-house training should follow the above attire guidelines whenever doing so does not unreasonably affect the employees' ability to instruct, such as during tactical training. The employee should use their best judgment.

Employees attending in-house training may wear more casual clothing, as long as it does not unreasonably affect the employees' ability to train, unless otherwise directed by the in-house instructor for that training session. Clothing displaying words or images should be suitable for a professional setting.

#### **1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM**

Unless specifically authorized by the Police Chief, Chippewa Falls Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Chippewa Falls Police Department to do any of the following (Wis. Stat. § 164.015):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### Uniform Regulations

---

- (d) Appear in any commercial, social or nonprofit publication, or on any motion picture, film, video, public broadcast or on any website.

#### **1024.7 EQUIPMENT - MAINTENANCE AND REPLACEMENT**

##### Department Issued Equipment

- (a) If an item of department issued property is lost or damaged, the affected employee will forward this information as soon as practicable to their supervisor and provide details on the circumstances. The Report of Damage or Accident Form shall be completed by the employee unless the damage is of an insignificant nature. Disciplinary action may be pursued if in the supervisor's determination the damage or loss was due to negligence or willfulness. Intentional failure to report significant damage may also result in discipline. Malicious or otherwise criminal actions regarding loss or damage of department property may result in prosecution.
- (b) The Department will replace department issued equipment damaged due to the result of the performance of their duty.
- (c) Prescription glasses will be repaired or replaced at a reasonable cost for frames and lenses if lost or damaged while taking police action. Extra costs for special frames or lenses will be the responsibility of the employee. Contact lenses will be replaced if lost or damages as a result of taking police action.

##### Optional Equipment

Officers may purchase and use optional equipment on-duty. These items may include functional items such as a watch, tape measure, binoculars, winter gloves/leggings/socks, multi-tools, extra flashlights and other like items. Optional weapons carried on duty are regulated by Policy 306.3 Authorized Firearms, Ammunition, and Other Weapons.

- (a) Any optional equipment shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Department.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.
- (d) Worn out or lost optional equipment that were approved expenditures may be paid for out of the employees uniform account.

##### Uniform Allowance

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Uniform Regulations*

---

Each officer is provided a uniform allowance as specified by the collective bargaining agreement. This allowance is to be used to purchase and replace items. Items purchased shall be for on-duty use and approved by the Police Chief or designee.

The uniform allowance is initially to be used to purchase and keep in good working order the Class A, B, C and Special Duty Uniforms and approved non-uniform assignment clothes: Ties, hats, shirts, undershirts, turtlenecks, leggings, socks, pants, pant belt, shoes, boots, rain gear, winter and spring/fall jackets/coats, ballistic vests, carrier and other approved related clothing item or equipment. Ammunition may also be purchased when recommended by a firearms instructor to improve upon a deficient skill.

Optional Equipment: If the above uniform and equipment is in good order, as determined by the employees supervisor, the employee may also use the uniform allowance for optional equipment such as extra flashlights, gloves, knives, badges, pins, duty belt and related gear, brief cases/duffel bags, high visibility apparel and related optional equipment items.

#### **1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Chippewa Falls Police Department employees may not wear any uniform item, accessory or attachment other than the approved optional equipment described in this and related policies unless specifically authorized by the Police Chief or the authorized designee.

Chippewa Falls Police Department employees may not use or carry any safety item, tool or other piece of equipment other than the approved optional equipment described in this and related policies unless specifically authorized or by the Police Chief or the authorized designee.

#### **1024.9 NOTIFICATION**

The Department shall, at the time of hiring, notify each employee of the uniform regulations and clothing requirements (Wis. Stat. § 103.14).



## Department Badges

### 1026.1 PURPOSE AND SCOPE

The Chippewa Falls Police Department badge and uniform patch as well as the likeness of these items and the name of the Chippewa Falls Police Department and the logo are property of the Department and their use shall be restricted as set forth in this policy.

### 1026.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

#### 1026.2.1 CIVILIAN PERSONNEL

Badges and Department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g., parking control, court officer).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform, while on-duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 1026.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement employees may be provided their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

### 1026.3 AUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, logo, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as social media, electronic mail or websites and web pages without express permission from the Police Chief or designee.

The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Police Chief or the authorized designee.

Employees shall not loan the department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated (Wis. Stat. § 946.70).

## Temporary Modified-Duty Assignments

### 1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1027.2 POLICY

It is the policy of the Chippewa Falls Police Department to allow employees, when possible, the opportunity to work in a modified duty assignment, where the employee is unable to perform full and regular duty due to a work-related injury/illness.

The City has established a Modified Duty Program Policy which will be applied to injured/ill employees and, whenever feasible and appropriate, for non-work related injured/ill employees or temporarily restricted due to pregnancy on a case by case basis.

The Chippewa Falls Police Department Modified Duty Program Policy is to be considered an addendum to the City of Chippewa Falls Modified Duty Program Policy. Should there be an unintentional discrepancy between the two policies; the City Policy will dictate.

The availability of modified duty assignments is exclusively determined by the Police Chief and is not intended to constitute a long-term permanent assignment. It is critical that employees work within their medical restrictions while on modified duty.

### 1027.3 GENERAL CONSIDERATIONS

The Police Department recognizes and appreciates the fact that some injuries may require a recovery and/or rehabilitation period and that a modified work assignment may be beneficial to both the employee and the employer. The Modified Duty Program applies to all departments within the City and has the following goals:

- (a) To foster and enhance the physical and psychological recovery process for the injured/ill workers;
- (b) To reduce medical, disability, and lost time costs;
- (c) To reduce indirect accident costs;
- (d) To minimize the chance of re-injury;
- (e) To encourage cooperation between employees and management;
- (f) To establish a more stable workforce; and
- (g) To enhance the injured/ill employees' sense of confidence and well-being.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Modified-Duty Assignments*

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Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Wisconsin Fair Employment Act (Wis. Stat. § 111.31 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Chippewa Falls Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Police Chief or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

#### **1027.4 ELIGIBILITY**

##### **Work-Related Injury/Illness**

An employee who has suffered a work-related injury/illness, that is to say an injury/illness that occurs in the course of and arises out of employment is eligible for modified duty; considering availability of work, skill level, and documented medical restrictions.

An employee with a work-related injury/illness who is offered and refuses a modified duty assignment will then be required to use their own earned time (i.e. Vacation, Comp, Kelly) or provide updated documentation from the medical provider.

##### **Non Work-Related Injury/Illness and Pregnancy**

An employee who has suffered a non work-related injury/illness, that is to say, any injury or illness that did not occur in the course of or arise out of employment, may be eligible for modified duty subject to medical restrictions and the needs of the department as defined in this policy. Pregnant employees may also be eligible for modified duty as defined in this policy.

Prior to being assigned to a modified-duty assignment employees need to submit the following to their Division Commander:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Modified-Duty Assignments*

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- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

#### Priority of Assignment

In situations where there is a greater demand for modified duty than available work, approval will be prioritized according to the following guidelines, except where otherwise noted in this policy.

- a. Work-related injury/illness

- b. Pregnancy

- c. Non work-related injury/illness

### **1027.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments.

#### **1027.5.1 EMPLOYEE RESPONSIBILITIES**

Employees are responsible for:

- (a) Reporting all injuries to your immediate supervisor.
- (b) If you are injured and you seek medical attention, you may be asked to provide a list of modified duty assignments (provided by CFPD Administration) to your treating physician and a summary of the Modified Duty/Return-To-Work Program. Providing the information is necessary to help determine how and when you can return to the job safely.
- (c) Unless otherwise directed, you are expected to return to work with any medical restrictions on the same day as the accident or, if time prohibits, the following day.

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Remaining aware of your medical restrictions at all times.
- (e) Not attempting tasks that exceed your restrictions. If you have a question about the task(s) at hand and your restrictions, talk to your supervisor immediately.
- (f) If you believe a supervisor has asked you to attempt a task that you believe exceeds your restrictions, inform the supervisor of your concern. The supervisor needs to

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Modified-Duty Assignments*

---

confirm that the task is within the employee's restrictions, if they are unsure they are to contact an administrator before ordering the employee to complete the task.

- (g) If you feel that you can perform certain tasks that exceed current restrictions, talk to your physician and get new restrictions (in writing) that allow you to perform these tasks.
- (h) The medical restrictions are in effect 24 hours per day. Be careful during non-work hours to be sure that the restrictions are maintained. If you have hobbies or outside interests, talk to the treating physician about possible conflicts. Follow your physician's instructions.
- (i) Any employee who engages in activities that are inconsistent with medical restrictions and/or treatment patterns, whether on or off the job, is subject to possible disciplinary action.
- (j) Completing the Modified Duty Status Form Weekly Log.

#### **1027.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty. This includes recording of all hours worked.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Explaining in detail to the employee the tasks that they can and cannot perform according to the restrictions provided by the treating physician to help ensure that work restrictions are not unintentionally exceeded.
- (b) Being aware of all employees who are on modified duty and what their restrictions are. It is important not to assign any tasks that exceed their medical restrictions.
- (c) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (d) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (e) Ensuring that employees returning to full duty have completed any required training and certification.

#### **1027.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### **1027.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Temporary Modified-Duty Assignments*

---

employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

##### **1027.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

##### **1027.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

##### **1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1029.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

## 1029.2 POLICY

Public employees occupy a trusted position in the community, and thus their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Chippewa Falls Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

## 1029.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet and Social Media. Speech and expression that may negatively affect the safety of Chippewa Falls Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Employee Speech, Expression and Social Networking*

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##### **1029.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Chippewa Falls Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Chippewa Falls Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Chippewa Falls Police Department or its employees. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportation are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Chippewa Falls Police Department.
- (f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Police Chief or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Chippewa Falls Police Department on any personal or social networking or other website or web page without the knowledge and authorization of the Police Chief. This would include staged photograph/video/audio/etc with businesses or groups. This would not include photographs with citizens/children in an on-duty public relations type situation.
- (h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Employee Speech, Expression and Social Networking*

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1. Brief personal use or communication that does not compromise the employees safety or their ability to perform essential job functions.
2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment

Employees should take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### **1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Chippewa Falls Police Department or identify themselves in any way that could be reasonably perceived as representing the Chippewa Falls Police Department in order to do any of the following, unless specifically authorized by the Police Chief, or designee:

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support, or oppose any product, service, company or other commercial entity
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Chippewa Falls Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1029.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (including social media sites) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Employee Speech, Expression and Social Networking*

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##### **1029.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Police Chief or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

## Locker Rooms

### 1031.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Department to ensure each member's rights and privacy are maintained (Wis. Stat. § 175.22).

### 1031.2 SECURITY

Members should not enter a locker room designated for a person of the opposite sex unless:

- (a) The locker room is empty of members of the opposite sex.
- (b) Members in the locker room give consent.
- (c) The entering member reasonably believes there is a medical or other emergency involving a person unable to consent.

Members who seek to interrogate or interview anyone inside the locker room should generally wait until after the member has taken care of personal affairs and has exited.

Situations requiring an immediate conversation regarding the safety or security of another member, person or citizen, will require the member to exit the locker room as soon as possible.

### 1031.3 PRIVACY

At no time will video recording devices be used. Audio recording devices may be used only with the written permission of the Police Chief or the authorized designee. Situations allowing the audio recording of conversations in the locker room are generally limited to internal investigations of member misconduct.

At no time will a member capture, record or transfer video or audio recordings, either openly or in secret, of another member by any means, including, but not limited to, the use of cameras, computers, Personal Digital Assistants (PDAs), tape or digital recorders, video cameras or cellular telephones.

Members who violate this policy are subject to discipline up to and including termination.

### 1031.4 POLICY

The purpose of this policy is to establish guidelines for maintaining the privacy of members while inside a department locker room.

## Line-of-Duty Deaths

### 1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Chippewa Falls Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Police Chief may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1033.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a Non-sworn member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1033.2 POLICY

It is the policy of the Chippewa Falls Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1033.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Commander and Dispatch.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison. The Shift Commander should consider contacting the CFPD Chaplain's Program.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

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- (d) The Police Chief or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).
- (e) The Police Chief or designee should contact the Wisconsin Law Enforcement Death Response Team (LEDRT) and the Wisconsin Honor Guard Association (WHGA).
- (f) The Police Chief or designee should notify the Employee Assistance Provider (EAP).
- (g) The deceased members Line Of Duty Death (LODD) packet should be reviewed, if applicable.

#### **1033.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Police Chief or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Police Chief, Shift Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should consult the LODD Packet prior to making contact with the family:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

---

workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification. EAP provider should also be contacted.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Family Liaison (see the Family Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Police Chief or the authorized designee once survivor notifications have been made so that other Chippewa Falls Police Department members may be apprised that survivor notifications are complete.

#### **1033.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Police Chief.

#### **1033.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Police Chief are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

---

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., EAP, peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

#### **1033.6 LIAISONS AND COORDINATORS**

Updated The Police Chief or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Funeral Liaison (WHGA).
- (e) Mutual aid coordinator.
- (f) Benefits Liaison (LEDR).
- (g) Finance coordinator.
- (h) Wellness Support Liaison

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **1033.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors, the Department and outside resources (EAP, WHGA, LEDR, etc). The Department Liaison reports directly to the Police Chief. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

---

- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1033.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Chippewa Falls Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

---

- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

#### 1033.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison. Consulting the deceased's LODD packet is recommended:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

---

- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1033.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
  - 1. Members involved in the incident.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

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2. Members who witnessed the incident.
  3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of Department responsibilities until they can receive wellness support.
  - (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
  - (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
  - (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

#### 1033.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
- (d) Honor Guard (Local, Regional and WHGA)
  - (a) Bell/rifle salute
  - (b) Pallbearers
  - (c) Color guard
  - (d) Casket watch
  - (e) Bagpipers/bugler
  - (f) Uniform for burial
  - (g) Flag presentation
  - (h) Last radio call
- (e) Briefing the Police Chief and command staff concerning funeral arrangements.
- (f) Assigning an officer to remain at the family home during the viewing and funeral.
- (g) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

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##### 1033.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Chippewa Falls Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

##### 1033.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits (Contact LEDR). Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - (a) Public Safety Officers' Benefits (PSOB) Programs.
  - (b) Public Safety Officers' Educational Assistance (PSOEA) Program.
  - (c) Social Security Administration.
  - (d) Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefits (Wis. Stat. § 102.475)
  - 2. Education assistance (Wis. Stat. § 38.24)
  - 3. Pension benefits (Wis. Stat. § 40.73)
  - 4. Burial expenses (Wis. Stat. § 102.50)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

---

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### **1033.6.8 FINANCE COORDINATOR**

The finance coordinator should work with the Police Chief and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  1. Paying survivors' travel costs if authorized.
  2. Transportation costs for the deceased.
  3. Funeral and memorial costs.
  4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **1033.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Police Chief or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

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- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

#### **1033.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **1033.9 INVESTIGATION OF THE INCIDENT**

The Police Chief shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1033.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Police Chief may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Line-of-Duty Deaths*

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##### **1033.11 NON-LINE-OF-DUTY DEATH**

The Police Chief may authorize certain support services for the death of a member not occurring in the line of duty.

## Safety and Health Program

### 1032.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Chippewa Falls Police Department, in accordance with the requirements of Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.15.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

### 1032.2 POLICY

The Chippewa Falls Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain a Safety and Health Program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

### 1032.3 SAFETY AND HEALTH PROGRAM

The Department is responsible for developing a Safety and Health Program that shall include (Wis. Admin. Code § SPS 332.203):

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety training.
- (c) Posted or distributed safety information.
- (d) Members may anonymously inform management about workplace hazards.
- (e) The City has established a safety committee that will:
  - 1. Meet regularly.
  - 2. Prepare a written record of safety and health committee meetings.
  - 3. Review the results of periodic scheduled inspections.
  - 4. Review investigations of accidents and exposures.
  - 5. Make suggestions to command staff for the prevention of future incidents.
  - 6. Review investigations of alleged hazardous conditions.
  - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
  - 8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishing a process to ensure illnesses and injuries are reported as required under Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Safety and Health Program*

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#### **1032.4 ADMINISTRATIVE RESPONSIBILITIES**

The responsibilities of the Department include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  - (a) New member orientation that includes a discussion of safety and health policies and procedures.
  - (b) Regular member review of the health and safety procedures and issues.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
  - (a) Informing members of the safety and health issues.
  - (b) Ensuring that the member evaluation process includes member safety performance.
  - (c) Ensuring department compliance to meet standards regarding the following (Wis. Stat. § 101.055):
    - (a) Maintenance of records related to work-related injuries, illnesses and exposure to toxic/harmful substances.
    - (b) Prompt notification to employees of qualifying exposures.
    - (c) Notification to employees of their protections and rights regarding employee safety, including posting a summary of these protections and rights at the Department.
    - (d) Assistance is provided to inspectors of the Wisconsin Department of Safety and Professional Services and required information is provided to them.
    - (e) Notification is made to collective bargaining units of inspections by the Wisconsin Department of Safety and Professional Services.
    - (f) Protection is provided to employees exercising their rights related to reporting safety issues.
    - (g) Meet or exceed Public Employment Safety and Health requirements of Wis. Admin. Code § SPS 332.15 et seq. to include:
      - 1. Communicable diseases (Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.15).
      - 2. Respiratory protection (29 CFR 1910.134; Wis. Admin. Code § SPS 332.15).

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Safety and Health Program*

---

3. Emergency Action Plan (29 CFR 1910.38; Wis. Admin. Code § SPS 332.15).
  - (e) Documenting inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
  - (f) Making available a form to document individual incidents or accidents.
  - (g) Documenting training dates, type of training and training providers for health and safety training.
  - (h) Conducting and documenting a regular review of health and safety procedures.

#### **1032.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with health and safety procedures and answering questions from members about this policy.
- (b) Ensuring health and safety training, counseling and instruction is completed as well as coordinating remedial training or correction, if needed.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury as needed.
- (e) Notifying the Police Chief when:
  - (a) New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  - (b) New, previously unidentified hazards are recognized.
  - (c) Occupational illnesses and injuries occur.
  - (d) Members are assigned to processes, operations or tasks for which they have not been trained.
  - (e) Workplace conditions warrant an inspection.

#### **1032.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Safety and Health Program*

---

Members who are necessary to correct the hazardous condition should be provided with the necessary protection.

All significant actions taken and dates they are completed should be documented and provided to the Police Chief via the chain of command.

The Police Chief will take appropriate action to ensure departmental health and safety procedures address potential hazards upon such notification.

#### **1032.7 INVESTIGATIONS**

Any member sustaining a work-related illness or injury, as well as any member who is involved in an accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to a supervisor.

A supervisor receiving such a report should investigate the incident. The extent of the investigative procedure for workplace accidents and hazardous substance exposures depends on the severity of the incident.

The supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

#### **1032.8 TRAINING**

The Police Chief will work with the Lieutenant of Field Operations to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

#### **1032.9 RECORDS**

Records and training documentation relating to the Safety and Health program will be maintained in accordance with the established records retention schedule.

# CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS

## 1034.1 PURPOSE AND SCOPE

It is the policy of the Chippewa Falls Police Department to promptly and thoroughly investigate and adjudicate complaints against Department members. The proper handling of complaints serves to enhance the confidence of the public in the police, identify potential problems needing attention, and also protects Department members from false or exaggerated allegations.

## 1034.2 COMPLAINT PROCEDURE

Initial complaints regarding employees should be directed to their immediate supervisors. If the appropriate supervisor is not on duty, any on-duty supervisor of at least one rank higher than the employee or the acting shift commander may take the complaint.

The supervisor receiving a complaint about the conduct or performance of an employee should advise the complainant that the matter can be handled in one of the following ways:

1. The complaint may be handled informally to the satisfaction of the complainant and the supervisor. If the complaint can be resolved at that level, the employee's supervisor shall take the necessary action. Employees should be informed promptly of a complaint made against them and the outcome. The employee's supervisor shall then notify the next higher-ranking supervisor of the complaint and the action taken.
2. The complainant may file a formal complaint against a member by completing and signing a Citizens Complaint Form. This written statement should include a detailed narrative about the incident, those involved, the time, date, and place of occurrence. Citizens can submit a completed Citizen Complaint Form at the Police Department or by mail or electronic means. Citizens may remain anonymous.

The supervisor taking the complaint should conduct an in-depth interview of the complainant when possible and will prepare a supplemental report. Initial interview of persons filing a complaint by mail or by electronic means can be completed over the phone if necessary. The Chief will determine appropriate follow-up. The supplemental report should include as much of the following as possible:

- (a) The complainant's full name, home and work address, home and work telephone numbers.
- (b) The details of the complaint with date, time, and place of occurrence.
- (c) Names and addresses of any witnesses or other persons present.
- (d) Names of employees involved.
- (e) Description of the efforts made to resolve the complaint.
- (f) The receiving supervisor will also document any evidence presented by the complainant. Any visible injury will be photographed. A signed medical release should

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS*

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also be obtained when the complainant has sought or will be seeking medical attention for injuries related to the complaint. A copy of the completed Citizens Complaint Form will be provided to the Complainant upon request.

- (g) The complaint and required reports shall be directed to the office of the Chief of Police. The Chief of Police will assign responsibility for the investigation of a complaint.

#### **1034.3 CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS**

Depending on the seriousness of the issue at hand, the Chief of Police will assign a Citizen's Complaint number or an Internal Investigation number. Employees will be promptly notified of complaints filed against them and the nature of the allegations.

If an employee is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal, or criminal charges, the interrogation shall comply with the following requirements:

1. The employee under investigation shall be informed of the nature of the investigation prior to any interrogation.
2. At the request of any employee under interrogation, he or she may be represented by a representative of his/her choice who, at the discretion of the employee, may be present at all times during the interrogation.

Employees being questioned, as a part of an official internal investigation by the Chippewa Falls Police Department, are required to answer questions relating to the performance of their official duties. Employees who fail to do so are subject to department discipline, up to and including dismissal. Statements, information, or evidence resulting from such statements cannot be used against the employee in any subsequent criminal proceeding. These statements can be used against the employee in any subsequent department charges. (*Garrity vs New Jersey, 1967*)

Internal investigations should be completed in thirty days unless extended by the Chief of Police. If investigations are extended, complainants and the involved employees should be notified promptly of the extension.

Upon the completion of the investigation, the Chief of Police will classify the complaint as follows:

1. Exonerated – Investigations have cleared employee(s) of any blame and have shown them to have conducted themselves in a manner consistent with the policies and goals of the Department.
2. Unfounded – Investigations have proven the alleged misconduct did not occur and the complaint lacks a sound basis in fact.
3. Not sustained – Investigations were unable to support, as true and correct, facts as alleged in the complaint.
4. Sustained – Investigations have substantiated, by competent evidence, facts as alleged in the complaint.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS*

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5. Misconduct not based on the original complaint – Facts alleged in the original complaints could not be sustained, however, investigations revealed and sustained other acts of misconduct or violation of policy.

Upon making a decision other than "not sustained", "exonerated", or "unfounded", the Chief of Police will decide upon and direct the corrective action. Input from the involved employee's immediate supervisors will be considered. Disciplinary action will comply with the positive disciplinary procedure.

The involved employee(s) and the complainant shall be informed of the decision by the Chief of Police or designee within a reasonable period of time.

#### **1034.4 CRIMINAL COMPLAINTS AGAINST EMPLOYEES**

When an employees' alleged misconduct may be of such a nature as to constitute a violation of the criminal code as well as of departmental rules and regulations, the investigation must adhere to the restrictions placed on a normal criminal investigation but will otherwise be handled similarly to a non-criminal complaint.

At the direction of the Police Chief, investigations may be conducted by outside police or legal agencies or with their advice and counsel.

The Chief may waive any of the standard complaint procedures other than those mandated by law if he deems it in the best interest of the Department or necessary to prevent the investigation from being subverted.

It should be noted that the prosecution for criminal misconduct does not preclude the Department from also taking disciplinary action and vice versa.

#### **1034.5 FORMAL CITIZEN COMPLAINT AND INTERNAL INVESTIGATION REPORT DISPOSITION**

Complaints that are unfounded can be detrimental to employees' work records. Therefore, only complaint investigations that are "sustained", or not exonerated due to "misconduct not based on the original complaint" shall be made part of the employee's personnel file.

The Chief shall cause to have an independent, confidential file maintained on all formal complaints and Internal Investigations and their resulting investigations. These files will be maintained at a location and in a manner he/she designates.

Complainants will be advised in writing of the disposition of their complaint by the Chief of Police or his/her designee.

#### **1034.6 NOTIFICATION OF FALSE REPORT**

Consistent with State Statute 66.0511, persons wishing to file a formal written complaint under this policy shall receive notice of State Statute 946.66, which prohibits the filing of a false report and sets a penalty for such. This information shall appear on the citizen complaint form.

# POSITIVE DISCIPLINE PROCEDURE

## 1035.1 INTRODUCTION

The Positive Discipline procedure is intended to give supervisory personnel information and guidelines to effectively correct disciplinary problems that arise and prevent such problems in the future.

Use of a written procedure will help to ensure that all department members understand disciplinary procedures and that the procedure is utilized throughout the Police Department in a consistent fashion.

For the purposes of this procedure, a disciplinary problem is viewed as a performance problem. A performance problem represents a difference between the performance a supervisor wants or expects from an employee and the performance the supervisor actually gets from the employee.

The following pages contain the basic guidelines of a Positive Discipline Procedure. This document is only a guide and does not replace Chippewa Falls Police Department's reliance on sound supervisory judgment. It will still be the supervisor who makes a determination as to the appropriate Positive Discipline Procedure step to initiate.

These rules and regulations are for internal use only and do not enlarge an officer's civil or criminal liability in any way. These rules and regulations should not be construed as the creation of a higher standard of safety or care, in an evidentiary sense, with respect to third party claims. The violation of any of these rules and regulations may be grounds for suspension as a penalty by the Police Chief under Sec. 62.13(5)(c), Wis. Stats., or may provide the basis for charges to be filed by the Police Chief against the offending officer with the Police and Fire Commission.

The Positive Discipline Procedure follows a series of functional steps:

- A. Performance Counseling
- B. Oral Reminder (first disciplinary step)
- C. Written Reminder (second disciplinary step)
- D. Suspension (third disciplinary step)

The goal of the Positive Discipline procedure is to facilitate the employee's correction of deficient behavior(s) so they can remain, and hopefully excel, as a Chippewa Falls Police Officer or staff member. If a problem is not rectified by the Suspension step, then the procedure has failed, and termination has become a last resort. Thus, termination is not considered part of a positive disciplinary procedure.

If a supervisor is conducting an internal investigation and has reason to believe that the actions of an officer may constitute the commission of a crime, the supervisor will read the Garrity Warning to the officer prior to interviewing that officer. A department Garrity form should be used.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

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##### **1035.2 PERFORMANCE COUNSELING**

A. INTRODUCTION – When the supervisor has identified a minor performance problem, he or she should first discuss the problem with the employee in a supportive, non-punishing manner. The objective to performance counseling is to help the employee recognize that a problem exists and develop effective solutions to it. Performance Counseling is not discipline.

B. THEORY – If a person does not recognize that a problem exists, that person will have no reason to change his or her behavior or performance.

C. TIMING – Performance counseling sessions should be initiated by the supervisor as soon as it appears that a problem exists.

D. GUIDELINES FOR EFFECTIVE COUNSELING – To make counseling sessions effective, follow these guidelines:

1. State the problem in terms of desired performance and actual performance.
2. Explain the rationale for the policy or rule that was violated.
3. Listen to what the employee has to say.
4. Express your confidence in the employee's ability.
5. End of a positive note.

E. ADMINISTRATION – Performance counseling is provided by a supervisor to his or her subordinates. This sort of communication is informal in nature and is part of the daily training and learning process. It would be expected that shift sergeants and lieutenants communicate with each other on a regular basis as to problems arising on their shifts.

##### **1035.3 ORAL REMINDERS**

A. DEFINITION – The Oral Reminder is a conversation between a supervisor and an employee about a performance problem. It is the first disciplinary step of the Positive Discipline Procedure.

B. PURPOSE – The purpose of the Oral Reminder is to correct performance or discipline problems by bringing it to the employee's attention in a friendly, but serious manner.

C. WHEN TO USE – The Oral Reminder should be used after the supervisor has taken the following steps and insufficient improvement has resulted. Use of the Oral Reminder must be authorized by a Sergeant, Lieutenant or Chief.

1. Provided COUNSELING to the employee about the problem and the need to change.
2. Provided TRAINING to make sure the employee has the knowledge and skills needed to do the job properly.
3. Removed any OBSTACLES or interference that prevent the employee from performing properly.
4. Provided positive communication for good job performance.
5. Provided FEEDBACK to the employee.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

---

##### D. PROCEDURES BEFORE THE MEETING

1. Conduct a thorough investigation of the incident or violation.
2. Review any notes you have made about your previous counseling sessions or casual conversations you have had with the employee about the problem.
3. Prepare a short outline or agenda for the major points you plan to cover in the meeting.
4. Ask the employee to come into your office or other private area.

##### E. PROCEDURES DURING THE MEETING

1. State the specific problem in terms of desired performance and actual performance.
2. Refer to any counseling sessions or previous casual conversations you and the employee may have had about the problem.
3. Give the employee a chance to respond and explain, listening to what the employee has to say.
4. Tell the employee the specific change in performance you expect.
5. Ask the employee to confirm understanding.
6. Tell the employee that this is an Oral Reminder, the first step of the disciplinary process.
7. Indicate your confidence in the employee's ability to perform properly in the future.

(Note: At the request of an employee being interrogated for any reason, which could lead to disciplinary action, a representative of their choice may accompany him or her.)

##### F. PROCEDURES AFTER THE MEETING

1. Write a short note for your files summarizing the meeting.
2. Monitor the employee's performance to make sure the problem has been corrected.

##### G. DOCUMENTATION

1. INTRODUCTION – Many supervisors think that Oral Reminders do not have to be documented. This is not true. All disciplinary actions must be documented.

2. FORMAT - Since the Oral Reminder documentation does not go into the employee's discipline file the supervisor may record it on a performance note. During an evaluation period the supervisor may note the issue there and the employee's response to the corrective action.

3. Include the following information in your summary of the Oral Reminder conversation.

- a. The employee's name.
- b. The date of the Oral Reminder.
- c. The specific problem or rule violated.
- d. A specific statement of the expected performance.
- e. Any explanation given by the employee or other information you feel is significant.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

---

4. COMMENT – Employees frequently ask if a record of the Oral Reminder conversation will go into their file. Employees should be informed a summary of the conversation will be written for the supervisor's records and may be noted in their evaluation, but that nothing will go into the employee's discipline file unless the problem continues. This is an excellent opportunity to reinforce the need for change and encourage the employee to improve.

H. ADMINISTRATION – The execution of an oral reminder is a cooperative effort among supervisors and administrators.

Regarding Patrol, the Sergeant will be responsible for any documentation of disciplinary action at that level. The Sergeant will advise the Lieutenant of Field Services of any Oral Reminder sessions and their outcome.

Regarding Investigators and Records Staff, the Lieutenant of Investigations will be responsible for any documentation of disciplinary action at that level.

The Lieutenants will keep the Chief apprised of Oral Reminders and their outcomes.

#### **1035.4 WRITTEN REMINDER (WRITTEN REPRIMAND)**

A. DEFINITION – A Written Reminder is a formal conversation between a supervisor and an employee about a disciplinary or performance problem. The conversation is followed by issuing a letter to the employee summarizing the conversation. It is the second disciplinary step of the Positive Discipline Procedure.

B. PURPOSE - The purpose of the Written Reminder is to correct a problem by discussing it with the employee and then providing him or her with a written record of that conversation and of the need to improve.

C. WHEN TO USE – The Written Reminder is usually used after an Oral Reminder has been given and insufficient change in performance has resulted. A written reminder can be used as the first step in the disciplinary process if warranted by the seriousness of the problem. Use of the Written Reminder step must be authorized by a Lieutenant or the Chief.

#### **D. PROCEDURES BEFORE THE MEETING**

1. Conduct a thorough investigation of the incident.
2. Prepare for the meeting by reviewing your notes on any Oral Reminder conversation or Performance Counseling and any other material.
3. Make an outline or agenda of the major points you plan to cover during the meeting.
4. Ask the employee to come into your office, a conference room, or some other private area.

#### **E. PROCEDURES DURING THE MEETING**

1. State the specific problem in terms of desired performance and actual performance.
2. Refer to any previous conversations and/or the Oral Reminder.
3. Give the employee a chance to respond and explain. Listen to what the employee has to say.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

---

4. Tell the employee the specific change you expect in performance.
5. Indicate your confidence that he or she will change.
6. Ask the employee to confirm that he or she knows exactly what you expect.
7. Tell the employee that you will write a letter summarizing the conversation.
8. Tell the employee that this is a "Written Reminder", the second step in the discipline process.

(Note: At the request of an employee being interrogated for any reason, which could lead to disciplinary action, a representative of their choice may accompany him or her.)

#### F. PROCEDURES AFTER THE MEETING

1. Write a letter to the employee summarizing the conversation and the need to improve.
2. Monitor the employee's performance to make sure that the problem has been corrected.

#### G. WRITING THE LETTER

1. **FORMAT** – Written Reminders will be written on Chippewa Falls Police Department letterhead.
2. **CONTENTS** – The letter should contain the following information:
  - a. The date of the conversation.
  - b. The specific rule violation or performance problem that occurred.
  - c. A reference to any previous conversation about the problem.
  - d. A statement of the specific change in the employee's performance or behavior you expect.
  - e. Any comments or statements the employee made during the conversation.
  - f. A statement indicating your confidence in the employee's ability to perform properly in the future.

(NOTE – The letter is written to the employee, not about the employee)

3. **TIMING** – Whenever possible the Written Reminder letter should be given to the employee no later than the end of the employees next shift. Ideally it should be given to the employee on the same day the conversation is held.

#### H. DISTRIBUTION AND NOTIFICATION

1. **ORIGINAL** – The employee gets the original.
2. **COPIES** - The Chief of Police retains a copy of the letter in the employee's discipline file. Other people may need to get copies depending on the specific circumstances.

I. **ADMINISTRATION** – Written Reminders are only written by a Lieutenant or Chief. The involved employee's supervisors may be involved in the various steps of the Written Reminder Procedure.

#### **1035.5 SUSPENSION FROM DUTY**

A. **DEFINITION** – Suspension is the third disciplinary step of the Positive Discipline Procedure. It consists of a conversation between the Chief of Police, appropriate supervisory personnel, and

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

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the employee about a discipline problem, which is followed by the employee being placed on suspension without pay.

B. PURPOSE – The purpose of Suspension is to correct a performance problem. It is an extremely serious step, since the employee may be discharged if he or she does not change performance or behavior.

C. WHEN TO USE – The Suspension is usually used only after an Oral Reminder and a Written Reminder have been given to the employee and insufficient change in his/her performance has result, however, it may be used as an initial step when a serious problem is identified. Use of the Suspension from Duty must be authorized by the Chief.

#### D. PROCEDURES BEFORE THE MEETING

1. Conduct a thorough investigation of the incident.
2. Prepare for the meeting by reviewing your notes on any Oral Reminder, Written Reminder and other relevant conversations and other materials.
3. Make an outline or agenda of the major points you plan to cover during the meeting.
4. Ask the employee to come into your office, a conference room, or some other private area.

#### E. PROCEDURES DURING THE MEETING

1. State the specific problem in terms of desired performance and actual performance.
2. Refer to any previous conversations, Oral Reminders or Written Reminders.
3. Give the employee a chance to respond and explain. Listen to what the employee has to say.
4. Tell the employee the specific change you expect in performance.
5. Indicate your confidence that he or she will change.
6. Ask the employee to confirm that he or she knows exactly what you expect.
7. Tell the employee that he or she is being Suspended, the third step in the discipline process.
8. Tell the employee that you will write a letter summarizing the conversation.

(Note: At the request of an employee being interrogated for any reason, which could lead to disciplinary action, a representative of their choice may accompany him or her.)

D. ADMINISTRATION – Suspension can be administered by the Chief of Police or Police and Fire Commission per ss62.13.

#### **1035.6 DISCIPLINE PROBLEM CATEGORIES**

A. TYPES OF PROBLEMS – Discipline problems generally fall into one of three categories:

1. Attendance
2. Poor performance
3. Misconduct

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

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##### EXAMPLES: ATTENDANCE

- a. Unexcused absenteeism
- b. Excessive excused absenteeism
- c. Tardiness

##### EXAMPLES: POOR PERFORMANCE

- a. Unacceptable quality of work
- b. Excessive errors
- c. Insufficient quantity of work
- d. Too much waste (Lost or damaged equipment, etc.)

##### EXAMPLES OF MISCONDUCT

- a. Violations of Law
- b. Dishonesty
- c. Use of drugs or alcohol on-duty

**B. HANDLING DIFFERENT OFFENSES** – At the Oral Reminder stage, keep the three categories of offenses separate. If an employee receives an Oral Reminder for an offense in one category (i.e. attendance) and later a problem in a different category arises (poor performance or misconduct), a second (or third) Oral Reminder should generally be used.

**C. HANDLING REPEATED OFFENSES** – Once an employee commits repeated offenses in the same category (attendance, poor performance, or misconduct), consider taking the next step of the Positive Discipline approach.

**Note:** The most important guideline is the supervisor's judgment about which action will produce the most effective result in changing the employee's performance. It may be appropriate to repeat a step previously taken rather than moving on to the next more serious step.

#### **1035.7 SERIOUSNESS OF DISCIPLINE OFFENSES**

**A. INTRODUCTION** – Some discipline problems are more serious than others. Overstaying breaks is a discipline offense. So is theft of department property. An Oral Reminder would probably be appropriate if the employee continues to overstay breaks after a casual reminder and Performance Counseling have proven ineffective. Theft would probably warrant discharge for the first offense – even if no previous discipline problems had occurred.

**B. CATEGORIES OF OFFENSES** – Discipline offenses are usually separated into three categories depending on how serious they are. The three categories are:

##### **1. MINOR VIOLATIONS**

**DEFINITION** – These types of problems are usually correctable through training and counseling. However, they have a tendency to intensify into more serious problems if they are not corrected promptly. Minor violations are those which:

- (a) Do not involve questions of honesty.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

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(b) Do not, in and of themselves, constitute a significant threat to the operation of the department.

(c) Do not pose a threat to the safety and well being of the individual or other employees.

EXAMPLES: These offenses are considered by most departments to be “minor violations”:

1. Excessive tardiness
2. Poor housekeeping
3. Overstaying breaks or lunch periods
4. Minor inefficiencies

APPROPRIATE ACTIONS – The first time a minor violation occurs, the supervisor should bring it to the employee’s attention in an informal or casual conversation. If the problem continues, then Performance Counseling would be appropriate. If the issue continues to persist then an Oral Reminder may be used.

#### 2. SERIOUS VIOLATIONS

DEFINITION – Serious violations are those which:

- (a) Constitute a threat to the operation of the Department.
- (b) Constitute a threat to the safety and well being of the individual or other employees.

EXAMPLES: These offenses are considered by most departments to be “serious violations”:

1. Making bad arrests
2. Careless handling of evidence
3. Unexcused absence(s) without notification
4. Gross impoliteness to citizens

APPROPRIATE ACTION – The first time a serious violation is committed, issuance of an Oral Reminder, Written Reminder or Suspension should be considered. The following factors should be taken into consideration in determining the appropriate course of action:

1. The severity of the offense.
2. The employee’s previous work record.
3. Previous action for similar offenses.
4. The supervisor’s judgment about which step would be more effective in bringing about a change in the employee’s performance.

#### 3. MAJOR VIOLATIONS

DEFINITION – Major violations are acts which:

- (a) Seriously threaten the operation of the department or the safety and well being of the individual or fellow employees.
- (b) Represent actions, which cannot be tolerated in any police agency.

EXAMPLES: These offenses are among those considered by most departments to be “major violations”:

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *POSITIVE DISCIPLINE PROCEDURE*

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1. Deliberate dishonesty in official statements, reports, or testimony.
2. Threatening or striking a supervisor or fellow employee.
3. Taking a bribe.
4. Brutality or deliberate making of a false arrest.

APPROPRIATE ACTION – A Suspension or Termination is usually considered the appropriate penalty for a major violation regardless of whether any previous discipline offenses have occurred. Commission of a major violation usually indicates that the employee involved lacks the self-respect and self-discipline to remain a member of the department.

## **Chapter 11 - Job and Position Descriptions**



# Chief of Police - Job Description

## 1100.1 SUMMARY

Directs and coordinates activities of the City of Chippewa Falls Police Department in accordance with authority delegated by ss62.13, the City Council, and the Police and Fire Commission by performing the following duties personally or through subordinate supervisors.

## 1100.2 ESSENTIAL DUTIES AND RESPONSIBILITIES

Other duties may be assigned.

- Assumes sole command of the personnel of the Department.
- Establishes the organizational, administrative, and disciplinary structure of the Department.
- Custody of and authority over all Departmental apparatus, property, records and equipment.
- Prescribes rules, regulations, orders, directives, policies, and procedures as necessary.
- Initiates, reviews, and monitors disciplinary proceedings.
- Regulates Departmental activities by order or instruction.
- Coordinates internal investigation of members of the Department for alleged wrong doing.
- Prepares, submits and administers the annual Departmental budget.
- Prepares and submits the Annual Report.
- Delegates duties to staff members to accomplish the above duties and other Department goals and objectives.
- Prepares requests for governmental agencies to obtain funds for special operations or for purchasing equipment for Department.
- Attends Common Council, Police and Fire Commission, and other committee meetings as necessary and appropriate.
- Assists in investigation or apprehension of offenders.
- Ensures fair and impartial policing is provided to all members of the community.
- Handles the hiring and dismissal of employees in the Department in accordance with 62.13 of the Wisconsin State Statutes.
- Makes decisions about promotion within the Department.
- Educates and speaks to the public about the goals and operations of the Department.
- Involved with the training and development within the Department.
- Represents the Department at a local, state and national level.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Chief of Police - Job Description*

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- Deals with citizen complaints and inquiries.
- Performs reasonable cleaning tasks, repairs and/or upgrades to police department buildings or as needed
- Participates in normal law enforcement activities including assisting with major investigations.
- Assigns and reviews ongoing cases in the Department.
- Does related work as required.

#### **1100.3 SUPERVISORY RESPONSIBILITIES**

Manages subordinate police administrators and supervisors who supervise employees in the Investigative, Patrol, Records and Support Groups. Is responsible for the overall direction, coordination, and evaluation of these units. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

#### **1100.4 QUALIFICATIONS**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

#### **1100.5 COMPUTER SKILLS**

Must be proficient in the use of personal computers in an office environment. Knowledge of, and ability to use word processing, spreadsheet and database programs. Ability to work in a network environment. Should also have a basic understanding of Internet/e-mail access and use.

#### **1100.6 EDUCATION AND/OR EXPERIENCE**

Master's degree in Criminology, Criminal Justice, Public Administration, or related field; and eight to ten years related experience and/or training; or an equivalent combination of education and experience.

#### **1100.7 LANGUAGE SKILLS**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. Ability to effectively present information to top management, public groups, and/or boards of directors.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Chief of Police - Job Description*

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##### **1100.8 MATHEMATICAL SKILLS**

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.

##### **1100.9 REASONING ABILITY**

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

##### **1100.10 CERTIFICATES, LICENSES, REGISTRATIONS**

Certified Police Officer with the Wisconsin Law Enforcement Training and Standards Bureau  
Valid Driver's License

##### **1100.11 PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to reach with hands and arms. The employee frequently is required to walk, sit, and talk or hear. The employee is occasionally required to stand; use hands to finger, handle, or feel; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The employee must occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

##### **1100.12 WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, outside weather conditions, extreme cold, extreme heat, and risk of electrical shock. The noise level in the work environment is usually moderate.

## Lieutenant of Field Operations - Job Description

### 1101.1 POSITION SUMMARY

Under the general direction of the Police Chief, and at an administrative level, is responsible for implementing department policies and procedures in meeting established goals through Directing, Supervising, and Training department personnel. Duties include but are not limited to: working independently on matters of budget management; patrol investigative management; daily administrative assignments; developing and maintaining positive media relations, evaluating departmental needs and programs; carrying out detailed planning and program activities; evaluating department personnel; administering discipline or effectively recommending discipline as authorized. During absences of the Police Chief, makes decisions and assumes complete responsibility for the Department, along with the Lieutenant of Investigations. During absences of the Police Chief and the Lieutenant of Investigations, he/she will make decisions and assume complete responsibility for the Department.

### 1101.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive; other duties may be required and assigned.

#### 1101.2.1 ESSENTIAL FUNCTIONS

- Maintains a high level of communication with the Community, the Department's employees, and the Police Chief, in order to enhance the Department's effectiveness and to accomplish the Department's Mission.
- Exercises a great degree of independent and analytical judgment.
- Coordinates the planning, organizing, implementing, administering and evaluating department programs and city special events.
- Prepares media releases and works with various media outlets on news worthy items.
- Reports promptly to the Police Chief any unusual occurrence or serious crime.
- Administers and oversees all patrol activities.
- Assists in facilitating the recruitment process, including scheduling/administering exams, identifying interview panels, and managing the background investigations for prospective department employees.
- Maintains a keen awareness of street level patrol knowledge, procedures, and activities.
- Maintains ability to work patrol officer and patrol sergeant duties, including familiarity with all associated computer programs, equipment and procedures.
- Ensures fair and impartial policing is provided to all members of the community.
- Clearly assigns areas of accountability and delegate's commensurate authority to appropriate personnel.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Field Operations - Job Description*

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- Provides information to inquiries from the public, outside agencies, and department personnel, or refers to appropriate person or agency.
- Reviews, evaluates, develops and recommends changes in policy and procedure, or rules to increase efficiency and effectiveness of the Department.
- Coordinates confidential law enforcement operations with, federal, state and local agencies, as needed.
- Assists with the annual budget preparation and works throughout the year in monitoring accounts, tracking grants, and fulfilling annual program requirements.
- Develops and implements technical reporting methods and administers reporting/record keeping functions.
- Assists with managing fleet repairs, maintenance, and equipment for department.
- Performs reasonable cleaning tasks, repairs and/or upgrades to police department buildings or as needed
- Fosters and encourages communication within the Department and the Community, as stated in the Department's Mission Statement.
- Represents the Department on various committees and at meetings with governmental and non-governmental organizations.

#### 1101.2.2 OTHER FUNCTIONS

- Provides leadership that influences and motivates subordinates to a high level of achievement.
- Interprets and insures compliance with labor agreements, and facilitates labor/management meetings.
- Administers and analyzes equipment changes, modern methods of operation and technology changes for an efficient, cost effective police operation.
- Administers personnel with regard to comprehensive planning of large-scale special events, crime prevention and detection methods.
- Constantly evaluates employees' training needs and implements steps to insure these needs are met. Evaluates available training programs. Meets Department of Justice training certification requirements.
- Compiles data and research for annual report.
- Researches and develops emergency contingency plans to direct department during natural or man made disasters.
- Maintains personal proficiency in the use of weapons and all patrol equipment.
- Testifies in criminal or civil court actions on matters that are duty related.
- Maintains day-to-day knowledge on changing crime problems for preventive and enforcement actions.
- Writes and administers grant programs.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Field Operations - Job Description*

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- Assists in maintaining department inventory records.
- Administers compliance with Wisconsin Open Records statutes.

#### **1101.3 SUPERVISORY REQUIREMENTS**

- Overall Supervision of all Patrol Officers
- Direct Supervision of Sergeants and Civilian Parking Enforcement Worker
- Supervision of Investigators and Civilian Staff as needed and in cooperation with the Lieutenant of Investigations

#### **1101.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Must possess an Associate's degree (Bachelor's degree or above preferred) from an accredited college in criminal justice or related field, or ability to obtain such within four years of promotion. Additional administrative training will be provided.
- Must have served at a supervisory level position (i.e.: Sergeant or equivalent rank) or above for a minimum of six (6) months.

#### **1101.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC**

- Be (at least) 21 years of age.
- Possess a valid driver's license.
- Must meet the minimum requirements as established by the Wisconsin Law Enforcement Standards Board.

#### **1101.6 KNOWLEDGE, SKILLS AND ABILITIES**

- Knowledge of the principles of administration, budget, planning, and personnel management techniques.
- Knowledge of leadership and administrative skills including decision making, setting goals, setting priorities.
- Knowledge of supervisory and managerial principles required.
- Ability to identify and analyze problems, evaluate alternative solutions and make sound judgments, especially in stressful situations
- Knowledge of the methods and techniques of training and motivation.
- Knowledge of the geography of the City.
- Work with laws and regulations, sometimes written in legal terms.
- Use practical thinking to conduct or supervise investigations.
- Organizational planning and independent thinking.
- Work under pressure. Skilled at multi-tasking.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Field Operations - Job Description*

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- Ability and experience in personally preparing effective written reports and correspondence and delivering effective oral communications. Ability to communicate effectively with the public and news media.
- Ability to foster cooperation and teamwork among subordinates.
- Must keep physically fit.
- Knowledge of traffic, criminal and civil laws.
- Knowledge of criminal and civil court proceedings.
- Knowledge of the ordinances and statutes affecting the operation of the department.
- Must be able to render credible testimony in a court of law.
- Knowledge of department policies and procedures, work rules, and labor contract provisions. Strong verbal and written communications skills.
- Knowledge and experience in the utilization of computer applications.
- Ability to establish and maintain effective working relationships with diverse populations including City elected and appointed officials, civic groups, and the general public.

#### **1101.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in the office for majority of work and while attending meetings. Sit in a patrol vehicle.
- **Carrying:** May routinely carry objects of varying sizes up to 500-feet in distance. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:** May routinely lift objects as part of regular duties (i.e., lifting persons in custody, unconscious, drawing firearm, taser, or baton). Lifting does not normally require anything over shoulder height. Weights range up to 200 pounds, but routinely weigh 10-40 pounds.
- **Pushing/Pulling:** May be required to pull weight under emergency/arrest conditions. Routinely may push/pull objects weighing 10 to 40 pounds.
- **Bending:** Move from the waist to pick up or lay down an object. May be down on knees for short time periods, as duties require.
- **Reaching:** Reaching will be required under emergency/arrest conditions. Frequent reaching while sitting at desk. Some reaching required while changing into uniform, reaching for equipment in compartments of a patrol squad and during traffic control duty.
- **Twisting:** Twisting will be required under emergency/arrest conditions. Twisting is required sitting at a table or desk while reaching for the telephone, computer, and

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Field Operations - Job Description*

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paper. Twisting in a patrol vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle.

- **Climbing – Height:** Climbing stairs between building levels common part of daily routine; slope/number of steps varies, dependent on situation, and may be under emergency conditions. On occasion, on/over various building surfaces, fences, walls (approximately 6 feet high), etc.
- **Crawling:** May be required in emergency situations. Surfaces may vary, inside/outside, environments. Distance normally limited to less than 10 feet.
- **Running:** Running may be required for short distances to reach an incident scene.
- **Hearing:** Must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to themselves or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, “crowd noise”, etc.; being able to determine from which direction speech or noise (i.e. cries for help, gunshots, screams, audible alarms, sirens, etc.) is coming from. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the employee to perform essential hearing tasks.
- **Vision:** Must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to themselves or others. “Vision” includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving, use of weapons, reading documents, and processing crime scenes.
- **Voice:** Must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to themselves or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action, crime-scene confusion, and various ambient background noises.

#### **1101.8 ENVIRONMENT**

- Majority of the work day is inside buildings. However, outside exposure can be under extreme heat, cold, and temperature changes.

#### **1101.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Exposed to moving traffic enforcement/control situations.
- May be subject to assault, combative or resistive persons in disturbance situations or other emergency calls.
- May have deadly/dangerous weapons used against officer.
- May respond to hazardous materials spill or drug lab environment.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Field Operations - Job Description*

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##### **1101.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio and/or cellular telephone.#
- May be required to use handgun, rifle, shotgun, handcuffs, baton, OC, taser, and flashlight. Must be able to hold handgun and discharge accurately.
- Normal office tools/equipment (i.e. copier, fax machine, computer, and small desk tools).
- Wear protective equipment such as ballistic vest, as required by policy.

##### **1101.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material, which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

##### **1101.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, follow-up investigation, crime scene management, etc.
- Includes defensive posture; physical and mental state necessary to affect arrest, backup officers, and react in a life-saving manner.

## Lieutenant of Investigations - Job Description

### 1102.1 POSITION SUMMARY

Under the general direction of the Police Chief, and at an administrative level, is responsible for implementing department policies and procedures in meeting established goals through Directing, Supervising, and Training department personnel. Duties include but are not limited to: working independently on matters of budget management; investigative management; and daily administrative assignments; developing and maintaining positive media relations, evaluating departmental needs and programs; carrying out detailed planning and program activities; evaluating department personnel; administering discipline or effectively recommending discipline as authorized. During absences of the Police Chief, makes decisions and assumes complete responsibility for the Department, along with the Lieutenant of Field Operations. During absences of the Police Chief and the Lieutenant of Field Operations, he/she will make decisions and assume complete responsibility for the Department.

### 1102.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for this position. These are not construed as exclusive or all-inclusive; other duties may be required and assigned.

#### 1102.2.1 ESSENTIAL FUNCTIONS

- Maintains a high level of communication with the Community, the Department's employees, and the Police Chief, in order to enhance the Department's effectiveness and to accomplish the Department's Mission.
- Exercises a great degree of independent and analytical judgment.
- Coordinates the planning, organizing, implementing, administering and evaluating department programs.
- Prepares media releases and works with various media outlets on news worthy items.
- Reports promptly to the Police Chief any unusual occurrence or serious crime.
- Administers and oversees all major criminal investigations.
- Maintains ability to work all investigator positions, including familiarity with all associated computer programs, equipment and procedures.
- Ensures fair and impartial policing is provided to all members of the community.
- Maintains good relationships with other law enforcement investigative partners.
- Assists in facilitating the recruitment process, including scheduling/administering exams, identifying interview panels, and managing the background investigations for prospective department employees.
- Clearly assigns areas of accountability and delegate's commensurate authority to appropriate personnel.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Investigations - Job Description*

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- Provides information to inquiries from the public, outside agencies, and department personnel, or refers to appropriate person or agency.
- Reviews, evaluates, develops and recommends changes in policy and procedure, or rules to increase efficiency and effectiveness of the Department.
- Coordinates confidential law enforcement operations with, federal, state and local agencies, as needed.
- Assists with the annual budget preparation and works throughout the year in monitoring accounts, tracking grants, and fulfilling annual program requirements.
- Develops and implements technical reporting methods and administers reporting/record keeping functions.
- Assists with fleet repairs, maintenance, and equipment for department.
- Performs reasonable cleaning tasks, repairs and/or upgrades to police department buildings or as needed
- Fosters and encourages communication within the Department and the Community, as stated in the Department's Mission Statement.
- Represents the Department on various committees and at meetings with governmental and non-governmental organizations.

#### 1102.2.2 OTHER FUNCTIONS

- Provides leadership that influences and motivates subordinates to a high level of achievement.
- Interprets and insures compliance with labor agreements, and facilitates labor/management meetings.
- Administers and analyzes equipment changes, modern methods of operation and technology changes for an efficient, cost effective police operation.
- Administers personnel with regard to comprehensive planning of large-scale special events, crime prevention and detection methods.
- Constantly evaluates the employees' training needs and implements steps to insure these needs are met. Evaluates available training programs. Meets Department of Justice training certification requirements.
- Compiles data and research for annual report.
- Researches and develops emergency contingency plans to direct department during natural or man made disasters.
- Maintains personal proficiency in the use of weapons.
- Testifies in criminal or civil court actions on matters that are duty related.
- Maintains day-to-day knowledge on changing crime problems for preventive and enforcement actions.
- Writes and administers grant programs.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Investigations - Job Description*

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- Assists in maintaining department inventory records.
- Administers compliance with Wisconsin Open Records statutes.

#### **1102.3 SUPERVISORY REQUIREMENTS**

- Direct Supervision of Investigations and Records staff
- Supervision of Sergeants, Patrol Officers, and other Civilian Staff as needed and in cooperation with the Lieutenant of Field Operations

#### **1102.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Must possess an Associate's degree (Bachelor's degree or higher preferred) from an accredited college in criminal justice or related field, or ability to obtain such within four years of promotion. Additional administrative training will be provided.
- Must have served at a supervisory level position (i.e.: Sergeant) or above for a minimum of six (6) months.

#### **1102.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC**

- Be (at least) 21 years of age.
- Possess a valid driver's license.
- Must meet the minimum requirements as established by the Wisconsin Law Enforcement Standards Board.

#### **1102.6 KNOWLEDGE, SKILLS AND ABILITIES**

- Knowledge of the principles of administration, budget, planning, and personnel management techniques.
- Knowledge of leadership and administrative skills including decision making, setting goals, setting priorities.
- Knowledge of supervisory and managerial principles required.
- Ability to identify and analyze problems, evaluate alternative solutions and make sound judgments, especially in stressful situations
- Knowledge of the methods and techniques of training and motivation.
- Knowledge of the geography of the City.
- Work with laws and regulations, sometimes written in legal terms.
- Use practical thinking to conduct or supervise investigations.
- Organizational planning and independent thinking.
- Work under pressure. Skilled at multi-tasking.
- Ability and experience in personally preparing effective written reports and correspondence and delivering effective oral communications. Ability to communicate effectively with the public and news media.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Investigations - Job Description*

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- Ability to foster cooperation and teamwork among subordinates.
- Must keep physically fit.
- Knowledge of traffic, criminal and civil laws.
- Knowledge of criminal and civil court proceedings.
- Knowledge of the ordinances and statutes affecting the operation of the department.
- Must be able to render credible testimony in a court of law.
- Knowledge of department policies and procedures, work rules, and labor contract provisions. Strong verbal and written communications skills.
- Knowledge and experience in the utilization of computer applications.
- Ability to establish and maintain effective working relationships with diverse populations including City elected and appointed officials, civic groups, and the general public.

#### **1102.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in the office for majority of work and while attending meetings. Sit in a patrol vehicle.
- **Carrying:** May routinely carry objects of varying sizes up to 500-feet in distance. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:** May routinely lift objects as part of regular duties (i.e., lifting persons in custody, unconscious, drawing firearm, taser, or baton). Lifting does not normally require anything over shoulder height. Weights range up to 200 pounds, but routinely weigh 10-40 pounds.
- **Pushing/Pulling:** May be required to pull weight under emergency/arrest conditions. Routinely may push/pull objects weighing 10 to 40 pounds.
- **Bending:** Move from the waist to pick up or lay down an object. May be down on knees for short time periods, as duties require.
- **Reaching:** Reaching will be required under emergency/arrest conditions. Frequent reaching while sitting at desk. Some reaching required while changing into uniform, reaching for equipment in compartments of a patrol squad and during traffic control duty.
- **Twisting:** Twisting will be required under emergency/arrest conditions. Twisting is required sitting at a table or desk while reaching for the telephone, computer, and paper. Twisting in a patrol vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle.
- **Climbing – Height:** Climbing stairs between building levels common part of daily routine; slope/number of steps varies, dependent on situation, and may be under

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Investigations - Job Description*

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emergency conditions. On occasion, on/over various building surfaces, fences, walls (approximately 6 feet high), etc.

- **Crawling:** May be required in emergency situations. Surfaces may vary, inside/outside, environments. Distance normally limited to less than 10 feet.
- **Running:** Running may be required for short distances to reach an incident scene.
- **Hearing:** Must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to themselves or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, "crowd noise", etc.; being able to determine from which direction speech or noise (i.e. cries for help, gunshots, screams, audible alarms, sirens, etc.) is coming from. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the employee to perform essential hearing tasks.
- **Vision:** Must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to themselves or others. "Vision" includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving, use of weapons, reading documents, and processing crime scenes.
- **Voice:** Must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to themselves or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action, crime-scene confusion, and various ambient background noises.

#### **1102.8 ENVIRONMENT**

- Majority of the work day is inside buildings. However, outside exposure can be under extreme heat, cold and temperature changes.

#### **1102.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Exposed to moving traffic enforcement/control situations.
- May be subject to assault, combative or resistive persons in disturbance situations or other emergency calls.
- May have deadly/dangerous weapons used against officer.
- May respond to hazardous materials spill or drug lab environment.

#### **1102.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio and/or cellular telephone.
- May be required to use handgun, shotgun, handcuffs, baton, OC, taser, and flashlight. Must be able to hold handgun and discharge accurately.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Lieutenant of Investigations - Job Description*

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- Normal office tools/equipment (i.e. copier, fax machine, computer, and small desk tools).
- Wear protective equipment such as ballistic vest, as required by policy.

#### **1102.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material, which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

#### **1102.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, follow-up investigation, crime scene management, etc.
- Includes defensive posture; physical and mental state necessary to affect arrest, backup officers, and react in a life-saving manner.

## Patrol Sergeant - Job Description

### 1103.1 POSITION SUMMARY

Under the general direction of a Lieutenant of Field Operations, the Patrol Sergeant ensures that the Police Department provides the Community with timely emergency and non-emergency police services. Supervises, leads, and evaluates Patrol Officers on a shift. Decisions within the areas of responsibility are made independently. Supervision received is limited. Overall work plans and assignments are discussed with periodic review of progress. There is frequent interaction with the general public and others outside the department. Must attend work on a regular and predictable basis.

### 1103.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for the position. These are not to be construed as exclusive or all-inclusive; other duties may be required and assigned.

#### 1103.2.1 ESSENTIAL FUNCTIONS

- Maintains a communication level with the Community and the Department's Employees that enhances the Department's effectiveness and accomplishes the Department's Mission.
- Responds to all unusual or emergency occurrences whether or not specifically called or requested, and takes command of the scene if necessary.
- Monitors and documents performance of personnel.
- Provides information about department EAP and encourages use when appropriate.
- Motivates and coaches personnel to be top performers.
- Identifies needs within the Department and/or personnel.
- Responsible for conducting annual performance evaluations.
- Recommends appropriate disciplinary action when necessary. Serves as management's representative at the first step in the grievance process.
- Directs patrol officers and other staff to ensure maximum police services.
- Consults with patrol officers on matters occurring during a shift and makes decisions when necessary.
- Conducts shift briefings, delegates patrol assignments, and performs investigative follow-up.
- Patrols the streets and other public places and monitors motor vehicle and pedestrian traffic.
- Reviews reports, citations, photographs, etc and takes appropriate action. Provides patrol officers with follow-up and investigatory ideas.
- Authorizes overtime when necessary and manages the employee schedule.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Sergeant - Job Description*

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- Performs initial and follow-up investigations on reported crimes and other incidents.
- Ensures compliance with all established City and Departmental Policies and Procedures.
- Performs reasonable cleaning tasks, repairs and/or upgrades to police department buildings or as needed
- Makes lawful arrests and participates in the prosecution of offenders.
- Ensures fair and impartial policing is provided to all members of the community.
- Receives and investigates citizen complaints within their scope or as directed.
- Determines emergency mutual aid response to outside agencies and assumes command of high-risk incident responses until relieved by higher ranking officer.

#### **1103.2.2 OTHER FUNCTIONS**

- Assists in developing policies and procedures.
- Assists with coordinating community programs, festivals, and events.
- Coordinates (as needed) equipment and vehicle repair.
- Attends and participates in meetings as directed.
- Serves as a police spokesperson on various topics of concern to the Community.
- Attends and participates in training and education opportunities that will continue to improve the police profession.
- Leads or assists with police department committees and reports back to the supervisory group
- Performs all duties as directed.

#### **1103.3 SUPERVISORY REQUIREMENTS**

- Direct Supervision of Patrol Officers
- Supervision of Investigators and Civilian Staff as needed and in cooperation with Lieutenants

#### **1103.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Two year Associate Degree in Criminal Justice or related field preferred.
- Must possess at least five years experience as a full-time Police Officer.

#### **1103.5 LICENSES, CERTIFICATIONS, ETC**

- Be (at least) 21 years of age.
- Possess a valid Driver's License.
- Must meet the minimum requirements as established by the State of Wisconsin Law Enforcement Training and Standards Board.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Sergeant - Job Description*

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##### **1103.6 KNOWLEDGE, SKILLS & ABILITIES**

- Demonstrates through actions, knowledge and support of the Department's Mission and Values Statement.
- Proactive/participative management style.
- Ability to deal with various kinds of people and to supervise other workers.
- Ability to foster cooperation, teamwork and good morale among subordinates and peers.
- Ability to use practical thinking to conduct or supervise investigations.
- Ability to communicate effectively both verbally and in writing with a variety of people including co-workers, other professionals, appointed and elected officials, and the general public.
- Ability and experience in personally preparing effective written reports and correspondence and delivering effective oral communications.
- Ability to communicate effectively with the public and news media.
- Work with laws and regulations, sometimes written in legal terms.
- Ability to identify and analyze problems, evaluate alternative solutions and make sound judgments, especially in stressful situations.
- Ability to develop proactive plans within the Department and in partnership with the Community.
- Must be able to render credible testimony in a court of law.
- Knowledge of the geography of the City and of the criminal hazard locations.
- Knowledge and experience in the utilization of various technical police equipment including computers, cameras, radar and laser units, cellular telephones, and safety devices.
- Ability to move quickly and forcefully in response to unexpected situations.
- Ability to maneuver and work in a variety of ground conditions.
- Ability to operate patrol vehicles in emergency mode.
- Ability to get in and out of a patrol car on a frequent basis.
- Possess the finger and arm dexterity and the strength necessary to safely operate a firearm.
- Ability to work under pressure or in the face of danger.
- Must keep physically fit.

##### **1103.7 PHYSICAL DEMANDS**

- **Standing/Walking:**

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Sergeant - Job Description*

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- Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:**
  - Sit in the office completing administrative tasks and attending meetings. Sit in a patrol vehicle.
- **Carrying:**
  - May routinely carry objects of varying sizes up to 500-feet in distance. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:**
  - May routinely lift objects as part of regular duties (i.e., drawing firearm, taser, or baton). Lifting does not normally require anything over shoulder height. May include lifting persons in custody, unconscious, etc. Weights range up to 200 pounds, but routinely weigh 10-40 pounds.
- **Pushing/Pulling:**
  - May be required to pull weight under emergency/arrest conditions. Routinely may push/pull objects weighing 10 to 40 pounds.
- **Bending:**
  - Move from the waist to pick up or lay down an object. May be down on knees for short time periods, as duties require.
- **Reaching:**
  - Reaching will be required under emergency/arrest conditions. Reaching frequently in patrol vehicle for radio, siren/light bar controls, and MDC keyboard. Provide traffic direction and control – requires extensive use of hand and arm signals for periods varying from five minutes to one hour. Some reaching required while changing into uniform, reaching for office supplies across a table, and reaching for equipment in compartments of the squad.
- **Twisting:**
  - Twisting will be required under emergency/arrest conditions. Twisting in the patrol vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle. Twisting is required sitting at a table or desk as employee reaches for the phone or paper.
- **Climbing – Height:**
  - On/over various building surfaces, fences, walls (approximately 6 feet high), etc. Climbing stairs between building levels common part of daily routine; slope/number of steps varies, dependent on situation, and may be under emergency conditions.
- **Crawling:**

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Sergeant - Job Description*

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- May be required in emergency situations. Surfaces may vary, inside/outside, environments. Distance normally limited to less than 10 feet.
- **Running:**
  - Running may be required for short distances to escape from or reach an incident scene, or in the process of arresting a suspect.
- **Hearing:**
  - Employee must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to themselves or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, "crowd noise", etc.; being able to determine from which direction speech or noise (i.e. cries for help, gunshots, screams, audible alarms, sirens, etc.) is coming from. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the employee to perform essential hearing tasks.
- **Vision:**
  - Employee must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to themselves or others. "Vision" includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving, use of weapons, observing activity around employee, reading documents, issuing citations, and processing crime scenes and arrestees.
- **Voice:**
  - Employee must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to themselves or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action, talking with persons attempting suicide to get them to stop, and talk to be heard above audible alarms, crime-scene confusion, and various ambient background noises.

#### **1103.8 ENVIRONMENT**

Majority of the work day is inside (including at police department and in a vehicle); however, outside exposure can be under extreme heat, cold, and temperature changes.

#### **1103.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Extensive motor vehicle operation.
- Exposed to moving traffic enforcement/control situations.
- Subject to assault, combative or resistive persons in arrest situations, disturbance or other emergency calls.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Patrol Sergeant - Job Description*

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- May have deadly/dangerous weapons used against him/her.
- May be required to break up fights between two or more persons.
- May respond to hazardous materials spill or drug lab environment.

#### **1103.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio.
- Use hand tools to effect custody of violators, including handgun, patrol rifle, handcuffs, baton, taser, OC and flashlight. Must be able to hold firearms and discharge them accurately.
- Normal office tools/equipment (i.e. copier, fax machine, computer, and desk tools).
- Wear protective equipment such as a ballistic vest and police equipment, as required by policy.

#### **1103.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material, which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

#### **1103.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, dispatch called, traffic violator contact, follow-up investigation, suspect interviewing and management, crime scene and evidence processing, citizen complaints, performance reviews and follow-ups, etc.
- Includes defensive posture, physical and mental state necessary to affect arrest; backup officers, communicate with and lead officers, and react in a life-saving manner.

## Police Officer - Job Description

### 1104.1 POSITION SUMMARY

Under the general direction of the shift patrol sergeant, performs a full range of police duties necessary to enforce the law. Investigates complaints, maintains order, aids individuals, and identifies criminal offenders. Identifies law enforcement problems, resolves conflicts, and provides other police services to the public as necessary. Performs a variety of unplanned physical tasks which include the restraining of violent individuals or animals, running as fast as possible while chasing, climbing fences, and responding to EMS and rescue emergencies. Officers must handle police equipment, gun belts, street barricades, EMS equipment such as oxygen, patients, and stretchers and more. Decisions within areas of responsibility are made independently. Supervision received is general. There is frequent interaction with the general public.

### 1104.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for the position. These are not to be construed as exclusive or all-inclusive; other duties may be required and assigned.

#### 1104.2.1 ESSENTIAL FUNCTIONS

- Maintains a communication level with the Community and the Department's Employees that enhances the Department's effectiveness and accomplishes the Department's Mission.
- Comprehends and applies knowledge and reasoning to make prompt and effective decisions.
- Ensures fair and impartial policing is provided to all members of the community.
- Establishes and maintains effective working relationships.
- Maintains composure and performs effectively in stressful situations.
- Observes, detects, and apprehends violators of traffic and other laws.
- Keeps downtime to a minimum by staying engaged in police related work.
- Adapts to changing work conditions.
- Performs reasonable cleaning tasks, repairs and/or upgrades to police department buildings or as needed
- Prepares for testimony and testifies truthfully.
- Demonstrates ability to control vehicle in routine and emergency situations.
- Demonstrates consistent productive performance.
- Demonstrates ability to attend scheduled work shifts and work assignments in a regular and predictable manner.
- Applies appropriate safety precautions in potentially dangerous situations.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Police Officer - Job Description*

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- Understands and applies appropriate levels of force based on circumstances.
- Observes and recognizes conditions or circumstances that indicate something might be wrong, unusual, or out of the ordinary, utilizes senses of sight and hearing to assist in recognition. Demonstrates the drive and ability to take appropriate action in these situations.
- Conducts preliminary investigations and follow-up investigations, gathers evidence, obtains witnesses, and makes arrests.
- Determines appropriate action to be taken at each incident.

#### **1104.2.2 OTHER FUNCTIONS**

- Responds to emergency calls and assists fire and EMS services as necessary.
- Reviews necessary reports and documentation of incidents.
- Makes necessary referrals to Chippewa County Human Services, Juvenile Intake, the District Attorney's Office, and private organizations.
- Completes State of Wisconsin forms when required for an incident.
- Represents the Department within the Community.
- Attends and participates in training and education opportunities that will continue to improve the police profession.
- Knowledgeable of/and obeys all policies, procedures, rules, orders, and directives, pertaining specifically and generally to members of the Chippewa Falls Police Department.
- Performs other such duties as assigned.

#### **1104.3 SUPERVISORY REQUIREMENTS**

- None

#### **1104.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Possess at minimum 60 college credits from an accredited college.
- Previous experience dealing with the general public preferred.

#### **1104.5 LICENSES, CERTIFICATIONS, ETC**

- Be (at least) 20 years of age.
- Possess a valid Driver's License.
- Must meet the minimum requirements as established by the Wisconsin Law Enforcement Standards Board.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Police Officer - Job Description*

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##### **1104.6 KNOWLEDGE, SKILLS AND ABILITIES**

- Ability to identify and analyze problems, evaluate alternative solutions and utilize sound judgment.
- Ability to develop proactive plans within the department and in partnership with the Community.
- Ability to move quickly and forcefully in response to unexpected situations.
- Ability to maneuver and work in a variety of ground conditions.
- Ability to operate patrol vehicles in emergency mode.
- Ability to get in and out of a patrol car on a frequent basis.
- Possess the finger and arm dexterity and the strength necessary to safely operate a firearm.
- Knowledge and experience in the utilization of technical equipment including, but not limited to: computers, cameras, and radar units.
- Proficiency in word processing/typing.
- Ability to render credible testimony in a court of law.
- Ability to communicate effectively both verbally and in writing with a variety of people including co-workers, other professionals, appointed and elected officials, and the general public.
- Must keep physically fit.

##### **1104.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in a patrol vehicle. Sit in the office for report writing and meetings.
- **Carrying:** May routinely carry objects of varying sizes up to 500-feet in distance. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:** May routinely lift objects as part of regular duties (i.e., drawing firearm, taser, or baton). Lifting does not normally require anything over shoulder height. May include lifting persons in custody, unconscious, etc. Weights range up to 200 pounds, but routinely weigh 10-40 pounds.
- **Pushing/Pulling:** May be required to pull weight under emergency/arrest conditions. Routinely may push/pull objects weighing 10 to 40 pounds.
- **Bending:** Move from the waist to pick up or lay down an object. May be down on knees for short time periods, as duties require.
- **Reaching:** Reaching will be required under emergency/arrest conditions. Reaching frequently in patrol vehicle for radio, siren/light bar controls or MDC keyboard. Provide traffic direction and control – requires extensive use of hand and arm signals for



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Police Officer - Job Description*

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periods varying from five minutes to one hour. Some reaching required while changing into uniform, reaching for office supplies across a table, and reaching for equipment in compartments of the squad.

- **Twisting:** Twisting will be required under emergency/arrest conditions. Twisting in the patrol vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle. Twisting is required sitting at a table or desk as officer reaches for the phone or paper.
- **Climbing – Height:** On/over various building surfaces, fences, walls (approximately 6 feet high), etc. Climbing stairs between building levels common part of daily routine; slope/number of steps varies, dependent on situation, and may be under emergency conditions.
- **Crawling:** May be required in emergency situations. Surfaces may vary, inside/outside, environments. Distance normally limited to less than 10 feet.
- **Running:** Running may be required for short distances to escape from or reach an incident scene, or in the process of arresting a suspect.
- **Hearing:** Officer must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to officer or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, “crowd noise”, etc.; being able to determine from which direction speech or noise (i.e. cries for help, gunshots, screams, audible alarms, sirens, etc.) is coming from. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the officer to perform essential hearing tasks.
- **Vision:** Officer must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to officer or others. “Vision” includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving, use of weapons, observing activity around officer, reading documents, issuing citations, and processing crime scenes and arrestees.
- **Voice:** Officer must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to officer or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action, talking with persons attempting suicide to get them to stop, and talk to be heard above audible alarms, crime-scene confusion, and various ambient background noises.

#### **1104.8 ENVIRONMENT**

- Majority of the work day is inside (including in a vehicle); however, outside exposure can be under extreme heat, cold and temperature changes.

#### **1104.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Extensive motor vehicle operation.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Police Officer - Job Description*

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- Exposed to moving traffic enforcement/control situations.
- Subject to assault, combative or resistive persons in arrest situations, disturbance or other emergency calls.
- May have deadly/dangerous weapons used against officer.
- May be required to break up fights between two or more persons.
- May respond to hazardous materials spill or drug lab environment.

#### **1104.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio and/or cellular telephone.
- Use hand tools to affect custody of violators, including handgun, shotgun, handcuffs, baton, OC, taser, and flashlight. Must be able to hold handgun and discharge accurately.
- Normal office tools/equipment (i.e. copier, fax machine, computer, and small desk tools).
- Wear protective equipment such as ballistic vest.

#### **1104.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material, which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

#### **1104.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, dispatch call, traffic violator contact, follow-up investigation, suspect interviewing and management, crime scene and evidence processing, etc.
- Includes defensive posture, physical and mental state necessary to affect arrest, backup fellow officer, react in a life-saving manner.

## Administrative Assistant - Job Description

### 1105.1 POSITION SUMMARY

The purpose of this position is to perform all secretarial and administrative duties for the Police Chief. The work requires the exercise of confidentiality, initiative, independent judgment, and discretion in handling delegated administrative details. This position handles all confidential correspondence concerning personnel, grievances, union negotiations, strategies, and other confidential matters that may arise from any source. The work is performed under the direction of the Police Chief with moderate supervision and reviewed in a general manner on the basis of results obtained.

### 1105.2 ESSENTIAL DUTIES/RESPONSIBILITIES

These are not to be construed as exclusive or all-inclusive; other duties may be required and assigned.

- Fosters and encourages communication within the Department and the Community, as stated in the Department's Mission Statement.
- Reviews incoming emails and responds accordingly
- Reviews CFPD general emails and responds accordingly
- Monitors Tipster call line and types up calls received and distributes accordingly
- Reviews, sorts, and routes incoming and outgoing mail, including interdepartmental and confidential mail.
- Places all orders for the Department, including officers' uniform and equipment orders.
- Maintains strict confidentiality with any sensitive or restricted information.
- Handles all confidential correspondence that comes into the office concerning a variety of issues.
- Schedules confidential meetings as required, to include sending notices and agendas. Takes and transcribes minutes and notes when necessary. This includes similar responsibilities for performance evaluations and disciplinary actions, as well as for union negotiations and grievance actions. Records, distributes, and maintains confidential records.
- Transcribes dictation of letters, memorandums, complaints, reports, meetings, agreements, legal documents, and other related materials.
- Assists with the annual budget preparation.
- Assists with office and building vendor coordination and documentation including installations and repairs
- Assists with open records processing, communication and documentation
- Keeps current and monitors budget accounts, tracks specific grants and fulfills annual program requirements.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Administrative Assistant - Job Description*

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- Responsible for the handling of all police department accounts, payments, receivables, and petty cash.
  - Processes all invoices to be submitted for payment. Updates expenditure accounts and reconciles with City Hall records.
  - Receipts any revenue money (Auction sales, officer overtime reimbursement, etc.) with City Hall. Logs revenue on spreadsheet.
  - Monitors Petty Cash fund, reconciling for reimbursement from City Hall.
- Responsible for record keeping of all department purchasing.
  - Places orders for all officers' uniform and equipment as well as conducting or overseeing all Department purchases.
- Responsible for using word processing, spreadsheets, data bases, presentations, e-mail and other software programs, as well as internet technology in dispensation of duties.
- Responsible for payroll records, employee information, and all support administration for employee matters including communication with city Human Resources. Includes all employee personnel files (medical, personnel, disciplinary and training records).
- Records, calculates and files fleet repairs and maintenance.
- Maintains effective and professional communications with all ranks and positions at the police department and with all City of Chippewa Falls government workers and elected representatives.
- Demonstrates consistent productive performance
- Maintains composure and performs effectively in stressful situations.
- Attends work on a regular and reliable manner.
- Performs other support functions for law enforcement such as record keeping, communication or equipment delivery at Critical Incident Command Posts or other identified areas as directed.
- Helps to maintain the positive reputation of the Chippewa Falls Police Department in the community encouraging community trust and engagement.
- Maintains active communication channels with police retirees, non-profit organizations and other community groups and individuals in support of Department projects and goals.
- Training coordination, documentation and management of transportation/lodging/per diem as well as monitoring and submitting state required police recertification records for all officers.
- Any other tasks as directed by the Police Chief vital to maintaining a wholesome and inviting culture within the police department.

#### 1105.2.1 OTHER FUNCTIONS

- Orders office supplies and printed forms.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Administrative Assistant - Job Description*

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- Arranges for repair of office equipment and machines.
- Manages department deliveries and returns.
- Types, copies, and distributes/emails department policies and procedures.
- Prepares legal notices for media publication.
- Maintains department inventory records.
- Compiles data, types, collates, and distributes annual department report.
- Supports recruitment process including advertising; scheduling/administering/scoring exams; schedules and prepares documents for interviews and backgrounds; schedules and maintains results of medical exams.
- Provides information to inquiries from the public, outside agencies and department personnel, or refers to appropriate person or agency.

#### **1105.3 SUPERVISORY REQUIREMENTS**

- None

#### **1105.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- A minimum of two years post high school education preferred in areas such as: Administrative Professional, Executive Assistant or Business Administration and at least four years of experience in a similar responsible position or the equivalent combination of both education and experience.
- Ability to exercise good judgment, courtesy, and tact in receiving office calls and making proper disposition of routine situations.
- Skill in handling difficult and complex office situations and discretion in maintaining confidentiality.
- Proficiency and accuracy in word processing and typing.
- Considerable knowledge of modern office practices, procedures, and equipment.
- Considerable knowledge of Business English, Spelling, and Arithmetic.
- Ability to understand and effectively carry out oral and written instructions with minimal direction and supervision.
- Ability to carry out a multitude of duties simultaneously and to meet deadlines without reminders.
- Ability to maintain a logical structured office filing system.
- Considerable knowledge and experience in the use of a variety of computer software, such as word Processing, spreadsheets, scheduling, e-mail, Internet browsers, and various utility software.

#### **1105.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC**

- Be at least 18 years of age

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Administrative Assistant - Job Description*

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- Possess a valid driver's license

#### **1105.6 KNOWLEDGE, SKILLS & ABILITIES**

- Ability at all times to keep confidential information strictly confidential.
- Ability to add, to subtract, multiply, divide, calculate percentages, fractions, and decimals.
- Ability to apply concepts such as percentages and ratios.
- Ability to interpret basic descriptive data and reports; ability to interpret graphs and formulas.
- Ability to communicate effectively with department staff and clearly explain department procedures to members of the public in a professional and courteous manner.
- Ability to read and interpret policy manuals and City Ordinances.
- Ability to assess and handle stressful situations in a calm manner by exercising good judgment, decisiveness, tact, courtesy, and creativity.
- Ability to operate office equipment such as: computer and keyboard, photocopier, computer printer, calculator, telephone, transcriber, and fax machine.
- Ability to coordinate eyes, hands, feet, and limbs in performing skilled movements such as rapid keyboard use.
- Ability to render credible testimony in a court of law.

#### **1105.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside; stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in an office and while attending meetings/training.
- **Carrying:** May routinely carry objects of varying sizes up to 100-feet in distance. Objects may be of different substances or shapes.
- **Lifting:** May routinely lift objects as part of regular duties (i.e., moving of computer equipment, lifting printer paper packs, etc). Lifting does not normally require anything over shoulder height. Weights can range up to 15 pounds.
- **Pushing/Pulling:** Very little pushing/pulling, unless moving items around in office environment.
- **Bending:** Move from the waist to pick up or lay down an object.
- **Reaching:** Frequent reaching while sitting at desk.
- **Twisting:** Twisting is required sitting at a desk or table while reaching for the telephone, computer, and other office related items.
- **Climbing – Height:** Occasional climbing stairs between building levels.
- **Hearing:** Must have hearing sufficient (unaided or aided) to perform essential hearing tasks. Essential hearing tasks include, but are not limited to: discerning and

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Administrative Assistant - Job Description*

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distinguishing spoken words and speech. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the employee to perform essential hearing tasks.

- **Vision:** Must have vision sufficient (unaided or aided) to perform essential sight tasks.
- **Voice:** Must have voice sufficient (unaided or aided) to perform essential speaking tasks.

#### **1105.8 ENVIRONMENT**

- Work Day is generally inside buildings, other than for travel to a meeting or training.

#### **1105.9 EQUIPMENT/TOOLS**

- Normal office tools/equipment (i.e. copier, fax machine, computer, printer, telephone, and small desk tools).
- Limited operation of a motor vehicle to attend a meeting/training or other miscellaneous reasons.

#### **1105.10 PRODUCTS/MATERIALS**

- Paper, glue, copier toner and other common office products

## Business Office Lead Clerk - Job Description

### 1106.1 POSITION SUMMARY

The purpose of this position is to work within and manage the police department's business office and to work within the Criminal Justice System, as identified. The work requires the exercise of confidentiality, initiative, accountable record keeping, positive interactions with the public both on and off duty, independent judgment, and the ability to motivate and lead other business office staff. The work is performed under the direction of the Lieutenant of Investigations with moderate supervision and reviewed in a general manner on the basis of results obtained.

### 1106.2 ESSENTIAL DUTIES/RESPONSIBILITIES

These are not to be construed as exclusive or all-inclusive; other duties may be required and assigned.

- Fosters and encourages positive communication within the Department and the Community, as stated in the Department's Mission Statement.
- Acts as the Police Department's Court Coordinator, appearing at initial court proceedings, representing and presenting information on behalf of the City.
- Liaison between the Police Department Business Office and City Attorney as well as the District Attorney and other county and state partners.
- Reports directly to Lieutenant of Investigations on all aspects of the business office.
- Responsible for reviewing, approving/denying, and releasing open records requests.
- Prepares and provides business office financial reports based upon fines paid, licenses sold, parking citations issued, etc.
- Makes timely deposits.
- Prepares and maintains up to date work schedules for the business office.
- Reviews and coordinates with supervisor on all business staff time-off requests, overtime, payroll, etc.
- Reviews and processes all bartender and taxi cab license applications and completes application packets for final approval/denial.
- Responsible for providing periodic statistical reports and any other data research reports as Administration requests.
- Liaison between the Police Business Office and the Records Management System software representatives.
- Liaison between the Police Business Office and IT support.
- Identify and resolve problems relating to essential job duties with minimal direction.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Business Office Lead Clerk - Job Description*

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##### **1106.2.1 OTHER FUNCTIONS**

- Must have the ability to support and assist as needed in all areas of the business office responsibilities.
- Must have the ability to cross train necessary functions with the Business Office Clerk to cover absences.

##### **1106.3 SUPERVISORY REQUIREMENTS**

- Minimum of two years experience in a lead work role preferred.

##### **1106.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- High school diploma or equivalent.
- Minimum of one year of post high school education preferred in areas such as: Business Management, or Information Technology, or Office Assistant.
- Demonstrated positive attitude and a team player in prior or current work environment.
- Minimum of two years of working within a business office preferred.

##### **1106.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC.**

- Be at least 18 years of age.
- Possess a valid driver's license
- Ability to become certified and maintain certifications in TIME, WILENET, and ETIME.

##### **1106.6 KNOWLEDGE, SKILLS & ABILITIES**

- Ability to type with speed and accuracy comparable to current business practices and needs.
- Ability to transcribe from audio (or video) recordings, including recordings with graphic factual depictions of criminal activities and events.
- Considerable knowledge of modern office practices, procedures, and equipment.
- Considerable knowledge and experience in the use of a variety of computer software, such as Microsoft Office, Excel, scheduling software, spreadsheets, e-mail, and Internet browsers.
- Ability to carry out a multitude of duties simultaneously and meet deadlines
- Considerable knowledge of Business English, Spelling, and Arithmetic.
- Skill in handling difficult and complex office situations and discretion in maintaining confidentiality.
- Ability to lead a structured business office operations system.
- Ability to understand and effectively carry out oral and written instructions with minimal direction and supervision.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Business Office Lead Clerk - Job Description*

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- Ability to provide descriptive data and reports; ability to create graphs, pie charts, etc., as requested.
- Ability to communicate effectively with all police department staff.
- Ability to work closely with other office personnel in a friendly and professional manner.
- Ability to read and interpret policy manuals, statutes, city ordinances, court documents, etc.
- Ability to assess and handle stressful situations in a calm manner by exercising good judgment, decisiveness, tact, courtesy, and creativity.
- Ability to operate office equipment such as: computer and keyboard, photocopier, computer printer, calculator, telephone, transcriber, and fax machine.

#### **1106.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside; stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in an office and while attending meetings/training.
- **Carrying:** May routinely carry objects of varying sizes up to 100-feet in distance. Objects may be of different substances or shapes.
- **Lifting:** May routinely lift objects as part of regular duties (i.e., moving of computer equipment, lifting printer paper packs, etc). Lifting does not normally require anything over shoulder height. Weights can range up to 15 pounds.
- **Pushing/Pulling:** Very little pushing/pulling, unless moving items around in office environment.
- **Bending:** Move from the waist to pick up or lay down an object.
- **Reaching:** Frequent reaching while sitting at desk.
- **Twisting:** Twisting is required sitting at a desk or table while reaching for the telephone, computer, and other office related items.
- **Climbing – Height:** Occasional climbing stairs between building levels.
- **Hearing:** Must have hearing sufficient (unaided or aided) to perform essential hearing tasks. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the employee to perform essential hearing tasks.
- **Vision:** Must have vision sufficient (unaided or aided) to perform essential sight tasks. Ability to coordinate eyes, hands, feet, and limbs in performing skilled movements such as rapid keyboard use.
- **Voice:** Must have voice sufficient (unaided or aided) to perform essential speaking tasks.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Business Office Lead Clerk - Job Description*

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##### **1106.8 ENVIRONMENT**

- Work day is inside buildings, other than foot or vehicular travel to court, city hall, meetings, training, etc.

##### **1106.9 EQUIPMENT/TOOLS**

- Normal office tools/equipment (i.e. copier, fax machine, computer, printer, telephone, and small desk tools).
- Limited operation of a motor vehicle to attend court, meetings/training or other miscellaneous reasons.

##### **1106.10 PRODUCTS/MATERIALS**

- Paper, fingerprint ink glue, copier toner, and other common office products.

## Business Office Clerk - Job Description

### 1107.1 POSITION SUMMARY

The purpose of this position is to work within the police department's business office.

The work requires the exercise of confidentiality, initiative, accountable record keeping, and positive interactions with the public both on and off duty. The work is performed under the direction of the Business Office Lead Clerk and reports to the Lieutenant of Investigations.

### 1107.2 ESSENTIAL DUTIES/RESPONSIBILITIES

These are not to be construed as exclusive or all-inclusive; other duties may be required and assigned.

- Fosters and encourages positive communication within the Department and the Community, as stated in the Department's Mission Statement.
- Enters, saves, files, and attaches, etc., all accident reports, citations, incident reports, arrests, digital photographs, videos, and supplemental reports into computerized files of the department's records management system.
- Addresses the public at the business window with professionalism and is responsible for counter duties:
  - Collects fines
  - Copies reports
  - Provides direction to other departments/offices.
  - Provides/Updates House Watch information.
  - Answers/Directs telephone calls.
  - Sell licenses (Animal, Bicycle/scooters, temporary license plates, and dog park tags)
  - Maintains computerized bicycle files.
- Transcribes officers' dictated reports.
- Maintains computerized file on parking tickets. Mails overdue notices and suspensions on all unpaid parking citations.
- Assists Business Office Lead Clerk as needed.
- Transmits TraCS (Traffic Citation System).
- Prepares and emails monthly NIBR's checks.
- Validates records in NCIC/CIB file.
- Assists as needed with coping reports for the City Attorney as well as the District Attorney and other county and state partners.
- Completes/Manages Proxy Forms as needed.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Business Office Clerk - Job Description*

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- Mails necessary OWI forms to District DMV office.
- Processes all bartender and taxi cab license applications.
- Maintains OWI log and accident log.
- Maintains email list for pet owners.

#### 1107.2.1 OTHER FUNCTIONS

- Must have the ability to support and assist as needed in all areas of the business office responsibilities

#### 1107.3 EDUCATION AND/OR EXPERIENCE REQUIREMENTS

- High school diploma or equivalent.
- Minimum of one year of post high school education preferred in areas such as: Business Management, or Information Technology, or Office Assistant, or equivalent job related experience.
- Demonstrated positive attitude and a team player in prior or current work environment.
- Minimum of two years of working within a business office preferred.

#### 1107.4 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC

- Be at least 18 years of age.
- Possess a valid driver's license.
- Ability to become certified and maintain certifications in TIME, WILENET, and ETIME.

#### 1107.5 KNOWLEDGE, SKILLS & ABILITIES

- Considerable knowledge of modern office practices, procedures, and equipment.
- Considerable knowledge and experience in the use of a variety of computer software, such as Microsoft Office, Excel, scheduling software, spreadsheets, e-mail, and Internet browsers.
- Ability to carry out a multitude of duties simultaneously and meet deadlines
- Considerable knowledge of Business English, Spelling, and Arithmetic.
- Skill in handling difficult and complex office situations and discretion in maintaining confidentiality.
- Ability to understand and effectively carry out oral and written instructions with minimal direction and supervision.
- Ability to communicate effectively with all police department staff and the public.
- Ability to read and interpret policy manuals, statutes, city ordinances, court documents, etc.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Business Office Clerk - Job Description*

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- Ability to assess and handle stressful situations in a calm manner by exercising good judgment, decisiveness, tact, courtesy, and creativity.
- Ability to operate office equipment such as: computer and keyboard, photocopier, computer printer, calculator, telephone, transcriber, and fax machine.

#### **1107.6 PHYSICAL DEMANDS:**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside; stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in an office and while attending meetings/training.
- **Carrying:** May routinely carry objects of varying sizes up to 100-feet in distance. Objects may be of different substances or shapes.
- **Lifting:** May routinely lift objects as part of regular duties (i.e., moving of computer equipment, lifting printer paper packs, etc.). Lifting does not normally require anything over shoulder height. Weights can range up to 15 pounds.
- **Pushing/Pulling:** Very little pushing/pulling, unless moving items around in office environment.
- **Bending:** Move from the waist to pick up or lay down an object.
- **Reaching:** Frequent reaching while sitting at desk.
- **Twisting:** Twisting is required sitting at a desk or table while reaching for the telephone, computer, and other office related items.
- **Climbing – Height:** Occasional climbing stairs between building levels.
- **Hearing:** Must have hearing sufficient (unaided or aided) to perform essential hearing tasks. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the employee to perform essential hearing tasks.
- **Vision:** Must have vision sufficient (unaided or aided) to perform essential sight tasks. Ability to coordinate eyes, hands, feet, and limbs in performing skilled movements such as rapid keyboard use.
- **Voice:** Must have voice sufficient (unaided or aided) to perform essential speaking tasks.

#### **1107.7 ENVIRONMENT**

- Work day is inside buildings, other than foot or vehicular travel to court, city hall, meetings, training, etc.

#### **1107.8 EQUIPMENT/TOOLS**

- Normal office tools/equipment (i.e. copier, fax machine, computer, printer, telephone and small desk tools.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Business Office Clerk - Job Description*

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- Limited operation of a motor vehicle to attend court, meetings/training or other miscellaneous reasons.

#### **1107.9 PRODUCTS/MATERIALS**

- Paper, fingerprint ink, blue, copier toner, and other common office products.

## Parking Enforcement Worker - Job Description

### 1108.1 POSITION SUMMARY

The purpose of this position is to monitor parking and provide enforcement as necessary, to work with the Lieutenant of Field Operations, the Police Chief and other city officials about parking concerns, to educate the public about parking violations, to monitor the down town business district, and other areas of the city as requested, for other ordinance violations and report them to the Patrol Division as necessary, and to work within the Police Department's Business Office as directed.

The work is performed under the direction of the Lieutenant of Field Operations with moderate supervision.

### 1108.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for the position. These are not to be construed as exclusive or all-inclusive and other duties may be required or assigned.

#### 1108.2.1 ESSENTIAL FUNCTIONS

- Maintains a communication level with the Community and the Department's employees that enhances the Department's effectiveness and accomplishes the Department's Mission.
- Works independently with little supervision.
- Works and adapts to changing weather conditions.
- Demonstrates consistent, productive and self-motivated performance.
- Demonstrates and maintains confidentiality.
- Patrols city streets and city parking lots for parking violations and takes necessary corrective action (i.e. citation, warning).
- Responds to parking complaints and takes appropriate action.
- Monitors ongoing public nuisance issues as directed and takes action as requested.
- Monitors condition of city owned property (parking meters, city traffic/parking signs, city sidewalks and streets, etc.) and reports information to appropriate person.
- Monitors the downtown area for bicycle, skateboarding and other city ordinance violations and take appropriate action or referral to patrol.
- Maintains a current knowledge of laws and ordinances pertaining to parking enforcement.
- Follows the Department's Policies and work rules.
- Operates department vehicles in safe and legal manner.
- Effectively and professionally deals with verbal abuse; maintains composure.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Parking Enforcement Worker - Job Description*

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- Listens to and responds accordingly to police radio communications.
- Actively monitors patrol areas for suspicious behavior and reports observations to patrol watch commander.
- Works as a team member with supervisor and city officials on improving downtown parking. AC

#### **1108.2.2 OTHER FUNCTIONS**

- Must have the ability to support and assist as needed in all areas of the business office responsibilities (filing, data entry, issues bicycle and animal licenses, etc.).
- Provides support and communication to the Patrol and Investigative Divisions as needed.
- Performs other such duties as assigned.

#### **1108.3 SUPERVISORY REQUIREMENTS**

- None

#### **1108.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- High School Diploma or equivalent
- Technical College Degree in a related field preferred.
- Prior work experience in a law enforcement setting preferred.

#### **1108.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC**

- Be at least 18 years of age.
- Possess a valid driver's license.
- Ability to become certified and maintain certifications in TIME, WILENET, and E-TIME.
- Ability to be trained and maintain proficiency on the use of Oleoresin Capsicum Spray.

#### **1108.6 KNOWLEDGE, SKILLS & ABILITIES**

- Knowledge of modern office practices, procedures, and equipment.
- Knowledge and experience in the use of e-mail and Internet browsers.
- Ability to carry out a multitude of duties simultaneously and meet deadlines.
- Knowledge of Business English, Punctuation, Spelling, and Arithmetic.
- Ability to problem-solve and take appropriate action.
- Ability to make independent decisions in accordance with precedents and regulations. Able to apply these decisions to work situations.
- Ability to understand and effectively carry out oral and written instructions with minimal direction and supervision.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Parking Enforcement Worker - Job Description*

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- Ability to communicate effectively with all police department staff, city officials, and the public.
- Ability to read and interpret policy manuals, statutes, city ordinances, etc.
- Ability to assess and handle stressful situations in a calm manner by exercising good judgment, decisiveness, tact, courtesy, and creativity.
- Ability to operate office equipment such as: computer and keyboard, photocopier, computer printer, calculator, cell/telephone, and fax machine.
- Ability to organize and prioritize work effectively within general departmental guidelines.
- Ability to plan and organize work in the short and long term; in order to meet deadlines.
- Ability to work a regular work schedule.

#### **1108.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Significant amount of standing and walking on concrete or asphalt pavement of even, uneven, paved and unpaved surfaces. While inside; stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Significant amount of sitting while driving the department's parking enforcement vehicle.
- **Carrying:** May routinely carry objects of varying sizes up to 100-feet in distance. Objects may be of different substances or shapes.
- **Lifting:** Very little lifting of objects as part of regular duties (i.e., lifting printer paper packs, stacks of report forms, etc.). Lifting does not normally require anything over shoulder height. Weights can range up to 20 pounds.
- **Pushing/Pulling:** Significant amount of pushing/pulling parking chalk stick. Less of moving items around in office environment.
- **Bending:** Significant amount of moving at the waist to pick up or lay down an object, to chalk a tire, to collect parking payments in drop boxes, etc.
- **Reaching:** Significant amount of reaching while enforcing parking violations. Some reaching while assisting in the Records Department.
- **Twisting:** Significant twisting is required sitting in parking enforcement vehicle and enforcing parking violations. Less twisting sitting at a desk or table while reaching for the telephone, computer, and other office related items.
- **Climbing – Height:** Frequent climbing stairs between levels of various buildings.
- **Hearing:** Must have hearing sufficient (unaided or aided) to perform essential hearing tasks. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the employee to perform essential hearing tasks.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Parking Enforcement Worker - Job Description*

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- **Vision:** Must have vision sufficient (unaided or aided) to perform essential sight tasks. Ability to coordinate eyes, hands, feet, and limbs in performing skilled movements such as driving a motor vehicle, keyboard use, etc.
- **Voice:** Must have voice sufficient (unaided or aided) to perform essential speaking tasks.

#### **1108.8 ENVIRONMENT**

- Most of the work day is outside

#### **1108.9 EQUIPMENT/TOOLS**

- Motor vehicle
- Normal office tools/equipment

#### **1108.10 PRODUCTS/MATERIALS**

- Chalk
- Common office products

# Financial Crimes Investigator - Position Description

## 1109.1 POSITION SUMMARY

Under the general direction of the Lieutenant of Investigations, the Financial Crimes Investigator is responsible for investigating all violations of State and Local laws committed within the jurisdiction of the City of Chippewa Falls. The primary investigative focus of this position includes but is not limited to: identity theft, financial losses, counterfeit currency, internet scams, prison/correctional facility investigations, computer based crimes, and all other major crimes. Duties include but are not limited to: working independently on investigations, investigation management, performing preliminary and follow-up investigations of serious crimes or other cases, as assigned by the Lieutenant of Investigations or designee.

Selected officers will serve a term of 6 years in this position unless otherwise determined by the Chief of Police.

## 1109.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for the position. These are not to be construed as exclusive or all-inclusive; other duties/responsibilities may be required and assigned.

### 1109.2.1 ESSENTIAL FUNCTIONS

- Familiar with and current on issues dealing with the legal and technical aspects of investigating financial and computer crimes.
- Works closely with Local, State and Federal agencies.
- Prepares proper affidavits and reports for subpoenas, search warrants and other necessary legal documents.
- Conducts criminal investigations, including the gathering of information required to obtain arrest and/or search warrants and subpoenas specific to financial, computer, identity theft, counterfeit currency, internet scams, prison/correctional facility investigations, and all other major crimes.
- Responds to all major crime scenes whether or not specifically called or requested.
- Responds to calls for investigative assistance from officers and renders such assistance at the scene.
- Identifies, collects, packages, stores, and transmits evidence to an acceptable crime laboratory for proper analysis.
- Conducts video, visual, and audio recorded interviews and interrogations.
- Conducts legal searches of vehicles, buildings, and people to locate and obtain evidence.
- Completes accurate reports on all assigned cases in a timely manner.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Financial Crimes Investigator - Position Description*

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- Prepares for testimony and testifies truthfully.
- Conducts school, business, civic, and other community education presentations on computer crime and identity theft trends.
- Demonstrates consistent productive performance.
- Reads and places information on the Wisconsin Crime Alert Network.
- Reads and keeps track of MN Crime Alert Network.
- Reads and comprehends legal and non-legal documents, including the preparation and processing of documents such as: subpoenas, affidavits for search and arrest warrants, and affidavits for seizure of property, land and vehicles.
- Maintains and utilizes programs and resources in checking for stolen property.
- Covers for and investigates cases for the Sensitive Crimes Investigator when needed.
- Maintains ability to work patrol officer duties, including familiarity with all associated computer programs, equipment and procedures.
- Ensures fair and impartial policing is provided to all members of the community.
- Works as a productive team member within the Investigative Division, including participating in special detail work as identified by the Lieutenant of Investigations.

#### **1109.2.2 OTHER FUNCTIONS**

- Knowledgeable of/and obeys all policies, procedures, rules, orders and directives, pertaining specifically and generally to members of the Chippewa Falls Police Department.
- Makes necessary referrals to Chippewa County Human Services, Juvenile Intake, the District Attorney's Office, and private organizations.
- Keeps and maintains all equipment assigned to this position from the City of Chippewa Falls.
- Works closely with other members of the Chippewa Falls Police Department to collaborate on investigations, communicate relevant information specific to divisions within the department, and to create/maintain avenues of receiving information from department members and the community.
- Maintains and utilizes pertinent websites

#### **1109.3 SUPERVISORY REQUIREMENTS**

None

#### **1109.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Posses at minimum 60 credits from an accredited college.
- Three (3) years (at minimum) full time employment with this agency and (ideally) five (5) years full time law enforcement experience.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Financial Crimes Investigator - Position Description*

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##### **1109.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC**

- Be (at least) 21 years of age.
- Possess a valid Driver's License.
- Must meet the minimum requirements as established by the Wisconsin Law Enforcement Standards Board.

##### **1109.6 KNOWLEDGE, SKILLS AND ABILITIES**

- Ability to work without constant supervision.
- High level computer skills and knowledge including knowledge of internet, email, and other digital media processes. A solid proficiency in common business programs such as Word, Excel, and PowerPoint. Keeps up to date on computer and internet trends as they relate to law enforcement investigations.
- Knowledge of banking and financial processes, including digital processes.
- Knowledge of Federal, State, and Local laws.
- Ability to communicate effectively with prosecutors at all levels.
- Ability to work long and unscheduled hours, often times without notice.
- Ability and willingness to answer phone calls at any time of day and, as a general rule, respond with minimal notice to a scene if necessary.
- Ability and willingness to coordinate with supervisor and other investigators to ensure availability of investigators for patrol.
- Ability to identify and analyze problems, evaluate alternative solutions and utilize sound judgment.
- Ability to develop proactive plans within the department and with other law enforcement partners.
- Ability to make independent decisions.
- Keeps self-motivated and demonstrates the organizational and time management skills necessary to complete all investigations and assigned tasks in an orderly and timely fashion without prompting from supervisor.
- Knowledge and experience in the utilization of technical equipment including, but not limited to: computers, police radios, cameras, video recording equipment, cellular telephones, etc.; including the ability to operate and use such equipment simultaneously.
- Ability to use maps, plat books, and GPS (Global Positioning System).
- Ability to interview and interrogate.
- Ability to organize and conduct surveillance and/or search warrant briefings.
- Ability to render credible testimony in a court of law.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Financial Crimes Investigator - Position Description*

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- Ability to communicate effectively both verbally and in writing with a variety of people including other professionals, appointed and elected officials, and the general public.
- Ability to participate and communicate effectively with all members of the Chippewa Falls Police Department

#### **1109.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in the office for long periods of time for completing reports and attending meetings.
- **Carrying:** May carry objects of varying sizes at distances more than 500 feet, depending upon investigation strategies. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:** May routinely lift objects as part of regular duties. Lifting does not normally require anything over shoulder height. May include lifting persons in custody, unconscious, etc. Weights range up to 200 pounds, but routinely weigh 10-40 pounds.
- **Pushing/Pulling:** May be required to pull weight under emergency/arrest conditions. May push/pull objects weighing 10 to 40 pounds.
- **Bending:** Move from the waist to pick up or lay down an object. May be down on knees for extended period of time, as surveillance or investigations require.
- **Reaching:** Reaching will be required under emergency/arrest conditions. Reaching frequently in vehicle for necessary equipment. Some reaching required while donning on the tactical vest, reaching for office supplies across a table.
- **Twisting:** Twisting will be required under emergency/arrest conditions. Twisting in the vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle. Twisting is required sitting at a table or desk as officer reaches for the phone or paper.
- **Climbing – Height:** On/over various building surfaces, fences, walls (approximately 6 feet high), etc. Climbing stairs between building levels common part of daily routine; slope/number of steps varies, dependent on situation. May be under emergency conditions.
- **Crawling:** May be required in different situations, dependent upon surveillance or investigation needs. Surfaces may vary, inside/outside, environments. Distance may be more than ten feet.
- **Running:** Running may be required for short distances for things such as, but not limited to: covert operations; process of arresting a suspect, etc.
- **Hearing:** Officer must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to officer or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, “crowd noise”, etc.; being able to determine from which direction speech or noise (i.e. cries for help,

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Financial Crimes Investigator - Position Description*

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gunshots, screams, audible alarms, sirens, etc.) is coming from; and to hear spoken words that may be whispered, for purposes of covert operations. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the officer to perform essential hearing tasks.

- **Vision:** Officer must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to officer or others. "Vision" includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving; use of weapons; observing activity around officer; reading documents; issuing paperwork; and searching and processing crime scenes and arrestees.
- **Voice:** Officer must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to officer or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action; able to be heard and speak clearly at group meetings, search warrants, crime-scenes, and with various ambient background noise.

#### **1109.8 ENVIRONMENT**

- Majority of the work day is inside (including in a vehicle); however, outside exposure can be under extreme heat, cold, and temperature changes; and operating under covert conditions, in which body movement must be limited.

#### **1109.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Motor vehicle operation.
- Subject to assault, combative or resistive persons in arrest situations, disturbance or other emergency situations.
- May have deadly/dangerous weapons used against officer.
- May be required to break up fights between two or more persons.
- May be directly involved with drug lab environments.
- May respond to hazardous spills.

#### **1109.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio and/or cellular telephone.
- Use hand tools to effect custody of violators, including handgun, shotgun, rifle, handcuffs, baton, OC, taser, and flashlight.
- Must be able to hold firearm and discharge accurately.
- Possess the finger and arm dexterity and the strength necessary to safely operate a firearm.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Financial Crimes Investigator - Position Description*

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- Normal office tools/equipment (i.e. copier, fax machine, computer, and small desk tools).
- Wear personal protective equipment such as a ballistic vest.

#### **1109.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material (flammable and non-flammable), which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

#### **1109.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, contact, follow-up investigation, suspect interviewing and management, crime scene and evidence processing, etc.
- Physical and mental state necessary to affect arrest, backup fellow officers, react in a life-saving manner.

# Sensitive Crimes Investigator - Position Description

## 1110.1 POSITION SUMMARY

Under the general direction of the Lieutenant of Investigations, the Sensitive Crimes Investigator is responsible for investigating all violations of State and Local laws committed within the jurisdiction of the City of Chippewa Falls. The primary investigative focus of this position includes but is not limited to: Child Sexual Assaults, Child Abuse, Internet Crimes Against Children, Juvenile Crimes, Juvenile Referrals, Runaways, Adult Sexual Assaults, Property Crimes and all other major crimes. Duties include but are not limited to: working independently on investigations, investigation management, performing preliminary and follow-up investigations of serious crimes or other cases, as assigned by the Lieutenant of Investigations or designee.

Selected officers will serve a term of 6 years in this position unless otherwise determined by the Chief of Police.

## 1110.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for the position. These are not to be construed as exclusive or all-inclusive; other duties/responsibilities may be required and assigned.

### 1110.2.1 ESSENTIAL FUNCTIONS

- To be familiar with and current on issues dealing with the legal and technical aspects of investigating sensitive crimes.
- Assists Local, State and Federal agencies.
- Works closely with local/area schools.
- Works closely with Juvenile Intake and the Chippewa County Department of Human Services.
- Prepares proper affidavits and reports for subpoenas, search warrants and other necessary legal documents.
- Conducts criminal investigations, including the gathering of information required to obtain arrest and/or search warrants and subpoenas specific to sensitive crimes, and all other major crimes.
- Responds to all major crime scenes whether or not specifically called or requested.
- Responds to calls for investigative assistance from officers and renders such assistance at the scene.
- Identifies, collects, packages, stores, and transmits evidence to an acceptable crime laboratory for proper analysis.
- Conducts video, visual, and audio recorded interviews and interrogations.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sensitive Crimes Investigator - Position Description*

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- Conducts legal searches of vehicles, buildings, and people to locate and obtain evidence.
- Completes accurate written reports on all assigned cases in a timely manner.
- Prepares for testimony and testifies truthfully.
- Conducts school, business, civic, and other community education presentations on sensitive crime trends.
- Demonstrates consistent productive performance.
- Reads and places information on the Wisconsin Crime Alert Network.
- Reads and comprehends legal and non-legal documents, including the preparation and processing of documents such as: subpoenas, affidavits for search and arrest warrants, and affidavits for seizure of property, land and vehicles.
- Attends meetings with local and regional groups whose goals are to assist those that have been victimized or are at risk of being victimized.
- Maintains and utilizes programs and resources in checking for stolen property.
- Maintains ability to work patrol officer duties, including familiarity with all associated computer programs, equipment and procedures.
- Ensures fair and impartial policing is provided to all members of the community.
- Covers for and investigates cases for the Financial Crimes Investigator when needed.

#### 1110.2.2 OTHER FUNCTIONS

- Knowledgeable of/and obeys all policies, procedures, rules, orders and directives, pertaining specifically and generally to members of the Chippewa Falls Police Department.
- Makes necessary referrals to Chippewa County Human Services, Juvenile Intake, the District Attorney's Office, and private organizations.
- Keeps and maintains all equipment assigned to this position from the City of Chippewa Falls.
- Works closely with other members of the Chippewa Falls Police Department to collaborate on investigations, communicate relevant information specific to divisions within the department, and to create/maintain avenues of receiving information from department members and the community.
- Maintains and utilizes pertinent websites.
- Participates in undercover assignments at special events such as, but not limited to; FATFAR, NWSF, Mardi Gras, Oktoberfest, high crime areas, liquor license inspections, Open Container enforcement, OWI enforcement, etc.

#### 1110.3 SUPERVISORY REQUIREMENTS

- None

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sensitive Crimes Investigator - Position Description*

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##### **1110.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Posses at minimum 60 credits from an accredited college.
- Three (3) years (at minimum) full time employment with this agency and (ideally) five (5) years full time law enforcement experience.

##### **1110.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC**

- Be (at least) 21 years of age.
- Possess a valid Driver's License.
- Must meet the minimum requirements as established by the Wisconsin Law Enforcement Standards Board.

##### **1110.6 KNOWLEDGE, SKILLS AND ABILITIES**

- Ability to work without constant supervision
- High level computer skills and knowledge including knowledge of internet, email, and other digital media processes and a solid proficiency in common business programs such as Word, Excel, and PowerPoint
- Keeps up to date on trends as they relate to law enforcement investigations in the area of sensitive crimes
- Knowledge of banking and financial processes, including digital processes
- Knowledge of Federal, State, and Local laws
- Ability to communicate effectively with prosecutors at all levels
- Ability to work long and unscheduled hours, often times without notice
- Ability and willingness to answer phone calls at any time of day and, as a general rule, respond with minimal notice to a scene if necessary
- Ability and willingness to coordinate with supervisor and other investigators to ensure availability of investigators for patrol
- Ability to identify and analyze problems, evaluate alternative solutions and utilize sound judgment
- Ability to develop proactive plans within the department and with other law enforcement partners
- Ability to make independent decisions
- Keeps self-motivated and demonstrates the organizational and time management skills necessary to complete all investigations and assigned tasks in an orderly and timely fashion without prompting from supervisor
- Ability to move quickly and forcefully in response to unexpected situations
- Ability to maneuver and work in a variety of ground conditions
- Ability to get in and out of a car on a frequent basis

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sensitive Crimes Investigator - Position Description*

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- Possess the finger and arm dexterity and the strength necessary to safely operate a firearm
- Knowledge and experience in the utilization of technical equipment including, but not limited to: computers, police radios, cameras, video recording equipment, cellular telephones, etc., including the ability to operate and use such equipment simultaneously
- Ability to use maps, plat books, and GPS (Global Positioning System)
- Ability to interview and interrogate
- Ability to organize and conduct surveillance and/or search warrant briefings
- Ability to render credible testimony in a court of law
- Ability to communicate effectively both verbally and in writing with a variety of people including other professionals, appointed and elected officials, and the general public
- Must keep physically fit
- Ability to participate and communicate effectively with all members of the Chippewa Falls Police Department

#### **1110.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in the office for long periods of time for report writing and meetings.
- **Carrying:** May carry objects of varying sizes at distances more than 500 feet, depending upon investigation strategies. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:** May routinely lift objects as part of regular duties. Lifting does not normally require anything over shoulder height. May include lifting persons in custody, unconscious, etc. Weights range up to 200 pounds, but routinely weigh 10-40 pounds.
- **Pushing/Pulling:** May be required to pull weight under emergency/arrest conditions. Routinely may push/pull objects weighing 10 to 40 pounds.
- **Bending:** Move from the waist to pick up or lay down an object. May be down on knees for extended period of time, as surveillance or investigations require.
- **Reaching:** Reaching will be required under emergency/arrest conditions. Reaching frequently in vehicle for necessary equipment. Some reaching required while donning on the tactical vest, reaching for office supplies across a table.
- **Twisting:** Twisting will be required under emergency/arrest conditions. Twisting in the vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle. Twisting is required sitting at a table or desk as officer reaches for the phone or paper.
- **Climbing – Height:** On/over various building surfaces, fences, walls (approximately 6 feet high), etc. Climbing stairs between building levels common part of daily routine;

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sensitive Crimes Investigator - Position Description*

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slope/number of steps varies, dependent on situation. May be under emergency conditions.

- **Crawling:** May be required in different situations, dependant upon surveillance or investigation needs. Surfaces may vary, inside/outside, environments. Distance may be more than ten feet.
- **Running:** Running may be required for short distances for things such as, but not limited to: covert operations; process of arresting a suspect, etc.
- **Hearing:** Officer must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to officer or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, "crowd noise", etc.; being able to determine from which direction speech or noise (i.e. cries for help, gunshots, screams, audible alarms, sirens, etc.) is coming from; and to hear spoken words that may be whispered, for purposes of covert operations. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the officer to perform essential hearing tasks.
- **Vision:** Officer must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to officer or others. "Vision" includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving; use of weapons; observing activity around officer; reading documents; issuing paperwork; and searching and processing crime scenes and arrestees.
- **Voice:** Officer must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to officer or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action; able to be heard and speak clearly at group meetings, search warrants, crime-scenes, and with various ambient background noise.

#### **1110.8 ENVIRONMENT**

- Majority of the work day is inside (including in a vehicle); however, outside exposure can be under extreme heat, cold, and temperature changes; and operating under covert conditions, in which body movement must be limited.

#### **1110.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Motor vehicle operation.
- Subject to assault, combative or resistive persons in arrest situations, disturbance or other emergency situations.
- May have deadly/dangerous weapons used against officer.
- May be required to break up fights between two or more persons.
- May be directly involved with drug lab environments.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Sensitive Crimes Investigator - Position Description*

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- May respond to hazardous spills.

#### **1110.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio and/or cellular telephone.
- Use hand tools to effect custody of violators, including handgun, shotgun, handcuffs, baton, OC, taser, and flashlight. Must be able to hold handgun and discharge accurately.
- Normal office tools/equipment (i.e. copier, fax machine, computer, and small desk tools).
- Wear personal protective equipment such as a ballistic vest.

#### **1110.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material (flammable and non-flammable), which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

#### **1110.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, contact, follow-up investigation, suspect interviewing and management, crime scene and evidence processing, etc.
- Physical and mental state necessary to affect arrest, backup fellow officers, react in a life-saving manner.
- Subjected to viewing graphic pictures and videos which may depict explicit and graphic child pornography including infants, toddlers and children in various forms of sexual and physical abuse. The District Attorney's Office requires these pictures and videos to be described in detail in reports for charging purposes.

# Drug Task Force Investigator - Position Description

## 1111.1 POSITION SUMMARY

The Drug Task Force Officer shall be assigned to the West Central Drug Task Force to investigate all violations of State, Local, and Federal Drug Laws committed within the jurisdiction of the City of Chippewa Falls and to cooperate in conducting criminal drug investigations within the six (6) county jurisdiction (which includes 16 agencies) of the West Central Drug Task Force Unit.

Selected officers will serve a term of 4 years in this position unless otherwise determined by the Chief of Police.

## 1111.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for the position. These are not to be construed as exclusive or all-inclusive; other duties may be required and assigned.

### 1111.2.1 ESSENTIAL FUNCTIONS

- Familiar with and current on issues dealing with the legal and technical aspects of conducting drug investigations and drug trends.
- Assists State and Federal Drug Enforcement agencies.
- Develops and registers informants. Informant files shall be kept up to date and filed with the West Central Drug Task Force.
- Conducts drug criminal investigations, including the gathering of information required to obtain arrest and/or search warrants specific to drug and other controlled substance related violations.
- Detects and apprehends those involved in the possession, manufacture or delivery of controlled substances.
- Ensures fair and impartial policing is provided to all members of the community.
- Identifies, collects, packages, stores, and transmits drug related evidence to an acceptable crime laboratory for proper analysis.
- Conducts video, visual, and audio recorded surveillance operations using legally acceptable practices consistent with covert undercover drug investigations and operations.
- Conducts legal searches of vehicles, buildings, and people to locate and obtain evidence.
- Reads and comprehends legal and non-legal documents, including the preparation and processing of documents such as: subpoenas, affidavits for search and arrest warrants, and affidavits for seizure of property, land and vehicles.
- Completes accurate written reports on all assigned cases in a timely manner.
- Completes field tests on suspected controlled substances.



# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Drug Task Force Investigator - Position Description*

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- Prepares for testimony and testifies truthfully in State and Federal Court on criminal drug cases.
- Conducts school, business, civic, and other drug prevention and education community presentations as assigned.
- Maintains ability to work patrol officer duties, including familiarity with all associated computer programs, equipment and procedures.
- Demonstrates consistent productive performance.

#### **1111.2.2 OTHER FUNCTIONS**

- Knowledgeable of/and obeys all policies, procedures, rules, orders and directives, pertaining specifically and generally to members of the Chippewa Falls Police Department and the West Central Drug Task Force.
- Makes necessary referrals to Chippewa County Human Services, Juvenile Intake, the District Attorney's Office, and private organizations.
- Keeps and maintains all equipment assigned to this position from the City of Chippewa Falls and the West Central Drug Task Force.
- Works closely with other members of the Chippewa Falls Police Department to collaborate on investigations, communicate relevant information specific to divisions within the department, and to create/maintain avenues of receiving information from department members and the community.

#### **1111.3 SUPERVISORY REQUIREMENTS**

None

#### **1111.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Posses at minimum 60 credits from an accredited college.
- Three (3) years (at minimum) full time employment with this agency and (ideally) five (5) years full time law enforcement experience.

#### **1111.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS**

- Be (at least) 21 years of age.
- Possess a valid Driver's License.
- Must meet the minimum requirements as established by the Wisconsin Law Enforcement Standards Board.
- NARK II Field Test Certification (or equivalent).
- Successfully pass employer initiated Medtox Laboratory screens.

#### **1111.6 KNOWLEDGE, SKILLS AND ABILITIES**

- Ability to participate and communicate effectively with all members of the Chippewa Falls Police Department and West Central Drug Task Force.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Drug Task Force Investigator - Position Description*

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- Knowledge of Federal, State, and Local laws.
- Ability to communicate effectively with prosecutors at both State and Federal levels.
- Ability to work long and unscheduled hours, often times without notice.
- Ability to identify controlled substances and knowledge of current drug trends.
- Ability to identify and analyze problems, evaluate alternative solutions and utilize sound judgment.
- Ability to develop proactive plans within the department and with other law enforcement partners.
- Ability to make independent decisions.
- Ability to develop, control and manage informants.
- Ability to organize and handle work load.
- Ability to move quickly and forcefully in response to unexpected situations.
- Ability to maneuver and work in a variety of ground conditions.
- Ability to get in and out of a car on a frequent basis.
- Possess the finger and arm dexterity and the strength necessary to safely operate a firearm.
- Knowledge and experience in the utilization of technical equipment including, but not limited to: computers, police radios, cameras, video recording equipment, cellular telephones, etc.; including the ability to operate and use such equipment simultaneously.
- Ability to use maps, plat books, and GPS (Global Positioning System).
- Ability to participate (various roles) in undercover operations.
- Ability to interview and interrogate.
- Ability to organize and conduct surveillance and/or search warrant briefings.
- Proficiency in word processing/typing.
- Ability to render credible testimony in a court of law.
- Ability and knowledge on how to complete and file seizures and forfeitures at both State and Federal levels.
- Ability to communicate effectively both verbally and in writing with a variety of people including other professionals, appointed and elected officials, and the general public.
- Must keep physically fit.
- Self-motivated.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Drug Task Force Investigator - Position Description*

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##### **1111.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in a vehicle for (potentially) long periods of time. Sit in the office for report writing and meetings.
- **Carrying:** May carry objects of varying sizes at distances more than 500 feet, depending upon investigation strategies. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:** May routinely lift objects as part of regular duties. Lifting does not normally require anything over shoulder height. May include lifting persons in custody, unconscious, etc. Weights range up to 200 pounds, but routinely weigh 10-40 pounds.
- **Pushing/Pulling:** May be required to pull weight under emergency/arrest conditions. Routinely may push/pull objects weighing 10 to 40 pounds.
- **Bending:** Move from the waist to pick up or lay down an object. May be down on knees for extended period of time, as surveillance or investigations require.
- **Reaching:** Reaching will be required under emergency/arrest conditions. Reaching frequently in vehicle for necessary equipment. Some reaching required while donning on the tactical vest, reaching for office supplies across a table.
- **Twisting:** Twisting will be required under emergency/arrest conditions. Twisting in the vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle. Twisting is required sitting at a table or desk as officer reaches for the phone or paper.
- **Climbing – Height:** On/over various building surfaces, fences, walls (approximately 6 feet high), etc. Climbing stairs between building levels common part of daily routine; slope/number of steps varies, dependent on situation. May be under emergency conditions.
- **Crawling:** May be required in different situations, dependent upon surveillance or investigation needs. Surfaces may vary, inside/outside, environments. Distance may be more than ten feet.
- **Running:** Running may be required for short distances for things such as, but not limited to: covert operations; process of arresting a suspect, etc.
- **Hearing:** Officer must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to officer or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, “crowd noise”, etc.; being able to determine from which direction speech or noise (i.e. cries for help, gunshots, screams, audible alarms, sirens, etc.) is coming from; and to hear spoken words that may be whispered, for purposes of covert operations. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the officer to perform essential hearing tasks.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Drug Task Force Investigator - Position Description*

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- **Vision:** Officer must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to officer or others. "Vision" includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving; use of weapons; observing activity around officer; reading documents; issuing paperwork; and searching and processing crime scenes and arrestees.
- **Voice:** Officer must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to officer or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action; able to be heard and speak clearly at group meetings, search warrants, crime-scenes, and with various ambient background noise.

#### **1111.8 ENVIRONMENT**

- Majority of the work day is inside (including in a vehicle); however, outside exposure can be under extreme heat, cold, and temperature changes; and operating under covert conditions, in which body movement must be limited.

#### **1111.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Motor vehicle operation.
- Subject to assault, combative or resistive persons in arrest situations, disturbance or other emergency situations.
- May have deadly/dangerous weapons used against officer.
- May be required to break up fights between two or more persons.
- May be directly involved with drug lab environments.
- May respond to hazardous spills.

#### **1111.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio and/or cellular telephone.
- Use hand tools to effect custody of violators, including handgun, shotgun, handcuffs, baton, OC, taser, and flashlight. Must be able to hold handgun and discharge accurately.
- Normal office tools/equipment (i.e. copier, fax machine, computer, and small desk tools).
- Wear personal protective equipment such as a ballistic vest.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *Drug Task Force Investigator - Position Description*

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##### **1111.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material (flammable and non-flammable), which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

##### **1111.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, contact, follow-up investigation, suspect interviewing and management, crime scene and evidence processing, etc.
- Physical and mental state necessary to affect arrest, backup fellow officers, react in a life-saving manner.

## School Resource Officer - Position Description

### 1112.1 POSITION SUMMARY

Under the general direction of the Lieutenant of Investigations, School Resource Officers (SRO's) perform all the duties and Essential Functions of Police Officers as described in the Police Officer Position Description. SRO's are not only a law enforcement officer but is also relied upon to be an unofficial teacher and counselor for both students and staff. Due to the number of students, parents and staff in the Chippewa Falls School District, SRO's are one of the most visible figures in the department.

SROs are responsible for having knowledge of violations of State and Local laws committed at the Chippewa Falls High School, Middle School and other schools. SROs primary investigative focus is the Chippewa Falls Senior High School and Chippewa Falls Middle School, but SROs may also be called upon to investigate incidents at other schools and district buildings. Investigations are at the SROs' discretion based on their knowledge, training and experience with supervisory oversight from the Lieutenant of Investigations.

The primary investigative focus of this position includes but is not limited to: Disorderly Conduct, Drugs, Theft, Bullying, Harassment, Littering, Vehicle Crashes, Hit and Run complaints. SRO's will also need to assist in school related incidents such as; Child Sexual Assaults, Child Abuse, Internet Crimes Against Children, Juvenile Crimes, Juvenile Referrals and Runaways.

Duties include but are not limited to: identifying areas of concern on and around campus, reducing bullying/harassment, working independently on investigations, investigation management, performing preliminary, work with schools to provide early intervention and strategies for at-risk youth, conduct classroom presentations and follow-up investigations of serious crimes or other cases as assigned by the Lieutenant of Investigations or designee.

SRO's will maintain a working knowledge of both the high school and middle school operations to ensure they are able to work either position as needed.

#### 1112.1.1 TERM LENGTH

This position's term is generally four (4) years, unless department need or performance determines otherwise. SRO's terms may be extended or reduced upon mutual agreement of the Police Department and Chippewa Falls Area Unified School District.

### 1112.2 ESSENTIAL DUTIES/RESPONSIBILITIES

The following duties are normal for the position These are not to be construed as exclusive or all-inclusive; other duties/responsibilities may be required and assigned.

#### 1112.2.1 ESSENTIAL FUNCTIONS

- Improve both the real and perceived safety of the Middle School and High School facility for students and staff.
- Become a visible presence both inside and outside the school buildings.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *School Resource Officer - Position Description*

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- Investigate violations of state law and ordinances that occur on campus.
- Ensures fair and impartial policing is provided to all members of the community.
- Provide training on safety issues to school staff when appropriate.
- Serve as member of School Safety Team.
- Identify problems or behaviors that are detrimental to the educational process and/or the welfare of students or staff, handling these issues directly or referring them to the appropriate staff or community agency.
- Conduct video, visual, and audio recorded interviews and interrogations.
- Monitor traffic on and around campus and make or arrange appropriate enforcement action.
- Develop a mutually positive and receptive relationship with students.
- Provide opportunities for students to meet with the SRO, privately if necessary.
- Establish and post regular office hours.
- Develop and maintain a highly visible and approachable presence on campus.
- Meet with students and collaborate with the Student Assistant Program Coordinator to assist them with problems of tobacco, alcohol and other drugs, law enforcement, crime prevention or personal safety.
- Facilitate the appropriate referral of students and their families to the various services and resources available both on-campus and in the community.
- Develop and maintain a positive and trusting relationship between SRO's, students, student families, and school staff.
- Maintain and disseminate appropriate literature and information on available resources in the community.
- Collaborate with school counselors, staff and community service agencies to provide students and families with needed assistance.
- Provide formal and informal educational opportunities to discuss law, city ordinances, the Justice System and law enforcement with students, staff and parents.
- Be available as a resource for classroom presentations, support groups, and student organizations on topics related to a basic understanding of state law, the Juvenile Code, city ordinances and the role of law enforcement.
- Work with school officials to help address student mental and emotional needs, particularly following a traumatic incident, as needed.
- Works with students and staff on special events and programs, i.e. Prom, Homecoming, MORP, STEAM, etc.
- Attend school related special events and programs as requested by school and supervisor.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *School Resource Officer - Position Description*

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- Regularly attend school staff meetings to discuss issues related to school safety or any other law enforcement related topics.
- Utilize the school newspapers, parent newsletter and other media to communicate with students and parents.
- Utilize approved Police Department social media platforms to educate and interact with youth and others in the community.
- Works closely with Juvenile Intake and the Chippewa County Department of Human Services.
- Stays familiar with and current on issues dealing with the legal and technical aspects of investigating sensitive crimes.
- Maintains ability to work patrol officer duties, including familiarity with all associated computer programs, equipment and procedures.
- Utilize department social media platform(s) on a routine and regular basis to engage and connect with students, staff and the community to provide communication and safety updates.
- SRO's should work together to identify campus safety issues in coordination with school staff.

#### **1112.2.2 OTHER FUNCTIONS**

- Knowledgeable of/and obeys all policies, procedures, rules, orders and directives, pertaining specifically and generally to members of the Chippewa Falls Police Department.
- Makes necessary referrals to Chippewa County Human Services, Juvenile Intake, the District Attorney's Office, and private organizations.
- Keeps and maintains all equipment assigned to this position from the City of Chippewa Falls.
- Works closely with other members of the Chippewa Falls Police Department to collaborate on investigations, communicate relevant information specific to divisions within the department, and to create/maintain avenues of receiving information from department members and the community.
- Collect intelligence information concerning gangs, and threats to personal safety and order, on and around campus.
- Demonstrates consistent productive performance.
- Maintains and utilizes pertinent websites.
- 

#### **1112.3 SUPERVISORY REQUIREMENTS**

- None



# Chippewa Falls Police Department

## Policy Manual

## Policy Manual

### *School Resource Officer - Position Description*

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#### **1112.4 EDUCATION AND/OR EXPERIENCE REQUIREMENTS**

- Posses at minimum 60 credits from an accredited college.
- Three years minimum full time law enforcement experience with 5 years preferred.

#### **1112.5 LICENSES, CERTIFICATIONS, OTHER REQUIREMENTS, ETC**

- Be (at least) 21 years of age.
- Possess a valid Driver's License.
- Must meet the minimum requirements as established by the Wisconsin Law Enforcement Standards Board.

#### **1112.6 KNOWLEDGE, SKILLS AND ABILITIES**

- Ability to work without constant supervision
- High level computer skills and knowledge including knowledge of internet, email, and other digital media processes and a solid proficiency in common business programs such as Word, Excel, and PowerPoint
- Keeps up to date on trends as they relate to law enforcement investigations in the area of sensitive crimes and drug investigations
- Knowledge of Federal, State, and Local laws especially those pertaining to school related investigations and interactions.
- Ability to communicate effectively with prosecutors at all levels
- Ability to work long and unscheduled hours, often times without notice
- Ability and willingness to answer phone calls at any time of day and, as a general rule, respond with minimal notice to a scene if necessary
- Ability and willingness to coordinate with supervisor and other investigators to ensure availability of investigators for patrol
- Ability to identify and analyze problems, evaluate alternative solutions and utilize sound judgment
- Ability to develop proactive plans within the department and with other law enforcement partners
- Ability to make independent decisions
- Keeps self-motivated and demonstrates the organizational and time management skills necessary to complete all investigations and assigned tasks in an orderly and timely fashion without prompting from supervisor
- Ability to move quickly and forcefully in response to unexpected situations
- Ability to maneuver and work in a variety of ground conditions
- Ability to get in and out of a car on a frequent basis

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *School Resource Officer - Position Description*

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- Possess the finger and arm dexterity and the strength necessary to safely operate a firearm
- Knowledge and experience in the utilization of technical equipment including, but not limited to: computers, police radios, cameras, video recording equipment, cellular telephones, etc., including the ability to operate and use such equipment simultaneously
- Ability to use maps, plat books, and GPS (Global Positioning System)
- Ability to interview and interrogate
- Ability to organize and conduct surveillance and/or search warrant briefings
- Ability to render credible testimony in a court of law
- Ability to communicate effectively both verbally and in writing with a variety of people including other professionals, appointed and elected officials, and the general public
- Must keep physically fit
- Ability to participate and communicate effectively with all members of the Chippewa Falls Police Department

#### **1112.7 PHYSICAL DEMANDS**

- **Standing/Walking:** Stand and walk on concrete or asphalt pavement or uneven, unpaved surfaces. While inside, stand and walk on concrete, vinyl and carpeted floors.
- **Sitting:** Sit in the office for long periods of time for report writing and meetings.
- **Carrying:** May carry objects of varying sizes at distances more than 500 feet, depending upon investigation strategies. Objects may be of different substances or shapes. Some carrying may be under emergency conditions.
- **Lifting:** May routinely lift objects as part of regular duties. Lifting does not normally require anything over shoulder height. May include lifting persons in custody, unconscious, etc. Weights range up to 200 pounds, but routine weigh 10-40 pounds.
- **Pushing/Pulling:** May be required to pull weight under emergency/arrest conditions. Routinely may push/pull objects weighing 10 to 40 pounds.
- **Bending:** Move from the waist to pick up or lay down an object. May be down on knees for extended period of time, as surveillance or investigations require.
- **Reaching:** Reaching will be required under emergency/arrest conditions. Reaching frequently in vehicle for necessary equipment. Some reaching required while donning on the tactical vest, reaching for office supplies across a table.
- **Twisting:** Twisting will be required under emergency/arrest conditions. Twisting in the vehicle to one side or the other as well as some twisting is involved in entering/leaving vehicle. Twisting is required sitting at a table or desk as officer reaches for the phone or paper.
- **Climbing – Height:** On/over various building surfaces, fences, walls (approximately 6 feet high), etc. Climbing stairs between building levels common part of daily routine;

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *School Resource Officer - Position Description*

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slope/number of steps varies, dependent on situation. May be under emergency conditions.

- **Crawling:** May be required in different situations, dependent upon surveillance or investigation needs. Surfaces may vary, inside/outside, environments. Distance may be more than ten feet.
- **Running:** Running may be required for short distances for things such as, but not limited to: covert operations; process of arresting a suspect, etc.
- **Hearing:** Officer must have hearing sufficient (unaided or aided) to perform essential hearing tasks without posing a direct threat to officer or others. Essential hearing tasks include, but are not limited to: discerning and distinguishing spoken words and speech from ambient background noise, such as highway traffic, sirens, "crowd noise", etc.; being able to determine from which direction speech or noise (i.e. cries for help, gunshots, screams, audible alarms, sirens, etc.) is coming from; and to hear spoken words that may be whispered, for purposes of covert operations. If amplification devices are used, they must be of the type that prevents further hearing loss, but also allows the officer to perform essential hearing tasks.
- **Vision:** Officer must have vision sufficient (unaided or aided) to perform essential sight tasks without posing a direct threat to officer or others. "Vision" includes color discrimination, peripheral vision, depth perception and either uncorrected or corrected visual acuity in both eyes. Essential vision tasks include, but are not limited to: day and nighttime driving; use of weapons; observing activity around officer; reading documents; issuing paperwork; and searching and processing crime scenes and arrestees.
- **Voice:** Officer must have voice sufficient (unaided or aided) to perform essential speaking tasks without posing a direct threat to officer or others. Essential voice tasks include, but are not limited to: use of voice commands to project control and direct action; able to be heard and speak clearly at group meetings, search warrants, crime-scenes, and with various ambient background noise.

#### **1112.8 ENVIRONMENT**

- Majority of the work day is inside (including in a vehicle); however, outside exposure can be under extreme heat, cold, and temperature changes; and operating under covert conditions, in which body movement must be limited.

#### **1112.9 HAZARDS**

- Variety of environments including noise, fumes, dust, traffic, etc.
- Motor vehicle operation.
- Subject to assault, combative or resistive persons in arrest situations, disturbance or other emergency situations.
- May have deadly/dangerous weapons used against officer.
- May be required to break up fights between two or more persons.
- May be directly involved with drug lab environments.

# Chippewa Falls Police Department

## Policy Manual

### Policy Manual

#### *School Resource Officer - Position Description*

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- May respond to hazardous spills.

#### **1112.10 EQUIPMENT/TOOLS**

- Operate motor vehicle under regular and emergency conditions, including two-way radio.
- Use hand tools to effect custody of violators, including handgun, shotgun, handcuffs, baton, OC, taser, and flashlight. Must be able to hold handgun and discharge accurately.
- Normal office tools/equipment (i.e. copier, fax machine, computer, and small desk tools).
- Wear personal protective equipment such as a ballistic vest.

#### **1112.11 PRODUCTS/MATERIALS**

- Fingerprint powder, taser probes, ammunition, highway flares, gasoline, oil, and any other material (flammable and non-flammable), which might be found at an incident scene.
- Paper, glue, copier toner and other common office products.

#### **1112.12 PSYCHOLOGICAL DEMANDS**

- Subject to varying levels of stress in accordance with type of assignment, contact, follow-up investigation, suspect interviewing and management, crime scene and evidence processing, etc.
- Physical and mental state necessary to affect arrest, backup fellow officers, react in a life-saving manner.

# Chippewa Falls Police Department Policy Manual

Policy Manual

## Attachments



**Chippewa Falls Police**  
**Department Policy Manual**  
Policy Manual

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## INDEX / TOPICS

### A

ACCOUNTABILITY TO SUPERVISOR. . . . .	20
ACKNOWLEDGEMENTS	
Policy manual. . . . .	16
Policy revisions. . . . .	17
ADMINISTRATIVE INVESTIGATIONS	
Vehicle damage. . . . .	378
AIRCRAFT	
Flying while armed. . . . .	77
AIRCRAFT ACCIDENTS. . . . .	267
ALCOHOL	
Firearms. . . . .	75
Vehicle use. . . . .	377
AMBER ALERTS. . . . .	133
AMMUNITION. . . . .	73
ANIMALS	
Euthanize. . . . .	77
Injured. . . . .	77
Line-of-duty deaths. . . . .	502
APPOINTMENTS	
Community relations coordinator. . . . .	207
Exposure control officer. . . . .	437
Line-of-duty death liaisons and coordinators	495
Petty cash fund manager. . . . .	379
Records manager. . . . .	387
Training manager. . . . .	24
TSA Instructor. . . . .	77
ARRESTS	
Authority. . . . .	9
Child and dependent adult safety. . . . .	188
First amendment assemblies. . . . .	310
Seat belts. . . . .	443
ASSET FORFEITURE. . . . .	356
AUDIO/VIDEO RECORDING	
Child abuse. . . . .	122
OIS. . . . .	68
AUDITS	
Petty Cash. . . . .	379
Records. . . . .	387
AUTHORITY. . . . .	9
Ethics. . . . .	145
Policy manual. . . . .	14
AUTOMATED LICENSE PLATE READERS. . . . .	301
AUXILIARY RESTRAINTS. . . . .	49

### B

BADGE	
Mourning Badge. . . . .	477
BARRICADED SUSPECTS. . . . .	244
BATON. . . . .	52
BIAS-MOTIVATED CRIMES. . . . .	140
BIOLOGICAL SAMPLES	
Hazards. . . . .	268
BODY ARMOR. . . . .	445
BODY ARMOR	
Suspects. . . . .	70
BOMBS	
Aircraft accidents. . . . .	268
Mobile digital computer. . . . .	285
Portable audio/video recorders. . . . .	288
C	
CASH. . . . .	379
CED. . . . .	56
CHAPLAINS. . . . .	182
Line-of-duty deaths. . . . .	502
CHILD ABUSE	
Definitions. . . . .	119
CHILD ABUSE. . . . .	119
CHILD AND DEPENDENT ADULT SAFETY	188
CHILDREN	
Child safety. . . . .	188
Drug-endangered. . . . .	123
Fatality review team. . . . .	120
Firearms. . . . .	75
Safety. . . . .	98
Transporting. . . . .	444
CITATIONS. . . . .	251
CIVIL	
Liability response. . . . .	67
Subpoenas. . . . .	157
CIVIL DISPUTES. . . . .	312
CIVILIAN/NON-SWORN. . . . .	15
Crisis intervention incidents. . . . .	322
COMMAND PROTOCOL. . . . .	19
COMMAND STAFF	
Conducted energy device. . . . .	59
Line-of-duty deaths. . . . .	492
Petty cash audit. . . . .	379
Policy review. . . . .	17
Work-related injury. . . . .	466
COMMUNICABLE DISEASES. . . . .	437
Illness and injury prevention. . . . .	504
COMMUNICATIONS	
Officer involved shootings and deaths. . . . .	62
COMMUNICATIONS CENTER	
Vehicle pursuits. . . . .	87

# Chippewa Falls Police Department

## Policy Manual

### Chippewa Falls Police Department Policy Manual

---

COMMUNITY RELATIONS. . . . .	207
CONDUCT	
OIS. . . . .	62
CONDUCTED ENERGY DEVICE (CED). . . . .	56
CONFIDENTIALITY	
Child abuse reports. . . . .	124
Communicable disease information. . . . .	440
Radio broadcasts. . . . .	285
Records bureau. . . . .	389
Surreptitious recording. . . . .	287
CONTROL DEVICES. . . . .	51
CONTROL DEVICES	
Decontamination. . . . .	438
First amendment assemblies. . . . .	309
Training. . . . .	259
CORRESPONDENCE. . . . .	29
COURT APPEARANCES. . . . .	156
COURT ORDERS	
Citation releases. . . . .	251
Civil disputes. . . . .	312
Domestic abuse. . . . .	96
Foreign. . . . .	99
Source testing. . . . .	440
Surreptitious recording. . . . .	287
CRIME AND DISASTER SCENE	
INTEGRITY. . . . .	232
CRIMINAL OFFENDER INFORMATION. . . . .	407
CRISIS INTERVENTION INCIDENTS. . . . .	319
CRISIS RESPONSE UNIT. . . . .	234
CUSTODY SEARCHES. . . . .	411

## D

DEADLY FORCE REVIEW. . . . .	45
DEATH	
Chaplains. . . . .	185
DEATH INVESTIGATIONS. . . . .	165
DEATH NOTIFICATION. . . . .	166
DEFECTIVE VEHICLES. . . . .	375
DEFINITIONS	
Policy manual. . . . .	15
DEPARTMENTAL DIRECTIVE. . . . .	21
DEPARTMENT-OWNED PROPERTY. . . . .	373
DEPARTMENT PROPERTY	
Loss Or Damage. . . . .	374
DEPENDENT ADULTS	
Safety. . . . .	98, 188
DIPLOMATIC IMMUNITY. . . . .	253
DISCIPLINE. . . . .	144
DISCLAIMER. . . . .	14
DISPUTED CLAIMS. . . . .	404
DOMESTIC ABUSE. . . . .	96

DRIVING	
Mobile digital computer. . . . .	284
Safety. . . . .	149

## E

ELECTRICAL LINES. . . . .	263
ELECTRONIC CIGARETTES. . . . .	442
ELECTRONIC MAIL. . . . .	27
EMERGENCY DETENTIONS. . . . .	248
EMERGENCY OPERATIONS PLAN	
MANUALS. . . . .	22
EMERGENCY UTILITY. . . . .	263
EMPLOYEE ASSISTANCE. . . . .	433
EMPLOYEE CONVICTIONS. . . . .	430
ENFORCEMENT. . . . .	330
ETHICS. . . . .	145
EVALUATION. . . . .	422
EVIDENCE	
Seizing recordings. . . . .	292
EXPOSURE. . . . .	242
EXPOSURE CONTROL. . . . .	437
Officer. . . . .	437
Reviews. . . . .	504
EXPUNGEMENT. . . . .	394
EYEWITNESS IDENTIFICATION. . . . .	363

## F

FIELD TRAINING OFFICER. . . . .	264
FIREARMS. . . . .	70
Conduct. . . . .	149
Pursuits. . . . .	88
FIRST AMENDMENT ASSEMBLIES. . . . .	306
FLYING WHILE ARMED. . . . .	77
FOREIGN	
Court orders. . . . .	99
FOREIGN DIPLOMATIC AND CONSULAR	
REPRESENTATIVES. . . . .	253
FORMS	
Child abuse and narcotics. . . . .	123
Eyewitness identification. . . . .	363
Suspected child abuse. . . . .	124

## G

GANGS	
Employee affiliation. . . . .	145
GRIEVANCES	
Supervisor authority. . . . .	15



# Chippewa Falls Police Department

## Policy Manual

### Chippewa Falls Police Department Policy Manual

---

GROOMING STANDARDS. . . . . 468

## H

HANDCUFFING. . . . . 48

HAZARDOUS MATERIAL. . . . . 241

### HAZARDOUS MATERIAL (HAZMAT) RESPONSE

Aircraft accidents. . . . . 268

Precautions. . . . . 438

### HEARING IMPAIRED/DISABLED

Communication. . . . . 175

HELICOPTER ASSISTANCE. . . . . 271

HIGH-VISIBILITY VESTS. . . . . 332

### HOSTAGE AND BARRICADE INCIDENTS

Rapid response and deployment. . . . . 258

HOSTAGES. . . . . 244

## I

IMMUNIZATIONS. . . . . 439

IMPAIRED DRIVING. . . . . 341

INFORMATION TECHNOLOGY USE. . . . . 150

### INSPECTIONS

Exposure control. . . . . 437

Firearms. . . . . 70

Illness and injury prevention. . . . . 504

Vehicles. . . . . 376

### INTERNAL AFFAIRS

Personnel records. . . . . 448

## J

### JURISDICTION

Aircraft accidents. . . . . 268

Authority. . . . . 9

Foreign court orders. . . . . 99

OIS. . . . . 61

Pursuits. . . . . 87

## K

### KEYS

Searches. . . . . 104

Vehicle. . . . . 377

KINETIC PROJECTILES. . . . . 53

## L

LAW ENFORCEMENT AUTHORITY. . . . . 9

LEG IRONS. . . . . 49

LIMITED ENGLISH PROFICIENCY. . . . . 170

LINE-OF-DUTY DEATHS. . . . . 492

LOCKER ROOMS. . . . . 491

## M

### MDT/MDC

Use. . . . . 377

Vehicles. . . . . 377

MEAL PERIODS AND BREAKS. . . . . 455

### MEDIA

Aircraft accidents. . . . . 269

First amendment assemblies. . . . . 310

Line-of-duty deaths. . . . . 501

OIS. . . . . 68

MEDIA RELATIONS. . . . . 153

### MEDICAL

Aircraft accidents. . . . . 267

Child involuntary detention. . . . . 122

Domestic abuse. . . . . 98

Examinations - child abuse. . . . . 123

Illness and injury prevention. . . . . 504

Leave act (FMLA). . . . . 435

Opioid overdoses. . . . . 327

Personnel records. . . . . 448

Release restrictions. . . . . 392

Releases. . . . . 325

Screening custody-juveniles. . . . . 108

MEMORANDUMS. . . . . 29

MINIMUM STAFFING. . . . . 30

### MOBILE AUDIO/VIDEO (MAV)

OIS. . . . . 68

MOBILE DIGITAL COMPUTER USE. . . . . 284

MOBILE VIDEO RECORDER. . . . . 278

Required Activation. . . . . 279

Review. . . . . 281

### MUTUAL AID

First amendment assemblies. . . . . 309

Interstate peace officer powers. . . . . 10, 11

## N

### NOTIFICATIONS

Aircraft accidents. . . . . 268

Cash. . . . . 380

Child abuse. . . . . 119, 119

Exposure control. . . . . 437

Impaired driving. . . . . 342, 343

Line-of-duty deaths. . . . . 493

# Chippewa Falls Police Department

## Policy Manual

### Chippewa Falls Police Department Policy Manual

---

OIS. . . . .	63	PROMOTIONAL PROCESS. . . . .	425
Sick leave. . . . .	435	PROPERTY AND EVIDENCE. . . . .	398
WDHS. . . . .	167	Controlled Substances. . . . .	399
<b>O</b>		Disputed Claims. . . . .	404
OATH OF OFFICE. . . . .	12	Packaging Of Property. . . . .	401
OC SPRAY. . . . .	52	Property Booking. . . . .	399
OFFICER SAFETY		Property Handling. . . . .	399
Crime and disaster scene integrity. . . . .	232	Property Release. . . . .	403
Domestic abuse. . . . .	96	PROTECTED INFORMATION. . . . .	407
Firearms confiscation. . . . .	62	PROTECTED INFORMATION	
Handcuffing and restraints. . . . .	47	Records personnel. . . . .	389
Search and seizure. . . . .	104	PUBLIC ALERTS. . . . .	133
Seat belts. . . . .	443	PUBLIC ALERTS. . . . .	133
ORGANIZATIONAL STRUCTURE. . . . .	19	PUBLIC RECORDING OF LAW	
OUTSIDE AGENCY ASSISTANCE. . . . .	159	ENFORCEMENT ACTIVITY. . . . .	291
OUTSIDE EMPLOYMENT. . . . .	460	PUBLIC RECORD REQUEST. . . . .	391
Change in Status. . . . .	463	PURSUIT POLICY. . . . .	80
Obtaining Approval. . . . .	460	PURSUIITS	
Prohibited Outside Employment. . . . .	461	Foot. . . . .	297
Security Employment. . . . .	462	<b>R</b>	
OVERTIME		RANGEMASTER	
Court. . . . .	158	Firearms. . . . .	70
<b>P</b>		Inspections. . . . .	70
PARKING. . . . .	377	RAPID RESPONSE AND DEPLOYMENT. . . . .	257
PATROL FUNCTION. . . . .	227	RECORDS BUREAU	
PEPPER SPRAY. . . . .	52	Administrative hearings. . . . .	345
PERFORMANCE EVALUATIONS		Impaired driving. . . . .	345
Sick leave. . . . .	436	RECORDS RELEASE	
PERSONAL APPEARANCE. . . . .	468	Audio/video recordings. . . . .	290
PERSONAL PROPERTY. . . . .	373	Subpoenas and discovery requests. . . . .	393
Loss Or Damage. . . . .	374	RECORDS RETENTION	
PERSONAL PROTECTIVE EQUIPMENT. . . . .	381	Personal protective equipment. . . . .	384
PERSONNEL COMPLAINTS		Safety and Health Program. . . . .	507
Bias-based policing. . . . .	229	RECRUITMENT AND SELECTION. . . . .	417
PERSONNEL RECORDS. . . . .	447	REFLECTORIZED VESTS. . . . .	332
PHOTOGRAPHS		REPORTING CONVICTIONS. . . . .	430
Aircraft accidents. . . . .	269	Family Violence. . . . .	430, 430
First amendment assemblies. . . . .	307	RESPONSE TO CALLS. . . . .	93
POLICY MANUAL. . . . .	14	REVIEWS	
PRIVACY EXPECTATIONS		Bias-based policing - annual. . . . .	230
Audio/video recordings. . . . .	286	Crisis intervention incidents. . . . .	322
Locker rooms. . . . .	491	Exposure control plan. . . . .	437
Mobile digital computer. . . . .	284	Exposures. . . . .	504
Technology. . . . .	150	Eyewitness identification policy - biennially . . . . .	366
Unmanned aerial system. . . . .	369	Eyewitness identification process - annual. . . . .	363
Vehicles. . . . .	376	Illness and injury prevention. . . . .	504
PRIVATE PERSONS ARRESTS. . . . .	168	Incident review training. . . . .	24
		Mobile audio/video. . . . .	229
		Policy manual. . . . .	16
		Public records on social media. . . . .	206

# Chippewa Falls Police Department

## Policy Manual

### Chippewa Falls Police Department Policy Manual

---

#### REVIEWS

Emergency operations plan. . . . .	22
RIDE-ALONG. . . . .	238
Eligibility. . . . .	238
ROLL CALL TRAINING. . . . .	231

## S

SAFE HAVEN LAW. . . . .	122
-------------------------	-----

#### SAFETY

Canine. . . . .	376
Conduct. . . . .	149
First responder. . . . .	232
Occupational. . . . .	504
Personal protective equipment. . . . .	381

SAFETY AND HEALTH PROGRAM. . . . .	504
------------------------------------	-----

#### SAFETY EQUIPMENT

Seat belts. . . . .	443
---------------------	-----

#### SEARCHES

Custody. . . . .	411
Frisks. . . . .	411
Pat-Down. . . . .	411
Strip. . . . .	411

SEARCHES. . . . .	103
-------------------	-----

Crime scene. . . . .	232
Police vehicle inspections. . . . .	376

#### SEARCHING

Dead Bodies. . . . .	166
----------------------	-----

SEAT BELTS. . . . .	443
---------------------	-----

#### SECURITY

Personnel records. . . . .	449
----------------------------	-----

SECURITY BREACHES. . . . .	394
----------------------------	-----

SECURITY EMPLOYMENT. . . . .	462
------------------------------	-----

SHIFT COMMANDERS. . . . .	277
---------------------------	-----

SICK LEAVE. . . . .	435
---------------------	-----

SMOKING AND TOBACCO USE. . . . .	442
----------------------------------	-----

SOCIAL MEDIA. . . . .	204
-----------------------	-----

Backgrounds. . . . .	419
----------------------	-----

STANDARDS OF CONDUCT. . . . .	143
-------------------------------	-----

SUBPOENAS. . . . .	156
--------------------	-----

Records release and discovery requests. . . . .	393
---	-----

SUCCESSION OF COMMAND. . . . .	19
--------------------------------	----

SUPERVISION STAFFING LEVELS. . . . .	30
--------------------------------------	----

SUSPICIOUS ACTIVITY REPORTING. . . . .	316
--	-----

## T

TECHNOLOGY USE. . . . .	150
-------------------------	-----

TIME CARD. . . . .	458
--------------------	-----

TIME CARDS. . . . .	458
---------------------	-----

TRAFFIC FUNCTION. . . . .	330
---------------------------	-----

TRAFFIC OFFICER. . . . .	330
--------------------------	-----

TRAFFIC SIGNAL. . . . .	263
-------------------------	-----

TRAINING. . . . .	24
-------------------	----

Child abuse. . . . .	124
----------------------	-----

Child and dependent adult safety. . . . .	191
---	-----

Communicable diseases. . . . .	441
--------------------------------	-----

Crisis intervention incidents. . . . .	323
--	-----

DNA collection and preservation. . . . .	233
--	-----

First amendment assemblies. . . . .	311
-------------------------------------	-----

Occupational safety. . . . .	507
------------------------------	-----

Opioid. . . . .	327
-----------------	-----

Personal protective equipment. . . . .	385
--	-----

Personnel records. . . . .	448
----------------------------	-----

Rapid response and deployment. . . . .	259
--	-----

Social media. . . . .	206
-----------------------	-----

Unmanned aerial system. . . . .	371
---------------------------------	-----

Vehicle pursuits. . . . .	92
---------------------------	----

TRANSFER PROCESS. . . . .	425
---------------------------	-----

TRANSPORT BELTS. . . . .	49
--------------------------	----

## U

UNIFORM REGULATIONS. . . . .	471
------------------------------	-----

#### UNIFORMS

Courtroom attire. . . . .	157
---------------------------	-----

UNITY OF COMMAND. . . . .	20
---------------------------	----

UNLAWFUL ASSEMBLY. . . . .	309
----------------------------	-----

UNMANNED AERIAL SYSTEMS. . . . .	369
----------------------------------	-----

USE OF FORCE. . . . .	35
-----------------------	----

First amendment assemblies. . . . .	309
-------------------------------------	-----

USE OF SOCIAL MEDIA. . . . .	204
------------------------------	-----

UTILITY SERVICE. . . . .	263
--------------------------	-----

## V

VEHICLE MAINTENANCE. . . . .	375
------------------------------	-----

VEHICLES. . . . .	376
-------------------	-----

#### VIDEO RECORDINGS

First amendment assemblies. . . . .	307
-------------------------------------	-----

## W

WASHING OF VEHICLES. . . . .	375
------------------------------	-----

WATER LINES. . . . .	263
----------------------	-----

#### WORK-RELATED INJURY AND ILLNESS

REPORTING. . . . .	465
--------------------	-----