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VISION STATEMENT

The vision of the Police Services Department is to facilitate and strengthen partnerships with UW-La Crosse students, faculty, staff, and within the La Crosse community to ensure a safe learning environment that supports academic freedom, respect for the individual, tolerance, and the open exchange of ideas.

MISSION

The select mission of the UW-La Crosse Police Services Department is to enhance a high quality of learning and life opportunity for the campus community through dedicated and professional service. The department serves with integrity, discretion, and expediency; and in a fair, proper, and thorough manner. The conduct of each member of the department will be professional and honorable. We work with other organizations to create a campus environment that is socially rich and diverse.

VALUES and GOALS

Work with students, faculty, and staff to reduce crime.
- Reduce crimes against and affecting students and employees through community policing practices.
- Provide reactive visual patrols and encourage prevention awareness.
- Provide a secure and safe campus environment that has the effect of reducing fear of criminal activity.
- Protect and preserve the assets of the University.

Protect the constitutional rights and freedoms of all persons.
- Apply integrity and honesty as the most important basis for public trust.
- Protect all people’s rights through fair and impartial enforcement of university policies, Federal laws, and the State statutes.

Provide a department that is open and accessible to our customers.
- Work with other departments and agencies to maximize benefits to the University.
- Strive to always act in the best interest of the University.
- Provide outreach educational opportunities to students, faculty, and staff.

Recognize that Police Services officers are capable, caring people who are doing important and satisfying work for the University of Wisconsin - La Crosse.
- Self-evaluate to improve the department.
- Make the department of Police Services the best possible place to work by encouraging professional development and growth opportunities of all members.
- Understand and respect our roles and responsibilities as part of the educational process at UW-La Crosse.

X
Scott McCullough
Chief
OATH OF OFFICE

Sworn personnel, prior to assuming active status, shall take a written oath of office to enforce the law and uphold the Constitutions of the United States and the State of Wisconsin, and to faithfully carry out the duties of a police officer as provided by Wisconsin Statute. Oaths of office shall be filed in the office of Human Resources. When taking office, sworn personnel will be afforded the opportunity to take the Law Enforcement Oath of Honor.

WRITTEN OATH

State of Wisconsin, County of La Crosse

I, the undersigned, who have been appointed to the office of Police Officer, 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.

____________________________________
Officer Signature

Subscribed and sworn to before me this ___ day of _______________________, 20______

State of Wisconsin, County of La Crosse

________________________________________
Notary Public

(Section 19.01 Wisconsin Statutes)

Oral Oath (in addition to the written oath prescribed above)

“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 Police Officer to the best of my ability. So help me God.”

Law Enforcement Oath of Honor

“On my honor, I will never betray my badge, 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 agency I serve.”
Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
OATH OF HONOR

All personnel shall take and abide by the Oath of Honor:

On my honor, I will never betray my 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 agency I serve.

CODE OF ETHICS

All sworn personnel shall abide by the Law Enforcement Code of Ethics:

1. **AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to serve humanity; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

2. **I WILL** keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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.

3. **I WILL** never act officiously or permit personal feelings, prejudices, 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 violence and never accepting gratuities.

4. **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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.... law enforcement.

9/22/2017

Scott McCullough
Chief

Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

To relay the code of ethics established by the University of Wisconsin System.

UNIVERSITY OF WISCONSIN CODE OF ETHICS

The observance of high moral and ethical standards by State employees is essential to the conduct of free government. Employees hold their positions as a public trust, and any effort to realize personal gain through a university position is a violation of that trust. The Wisconsin Code of Ethics clarifies what actions are protected rights of classified employees. The code relates, but isn’t limited, to the following:

1. The right to engage in outside employment as long as it does not conflict with performing the duties of a State position.
2. Employees retain their rights as citizens to personal or economic interests and gains.
3. The right to accept fees for appearances made on the employee's own time and not as the result of official duties.

Employees also retain all rights under the Constitution of the United States, the State Statutes and other regulations of the State of Wisconsin, and any labor agreements negotiated pursuant to Wisconsin Statutes. Corresponding to these rights, employees have responsibilities under the Code of Ethics. For example, the code requires that employees adhere to the following:

1. An employee cannot use a State position to obtain financial gain, unlawful benefits, advantages, or privileges for self, members of the immediate family, or any business with which the employee has a significant trustee relationship.
2. Employees must notify their supervisor before accepting outside employment to ensure that no conflict of interest exists.
3. Employees must notify their supervisor before accepting a fee for an outside appearance.
4. An employee cannot use State property, including property leased by the university, for private activities. No personal use may be made of long-distance telephone lines or the campus mail service. Tools, equipment, or supplies may not be borrowed for personal use.

The Code of Ethics protects your rights. Violation of any provision under the Code of Ethics will cause disciplinary action.
X

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
Policy and Procedure

Number: 1.05

Subject: Locker Room

Date Issued: 4/5/17  Effective Date:  Revision Number: 1

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PURPOSE

This policy establishes the assignment, control, and inspection of Department lockers by supervisory personnel as well as to communicate Wisconsin law relating to an individual’s right to privacy within an area operated as a locker room facility. This policy will comply with Wisconsin Statute 175.22 requiring a written policy on privacy in locker rooms.

POLICY

It is the policy of the UW La Crosse Police Department that lockers assigned to Department Personnel are the property of the Police Department and may be subjected to inspection. Additionally, no recording devices capable of video recording or taking photographs will be used/operated in department locker rooms.

DEFINITIONS

Recording device: is defined as a camera, a video recorder, a cellular phone, tape recorder or any other device that may be used to record or transfer audio and/or images.

Surveillance device: any device, instrument, apparatus, implement, mechanism or contrivance used, designed to be used or primarily intended to be used to observe the activities of a person. Surveillance device includes a peephole.

LOCKER ROOM PRIVACY

1. All persons who utilize Department locker rooms may reasonably expect a high level of privacy, which includes being safe from being observed or having their image captured by a recording or surveillance device without his/her knowledge and consent. The following are expressly prohibited in Department locker rooms:

   A. Use of any recording or surveillance device by the media or other persons not associated with the Department.
   B. Use of a recording or surveillance device, which includes a cellular phone, to capture, record, or transfer an image of a nude or partially nude person in the locker room.
   C. Capturing a representation of a person depicting that person nude or partially nude without that person’s knowledge and consent.
   D. Capture, record, transfer, display, reproduce or distribute, a representation of a nude or partially nude person depicted without that person’s knowledge and consent.

LOCKER PROCEDURES

1. Lockers are assigned to employees by the Sergeant or Chief as available and are subject to removal or moving based on promotions, need or other management decision.

2. Members will not keep anything in their lockers that they do not wish to have inspected. All issued or
assigned equipment and supplies are subject to immediate call-in if a supervisor calls for an inspection.

3. Members will use only the locks provided with the lockers. Any other locks are prohibited and may be removed by a supervisor at no cost to the Department or any of its staff if authorized entry is required.

4. It is recommended that Officers keep a spare uniform in their locker should circumstances dictate a change of clothing during their shift.

5. Members are responsible for the upkeep and condition of their assigned lockers, along with the upkeep of the general area of the locker room.

A. No labels, stickers or signs shall be attached to the outside face of lockers. No derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, note, bulletin, drawing or pictures may be placed on or in a locker. Unauthorized pictures or posters are not permitted on locker room walls.

B. When not in immediate use, lockers are to remain closed and secured.

C. Member’s personal uniform items (shirts, pants, shoes, coats, bags, etc.), personal belongings, clothing and personal hygiene items shall be kept in their personal locker. Only non-uniform shoes of members working may be left on the locker room floor.

D. Personal uniform items, personal belongings, and towels should not be kept on the locker room, shower room, or bathroom racks, hangers, counters, or floor, except when damp items need to be dried. Personal hygiene items shall not be left or stored in the shower facility or the adjacent sink area.

E. Any damage or other problems noted by members will be reported to his/her supervisor immediately.

Scott McCullough
Chief
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PURPOSE

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the code of ethics and this department’s statement of values so that members of this department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

POLICY

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on member conduct and activities established by the department. Rather, they are intended to (1) alert members to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of police employees, and (3) guide members in conducting themselves and their affairs in a manner that reflects standards of department and professionalism as required of police employees. Additional guidance on matters of conduct is provided regarding specific policies, procedures, and directives disseminated by the department and from members’ immediate supervisors.

PROCEDURE

1. Accountability

   A. Any member of the Department may be made the subject of disciplinary action for the commission of any prohibited act, for incompetence, insubordination, inefficiency, nonfeasance, or for failure to observe department rules and procedures. This policy includes, but does not limit, those offenses for which disciplinary action may be taken.

   B. Authority is necessarily delegated to employees. Although the ultimate responsibility rests with the delegating authority, each member is held accountable for their individual actions. Each employee is accountable for his or her use of delegated authority and shall not abuse nor misuse the authority delegated to them.

   C. Supervisory personnel are accountable for the performance of employees under their immediate supervision. Supervisors shall take every reasonable action to ensure that subordinates adhere to department policies, procedures and standards of conduct. Supervisors shall not knowingly permit personnel under their command to violate any law, University policy, or department policy, procedure or rule.

2. Compliance with Department Directives

   A. It is the responsibility of members of the Department to be familiar with and periodically review Department Directives, Orders and Procedures. No member shall act or fail to act in such a fashion that constitutes a breach of any directive, order, or established procedure of the Department. It will not be received as an excuse or justification that the member followed the advice or suggestion of any other person, except when an officer of higher rank may take the responsibility of issuing direct and positive orders.

3. Insubordination

   A. Members shall promptly obey any lawful order emanating from any ranking officer, including any order relayed by an employee of the same or lesser rank. Should any such order conflict with a previous order,
or with any directive or established procedures of the Department, the member to whom such order was
given shall respectfully call attention to such conflict or any other conflict which may arise from such
order. If the ranking officer does not change the order, to obviate the conflict, the order shall stand and
is the responsibility of the ranking officer. If any unlawful order is given to any member, such member
will promptly report such fact to the Chief.
B. Members shall not directly display disrespect for a ranking officer through overt action or
communication.
C. Members shall not publicly criticize the operations, directives, or personnel of the Department if such
criticism is defamatory, obscene, unlawful (under the clear and present danger test), or likely to disrupt
the efficiency and morale of the Department.
D. Members are prohibited from engaging in concerted work stoppages or job actions. It is the policy of the
Department to seek the removal from office of any officer or civilian employee who plans or engages in
any work stoppage or job action.
E. Members must report all breaches of directives and cooperate in any official internal investigation of
alleged misconduct, illegal activity or impropriety. Failure to answer questions or submit to proper
investigative techniques constitutes insubordination.

4. Reporting Off-Duty Contacts

1. Members are required to report all off-duty official law enforcement contacts with members of other
Law Enforcement Agencies when members have been cited, arrested, become witnesses to a crime or
ordinance violation, or become the subject of an investigation (i.e. are questioned as a possible suspect
in an official investigation).
2. Members shall send a memorandum to their immediate supervisor as soon as possible and must do so
on or before the next regularly scheduled duty day. The supervisor will forward the memorandum to the
Chief.
3. On an annual basis, the Department will conduct a criminal history records check on all employees and a
driver’s license check on all police officers.

5. Unbecoming Conduct

A. A police officer is the most conspicuous representative of government, and to the majority of the people
he/she is a symbol of stability and authority upon whom they can rely. An officer’s conduct is closely
scrutinized, and when his/her actions are found to be excessive, unwarranted, or unjustified, they are
criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct
of an officer, on or off duty, may reflect directly upon the Department, an officer must at all times
conduct him/herself in a manner which does not bring discredit to him/herself, the Department, or the
University.
B. Members shall not engage in unlawful conduct which, if committed in Wisconsin would constitute a
violation of law, unless the conduct is lawful in the jurisdiction in which it is committed.
C. Members, while on duty, shall not engage in any conduct evincing moral turpitude, that is conduct that is
considered contrary to community standards of justice, honesty, or good morals.
D. Members shall avoid personal associations with persons or places known to them as being engaged in
frequent illegal activity, unless it is appropriate in the performance of an official assignment.
E. Members, while on duty, must treat a person with as much respect and courtesy as that person will
allow. Members must be constantly mindful that the people with whom they are dealing are individuals
with human emotions and needs. Courteous and respectful conduct is not a duty imposed in addition to
our primary responsibilities, it is inherent in them.
F. Members, while on duty, shall not use insulting, defamatory, or obscene language when communicating with members of the public, Department, or other agencies, unless it is appropriate for tactical advantage or in the performance of an official assignment.

G. No member shall, in an official capacity, knowingly be untruthful or misrepresent any matter, make any false official statement or report, or give false testimony before any court, grand jury, board, commission, official hearing, or Department hearing. No member shall take, alter, forge, copy, tamper with, or disseminate any kind of police records, reports, citations, documents or information without proper authority.

H. Members shall not feign sickness or injury to avoid duty, or falsely claim a duty injury or corroborate a false worker’s compensation claim.

I. No member shall smoke or chew tobacco while in uniform and in the public view. Smoking and chewing tobacco is prohibited in University buildings, Police Department, and in all State owned vehicles. The University gives reasonable assistance to help members quit the use of tobacco products.

6. Alcohol and Drugs

A. Officers and other uniformed employees shall not consume intoxicants or illegal controlled substances while on duty, in uniform, or armed, unless it is appropriate in the performance of an official assignment and is expressly authorized by the Chief.

B. No members shall report for duty, nor perform any on duty work, with a detectable odor of intoxicants on their breath or with any measurable level of alcohol or any illegal controlled substance in the body, except as authorized above. Officers and other uniformed members are required to avoid on duty impairment resulting from the use of any drugs (whether controlled substances or not).

C. Officers, while off duty, shall refrain from consuming intoxicants in public places to the extent that it results in significant impairment, or obnoxious or offensive behavior which discredits them or the Department, or, under any circumstances, renders the officer unfit to report for their next regular tour of duty.

D. Members, while off duty, shall not carry or possess a firearm while under the influence of or consuming intoxicants or illegal controlled substances.

E. A member shall, at the request of any ranking officer, be required to submit to a chemical test of his/her breath, blood or urine for the purpose of determining the presence of alcohol or controlled substances. The appropriate test(s) shall be determined and administered at the direction of a ranking officer. A confirmation test shall always be given after a positive test result is obtained. If the test does not render an immediate result, a second sample should be contemporaneously obtained for the confirmation test. The sample(s) shall be treated as evidence and a chain of custody maintained. Test results are confidential. Tested members shall be notified of test results and have the right to appeal the findings through normal appeal procedures.

F. Chemical testing may be required in the following situations:
   a. Testing applicants and recruits for drug or narcotics use as part of their pre-employment medical exam;
   b. Testing current employees when there is reasonable suspicion that they have violated the directive on alcohol and drugs, or when documentation indicates that the employee is impaired or incapable of performing assigned duties, or experiences reduced productivity, excessive vehicle accident, high absenteeism, or other behavior inconsistent with previous performance;
   c. Testing a current employee when an allegation involves the use, possession, or sale of drugs or narcotics, or the use of force, or there is serious on-duty injury to the employee or another person;

7. Abuse of Authority
A. Members shall not act in such a manner as to deprive any member of the community of the equal protection of the law.
B. Members shall not be overbearing, oppressive, or tyrannical in their relations with members of the community.
C. Ranking officers shall not act so as to exhibit disrespect for subordinate members of the Department.

8. Use of Force

A. Members shall act at all times within the standards established in the use of force policy.

9. Care, Maintenance & Use of Equipment/Property

A. Members shall be responsible for the good care of Departmental property, whether fixed or moveable, assigned to their use or keeping, and will promptly report to their commanding officer, in writing, the loss, damage to, or unserviceable condition of such property. Roughness or carelessness in handling such property shall not be tolerated. Any member found responsible for the destruction or loss of University property, either through willfulness or negligence, may be required to pay all costs of repairs or replacement thereof, besides suffering any penalty imposed for violation of this directive.

B. Members shall not appropriate any lost, found, stolen, evidentiary, or Department property. Property and evidence items shall be handled consistent with the standards established in the property management policy. Members shall not use or lend any Departmental property for private purposes, unless authorized by the Chief. Members may possess only those Departmental keys that have been issued to them. Members shall not duplicate or possess duplicated Departmental keys without authorization.

C. Members shall drive Department vehicles with safety at all times, consistent with the directives on vehicle and emergency vehicle operation.

D. Members shall not use the police communication system except for official police communications. At no time shall a member use discourteous, obscene, or disrespectful language during a radio, telephone or computer communication.

E. Except when authorized by the shift commander, work areas, lockers, mailboxes, and equipment assigned to specific employees, and their personal property, shall not be entered, used, taken, tampered with, or looked through by other employees. (This provision is not intended as a bar to legitimate managerial inspections).

F. Members shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of the department. While the department recognizes the need for members to occasionally store personal items in such areas, members should be aware that these and similar places may be inspected or otherwise entered - to meet operational needs, internal investigatory requirements, or for other reasons - at the direction of a member of the Command Staff.

G. No member shall maintain files or duplicate copies of official department files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of the department without express permission.

10. Dereliction of Duty

A. Members shall not ignore flagrant violations of the law which may come to their attention through citizen complaints, by their own observations, or through their investigations. Members shall properly respond to calls for service or suspicious circumstances, without unreasonable delay.
B. Members shall not engage in any activity which does not pertain to Departmental business while that member is on duty, unless prior permission has been given. Members shall not sleep, idle, or loaf while on duty or carry articles that distract from the proper performance of their duty.

C. Officers shall not willfully or negligently allow a prisoner to escape.

D. Members shall not fail to meet or maintain established minimum performance standards.

E. Members shall not withhold any information on criminal activity or undertake any self-assigned investigations without prior or prompt documentation. All reports shall be complete, accurate, and submitted on a timely basis.

F. Members shall not be absent from duty without permission from their supervisor. In the event of illness, proper notification to a supervisor is necessary prior to the time designed for reporting for duty. Members shall be punctual in reporting for duty at the time designated by their supervisor. Habitual failure to report for duty promptly at the designated time will be deemed neglect of duty.

G. Members shall not, by specific action or omission, create a situation of unnecessary risk of injury to themselves, other members of the Department or to any other person.

H. Ranking officers shall not knowingly permit members of their command to violate any law, directive, or procedures.

11. Interpersonal Relations

A. Every member shall refrain from making any statement or allusion which discredits or disparages any member, except when reporting to a superior as required by this directive. Every member shall accord courtesy, consideration and cooperation to every other member. Members shall avoid the manifestation of any unfriendliness toward any member.

B. Members on duty, in uniform, or on University property may not make statements, gestures, or suggestions, or reproduce, circulate, or post materials that may be considered offensive on the basis of sex, race, creed, color, marital status, sexual orientation, national origin, or ancestry. Members shall not violate the harassment policy (infra).

12. Gratuities

A. The UW La Crosse Police Department has a no gratuity policy. Professional police officers serve the public to the best of their ability without intent to seek gratuities. Police service will be of a high quality and rendered in a fair and consistent manner at all times without question of special payment of consideration. It is not the intent of this policy to prohibit employees from "negotiating a good deal" or "driving hard bargains" if they so desire provided the same results are available to any other citizen and there are no understandings, implied or otherwise, which are job related. Likewise, an employee may take advantage of special considerations or gifts offered by merchants or other businesses with which they do business regularly if other regular customers are included in that offer.
   a. No employee shall at any time, accept, retain or avail oneself or family, friends, or business associates of any gratuity whatsoever when it may be reasonably inferred that such gratuity is for service, past, present, or future, rendered in connection with the duties, responsibilities or other functions of the department, or when such gratuity is a result of one's employment by this department.
   b. Violations of this regulation will be considered a serious infraction. Officers, particularly supervisors, with knowledge of a violation who fail to report the violation, will be considered to have violated this policy.
   c. Officers who are in doubt as to the propriety of a particular gratuity should consult with their immediate supervisor for resolution.
   d. The implementation of this policy may, in some cases, prove difficult and awkward and may tend to embarrass citizens who offer expressions of gratitude in good faith. Officers should be firm
yet avoid any interference of wrong doing on the part of a citizen if it is not warranted. There will be no exceptions. Insist on paying the regular price for food and services even if it means leaving the proper amount on the table or counter. If, under extraordinary circumstances, it is not possible to decline a gratuity, it should be reported to the supervisor on duty immediately, who in turn will either deal with the matter or refer it to a ranking officer for action.

e. Every effort should be made to educate the public as to this policy. The vast majority of citizens want their police department to be free of any taint and will respond positively to this policy. Citizens who feel that the particular actions of an officer or the department deserve special recognition, should be encouraged to write a letter to either the department or the chancellor of the university.

f. This policy does not regulate the anonymous donation or gift to the Department as a whole.


A. Members shall not wear their uniforms during a suspension or release from active duty, nor shall they take police type action other than what might be expected of a citizen performing a civic duty. During a suspension or release from active duty, members shall remain subject to Departmental rules and procedures. At the discretion of the Chief, members receiving notice of a suspension or release from active duty may be required to surrender any badge, equipment, or identification card issued by the Department.

B. Members shall maintain a telephone and keep the Department informed (within 48 hours) as to their current address and all telephone numbers, including cell phone numbers.

14. Personal Appearance

All members of the Department are visible representatives of the University and its Police Department. Members, while on duty, shall maintain proper attire (see uniform directive) and a state of cleanliness and orderliness, except when appropriate in the performance of an official assignment and authorized by a supervisor.

A. Hair
   a. Sworn Employees
      1. Male Employees.
         A. Hair and hair pieces shall be neat, clean, and present a groomed appearance. Hair and/or hair pieces will not extend past the bottom of the shirt collar at the center of the back, or interfere with the wearing of a uniform hat.
         B. Extreme or unnatural artificial hair colors are prohibited.
         C. If an employee chooses to wear sideburns, they will be neatly trimmed and tapered in the same manner as the haircut. Sideburns will be evenly trimmed on each side of the face. Employees may wear beards, vandykes, goatees, mustaches or other arrangements that are maintained in a neat, clean manner presenting a groomed appearance and that do not interfere with the wearing of necessary police equipment or expose the wearer to undue risk or hazard.

      2. Female Employees.

         A. Hair and hair pieces shall be neat, clean, present a groomed appearance and shall not interfere with the wearing of a uniform hat. Hair and or hair pieces left down will not extend past the bottom of the shirt collar at the center of the back. Hair or hair pieces that extend
beyond the bottom of the shirt collar shall be secured or fastened in a way that the hair does not extend past the middle of the shoulder blades.

B. Extreme or unnatural artificial hair colors are prohibited.

3. Civilian Employees

A. Civilian employees’ hair should present a professional appearance and be of appropriate length for their assignment.

B. Jewelry
   a. Sworn Employees
      1. Sworn personnel may wear one wristwatch.
      2. Medical bracelets can be worn but all other bracelets will be prohibited unless authorized by the Chief of Police or his/her designee.
      3. Employees shall wear no more than a total of two rings and the rings must be of a style and size that they do not present a hazard to the employee or others. (Wedding and engagement rings will be considered one ring.)
      4. Employees shall not wear any visible necklaces. This does not include Department approved necklaces (i.e. Department ID chain) or medical notification necklaces or bracelets.

   b. Civilian Employees: Civilian employees shall wear no more than a total of four rings and the rings must be of a style and size that they do not present a hazard to the employee or others. (Wedding and engagement rings will be considered one ring.)

C. Tattoos
   a. Sworn and Civilian Employees
      1. Tattoos, scarifications and brands that depict nudity or violence, sexually explicit or vulgar art, words, phrases or profane language, symbols that would likely incite a strong reaction, or initials, acronyms or numbers that represent criminal or historically oppressive organizations are strictly prohibited.

D. Body Piercings
   a. Sworn and Civilian Employees
      1. The wearing of body piercing jewelry in areas visible to the public is prohibited. Examples include lip studs/piercings, tongue studs/piercings, nose studs/piercings, and eyebrow studs/piercings.

E. Earrings
   a. Sworn Employees
      1. No more than one stud post earring in each earlobe will be worn by sworn personnel while in uniform or while in civilian attire. These earrings will not exceed a diameter of one quarter inch (1/4”). Deviation from this section will be allowed depending upon the sworn personnel’s assignment and with approval from a Department supervisor.

   b. Civilian Employees
      1. Civilian employees will not wear more than two earrings in each earlobe and will not wear earrings that present a hazard or give an unprofessional appearance.

F. Fingernails
   a. Sworn and Civilian Employees
1. Fingernails shall be clean, neatly trimmed and shall not be such a length to present a hazard to the employee, others, or to interfere with the ability to perform their job. Fingernail polish or designs, if worn, should present a professional appearance.

G. Personal Hygiene
   a. Sworn and Civilian Employees
      1. It is the responsibility of all employees to ensure that their body odor is not offensive to others.

H. Cosmetics
   a. Sworn and Civilian Employees
      1. Cosmetics, if worn, shall be conservative and shall not detract from an employee’s professional appearance.

X

Scott McCullough
Chief
PURPOSE

This order governs the types of off-duty employment in which police personnel may engage. The purpose of this policy is to establish a department policy defining and promulgating rules pertaining to off-duty employment and activities.

POLICY

To ensure on-duty efficiency and to eliminate possible conflicts of interest, the Chief of Police shall provide guidelines to law enforcement employees to inform them of the types of secondary employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. It is, therefore, the policy of this Department that off-duty employment will be permitted when it does not impair on-duty efficiency or conflict with the duties and responsibilities of departmental employees and/or the mission of the Department.

PROCEDURES

1. Before beginning any off-duty employment/business it must have the Chief's approval. Inappropriate off-duty employment/business will be denied. Some examples of conditions that may lead to off-duty employment being denied are:

   A. Conditions which could compromise the confidentiality of department records and/or investigations or bring discredit to the department, or where the position could undermine public trust, could compromise the officer's ability to enforce the law, exert command authority, or control or affect discipline. In addition, if the officer's official position may be used to serve private interest or if the employment would assist any principal in any criminal or civil proceeding.

   B. In addition, outside employment/business may not be authorized if, in the opinion of the Chief, it would constitute a conflict of interest or would tend to bring discredit to the Department or any of its members. In addition, it shall not:

      1. Interfere with the employee’s employment with the Department.
      2. Render an employee unavailable during an emergency.
      3. Physically/mentally tax the employee wherein on-duty performance may be affected.
      4. Require any special consideration be given to scheduling regular duty hours.
      5. Bring the Department into disrepute; impair the operation/efficiency of the Department or employee.
      6. Use the Department name, employee's position or equipment in the pursuit of any outside or off-duty interests.
      7. Wear the uniform while in off-duty employment unless authorized by the Chief.
      8. Use State owned vehicles, radios, or other equipment while traveling to/from or engaging in off-duty employment unless authorized by the Chief.
      9. Engage in any business/employment as an operator, agent, or bouncer of any business/premise licensed with a class B alcohol permit. Exceptions to this can be made on an individual basis by the Chief.
     10. Injuries incurred during any off-duty employment activity are not covered by the State's Worker's Compensation Program or duty related retirement plans.
Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

The purpose of this order is to outline the duties and responsibilities of the Office of the Chief of Protective Services.

DUTIES AND RESPONSIBILITIES

The Chief of Protective Services will be responsible for the general administration and control of the Protective Services Department at the University of Wisconsin – La Crosse. He will ensure the efficiency, effectiveness, and general good conduct of the Department. His duties and responsibilities include, but are not limited to:

1. MANAGEMENT OF SECURITY OPERATION AND CAMPUS LAW ENFORCEMENT

   A. Plan and recommend crime prevention programs for the institution to the Director of University Services. Implement approved programs on the campus. Coordinate with Student Affairs and Residence Halls Staff members those programs affecting students and their safety.
   B. Develop the security operation budget for submission to the Director of University Services.
   C. Maintain a non-emergency medical transportation service.
   D. Develop and maintain University policing operations.
   E. Coordinate law enforcement procedures with local, state, or federal law enforcement agencies.
   F. Review, follow-up, and bring to closure campus incident reports.
   G. Serve as the campus La Crosse County Court Officer.
   H. Serve as resource person on campus committees dealing with security issues.
   I. Represent UW-La Crosse at state security and safety meetings.
   J. Provide reports as directed by the Director of University Services.

2. DEVELOPMENT, MAINTENANCE, AND SUPERVISION OF PARKING PROGRAM

   A. Recommend parking procedures and controls and implement decisions of the administration.
   B. Supervise and train student parking attendants.
   C. Develop one (1) year and five (5) year budgets for submission to the Director of University Services.
   D. Maintain all parking lots.
   E. Sell and record parking permits.
   F. Respond to parking appeals as University representative.
   G. Work with the Campus Planner and the Director of University Services in the development of any new parking lots.

3. COORDINATOR OF THE RISK MANAGEMENT AND SAFETY PROGRAMS.

   A. Serves as the University liaison for the State Insurance Program with Central Risk Management.
   B. Informs University personnel of various requirements of the State Insurance Program which includes: general insurance coverage; agent liability for the protection of students and the University; insurance coverage on all buildings and contents, motor vehicles, and art displays.
C. Investigates automobile accidents involving University vehicles.
D. Recommends claim adjustment levels against the University and refers them to Department of Administration Risk Management.
E. Maintains the insurance claims files.
F. Provides driver's license record checks.
G. Serves as the University Safety Officer and as such performs the following tasks: Proposes, conducts, and/or implements safety programs for the University and coordinates them with department heads; investigates complaints of safety hazards and recommends corrective action; investigates personal injuries which occur on campus; serves as a consultant on the University Safety Committee.

4. SUPERVISION AND TRAINING OF DEPARTMENTAL STAFF

A. Interviews and selects new employees with approval of the Director of University Services
B. Develop, implement, and/or conduct training programs.
C. Develop and update procedures manual and make it available to the staff.
D. Provides discipline as needed.
E. Develop and implement work schedules.
F. Train employees and insure that proper procedures are followed in search-and-seizure, arrests, and other acts concerning law enforcement.

9/25/2017

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

The purpose of this order is to outline the duties and responsibilities of the University Police Sergeant.

DUTIES AND RESPONSIBILITIES

The primary responsibility of the Police Sergeant is supervision of the University’s Police Officers and other staff under the general direction of the Director of Police Services (Chief of Police). Due to the nature and the size of the department, the Sergeant must frequently perform many of the same duties as the police officers within the department. The Sergeant will be expected to make operational and personnel decisions affecting the safety of the campus, student, staff, as well as general public, and security for the capital assets and buildings of the University. The Police Sergeant will perform administrative duties such as direct patrols and investigative operations of the sworn officers; provide supervision to the dispatch staff; provide administrative support to the parking operation; and perform police activities.

The duties will also include, but are not limited to, the following:

1. Performance of administrative duties.

   A. Direct, supervise, and assume responsibility for all areas in police services in the absence of the Chief.
   B. Assist Chief in developing operational policies and procedures of the work unit to facilitate achievement of department mission, goals, and special needs of the university community and meet State and Federal mandated requirements.
   C. Advise Chief on law enforcement problems and training needs of the university community; analyze criminal/security information and statistical data; assist Chief in developing and coordinating special programs to solve those problems.
   D. Propose budgetary recommendations to Chief.
   E. Resolve citizen complaints and conflicts with police, security, and other personnel, and rules or policies in the absence of or at the direction of the Chief.
   F. Initiate/coordinate security/customer surveys. Analyze the results and make recommendations.
   G. Maintain professional level of expertise in law enforcement field by consulting with appropriate legal professionals.
   H. Ensure that information regarding actual and potential problems is communicated to the Chief and to the appropriate university personnel.
   I. Assist Chief in coordinating, developing, and revising the campus emergency plan. Make evaluations and recommendations to the Chief.
   J. Serve on campus/community committees at the request of Chief to provide police and security input and coordinate police and security intervention in specific activities.
   K. Establish and maintain effective professional working relationships with university administration, faculty,
staff, and students to enhance the police, security, and safety function.

L. Establish and maintain effective professional working relationships with law enforcement agencies (city, county, state, and federal), with District Attorney’s office, and members of the criminal justice system to enhance coordination of law enforcement functions.

2. Direction of Patrol Operations of all sworn police officers

A. Develop and implement policies and procedures relating to police operations and investigations at direction of the Chief.

B. Review all reports to determine an appropriate course of action and assure proper procedures are being followed. Provide the following:
   a. Initiate filing of criminal complaints with the District Attorney’s office for appropriate disposition of case on approval of the Chief.
   b. Initiate referrals of cases to Dean of Student Affairs or Resident Life for appropriate disposition of cases.
   c. Consult with police personnel to direct course of investigations and offer guidance.

C. Coordinate criminal and other investigations and department programs among all personnel.

D. Analyze equipment and supply needs of police and security operations and makes recommendations to Chief for procurement of necessary equipment and supplies to meet department needs.

3. Supervision of police and security officer and parking personnel.

A. Evaluate job performance of police and security officers to facilitate improving productivity and job satisfaction.
   a. Prepare formal evaluations, sign as first-line supervisor, and discuss evaluations with employees to assess areas of concern and professional development.
   b. Periodically, informally evaluate employees to correct problems and provide guidance.

B. Counsel employees on an ongoing basis relative to daily work performance to provide guidance and direction.

C. Recommend formal commendations and discipline to Chief to facilitate compliance with work rules, policy, and procedures.

D. Determine when verbal and/or written reprimands are necessary and issue the appropriate reprimands in conforming to the employee handbook to ensure compliance with work rules, policies, and procedures.

E. Participate in new employee interviews to effectively recommend hiring to Chief.

F. Evaluate overtime requests and call-ins.

G. Performance of Training Officer duties for police operations.
   a. Plan and direct department training program for police operations to ensure awareness, understanding, and compliance with department policies and procedures, and State regulations.
   b. Direct necessary schedule changes to facilitate training needs.
   c. Instruct personnel on new and revised laws, policies, and methods of enforcement and procedures by scheduling training programs and/or providing detailed written instructions.
   d. Analyze training deficiencies, needs of police and security operations personnel, and make necessary arrangements to meet those needs by procuring and developing training programs.

4. Performance of Law Enforcement, Security, and Investigative Functions

A. Detect violations of State Laws and WI Administrative Code which occur on University property.

B. Take appropriate action including warning, referring, citing, or arresting suspects (criminal, traffic, ordinance, or University rules).

C. Conduct investigations of alleged or suspected criminal activity to determine the facts, to arrest or to deter occurrences of criminal activity.
D. Interview complainants, witnesses, suspects, and others who may have knowledge of the incident or violations in order to obtain facts and information.
E. Record and document incidents by preparing written reports concerning those incidents.
F. Collect and preserve physical evidence at a crime scene to be used later for prosecution of arrested individuals, and to maintain the chain of evidence.
G. Make lawful arrests or detentions of suspects by taking them into physical custody and independently determining whether perpetrators should be incarcerated or released pending court appearance.
H. Photograph and fingerprint suspects who have been arrested.
I. Provide testimony for cases designated by the District Attorney's office or university administration.
J. Enforce parking regulations by taking appropriate actions.
K. Patrol all areas of campus by foot, bike, or motor vehicle to provide safety, security, and protection to those areas.
L. Provide assistance to other law enforcement agencies as necessary.
M. Respond to all emergencies, and coordinate the campus response to emergencies, until relieved by the Chief of Police Services.

5. Performance of security and various other services to the university community.

A. Develop and give presentations to various groups as assigned.
B. Provide money escorts to local banks.
C. Provide crowd control and traffic direction.
D. Identify and make necessary reports of security, safety, and repair problems.
E. Secure University buildings and classrooms at assigned times; unlock and open buildings and classrooms at assigned times.
F. Provide directions and information to faculty, staff, student, and the general public, as individual situations require.

6. Performance of technical aspects or law enforcement.

A. Maintain proficiency in CPR, first aid, defensive tactics, physical fitness, and emergency vehicle operation.
B. Participate in and successfully complete all training required and as assigned (i.e., defensive and arrest tactical weapons; EVOC; use of force; first aid; CPR; physical fitness; and all job-related skills). This list is not all inclusive.

X
Scott McCullough
Chief
PURPOSE

The purpose of this order is to outline the duties and responsibilities of the University Police officer.

PREFACE

Your work affects the safety of University property, students, faculty, staff, and the general public while they are on the University grounds, and insures compliance with all applicable campus, state, and local rules and laws.

DUTIES AND RESPONSIBILITIES

1. Police officers shall exercise authority commensurate to his/her responsibility. He/she will be responsible to the Director of Police Services (Chief of Police). The duties and responsibilities of a Police Officer will include, but are not limited to, the following:

   A. Preservation of law, order, and personal safety of all persons on the UW-La Crosse campus.
   B. Provide Security and Protection to the University of Wisconsin - La Crosse campus through enforcement of various campus policies and procedures.
   C. Protects the public against offenses and property damage from fire, theft, and vandalism.
   D. Make routine checks of all academic buildings and residence halls.
   E. Report and record all equipment/facility malfunctions, discrepancies, or safety hazards of University property to their supervisor.
   F. Work special functions to maintain order and provide assistance to the public and students.
   G. Patrol University buildings and grounds observe and detect violations of State law and safety standards, and to enforce University policies and procedures.
   H. Investigate complaints, crimes committed, suspicious circumstances and people.
   I. Develop complete and accurate written police reports of all complaints, violations, safety hazards, etc.
   J. Conduct investigations as assigned.
   K. Conveyance of non-emergency medical cases to the University Health Center and/or the hospital.
   L. Ensure that all fire lanes and drives are open to emergency equipment.
   M. Consistent with university jurisdiction officers shall control vehicular traffic within the University Boundaries.
   N. Issue parking tickets for violations of University parking regulations.
   O. Transport monies to bank from University. Pick up and deliver packages to shipping points for payroll.
   P. Properly taking care of Police issued equipment including but not limited to weapons, vehicles, lockers, etc.
X
Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

This order requires all personnel to abide by an oath of office to enforce the law, uphold the nation’s Constitution or basic law of the land, and where applicable, those of governmental subdivisions to include the State of Wisconsin to include the UW System. This order delineates the Department Jurisdiction and specifies its responsibilities and authority. It provides personnel with the limitations of their geographical jurisdiction pursuant to WI §175.40(6). This order requires all sworn officers to abide by a code of ethics as adopted by the Department published as the Law Enforcement Code of Ethics by the IACP. This order defines the legal authority to carry and use weapons by Department personnel in the performance of their duties.

PROCEDURES

LEGALLY MANDATED AUTHORITY OF SWORN OFFICERS
The following shall define the legally mandated authority vested in sworn agency personnel:

A. The U.S. Constitution, the Wisconsin Constitution, and the Wisconsin Statutes define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances, and arrests.

1. Wisconsin Statute 36.11(2)(b) grants the Board of Regents of the University of Wisconsin authority to employ police chiefs and police officers at system institutions.

2. Employed police officers shall be considered peace officers under Wisconsin Statute 939.22(22). Such police officers shall meet the minimum standards established for police officers by the law enforcement standards board.

3. Police officers shall meet the minimum standards established for police officers by the law enforcement training and standards board.

4. University of Wisconsin System Administrative Code 18.03(1) grants authority for police officers to accept concurrent appointments as deputy sheriffs.

B. On duty authority and responsibilities shall include:

1. As provided by Wisconsin Statute 968.07(1), University of Wisconsin–La Crosse Police Department sworn personnel have full arrest authority. This statute permits a law enforcement officer to make an arrest when
   a. The law enforcement officer has a warrant commanding that such a person be arrested; or
   b. The law enforcement officer believes, on reasonable grounds, that a warrant for the person’s arrest has been issued in this state; or
   c. The law enforcement officer believes, on reasonable grounds, that a felony warrant has been issued in this state; or d. There are reasonable grounds to believe that the person is committing or has committed a crime.
2. As provided by Wisconsin Statute 36.11(2)(b), University of Wisconsin–La Crosse Police Department sworn officers shall preserve the peace on all university property and enforce all rules promulgated and all other laws, and for that purpose the Chancellor or the Chancellor’s designee may call for aid from such other persons as is deemed necessary.

3. As provided by Wisconsin Statute 29.941, all police officers are deputy conservation wardens and shall assist the Department of Natural Resources and its wardens in enforcement of Chapter 29 of the Wisconsin Statutes whenever notice of a violation is given to them by the DNR or its wardens.

4. As provided by 18 U.S. Code 3041, police officers may make arrests for Federal crimes; however, such action shall only be taken upon direction of a supervisor.

C. On-duty arrest authority outside territorial jurisdiction, as authorized under Wisconsin Statute 175.40, exists only if an agency adopts and implements written policy regarding the authority and the officer complies with the policy. Under Wis. Stat. 175.40, a police officer outside of his or her territorial jurisdiction may arrest a person or provide aid or assistance anywhere in the state if the following criteria are met:

1. The police officer must be on duty and on official business.

2. The police officer is taking action that he or she would be authorized by the Department to take under the same circumstances in his or her jurisdiction.

3. The police officer is acting to respond to any of the following:
   a. An emergency situation that poses a significant threat to life or of bodily harm or
   b. An act that the police officer believes, on reasonable grounds, to be a felony.

D. Authority and responsibilities while off-duty shall include the following:

1. University of Wisconsin–La Crosse police officers have the same authority off duty as they have on duty, while within jurisdictional limits or while exercising the statutory authority afforded under Wisconsin Statutes 66.0313, 175.40(2), or 175.40(4).

2. University of Wisconsin–La Crosse police officers who are off duty, outside of the jurisdictional limits, and not engaged in police action authorized under Wisconsin Statutes 66.0313, 175.40(2), or 175.40(4) are authorized to act under the authority granted by Wisconsin Statute 175.40(6m)(a), to include making an arrest and providing aid or assistance anywhere in the state of Wisconsin if the following conditions are met:
   a. The officer is responding to an emergency situation that poses a significant threat to life or bodily harm.
   b. If circumstances compel intervention, the officer should take action only after considering the tactical situation with regard to his or her own safety and the safety of others. The officer shall notify the appropriate jurisdiction at the earliest opportunity.
   c. Responses made by off-duty plainclothes officers to armed threats are generally without adequate back up, and issues such as inadequate identification, body armor, and communications make the response potentially very dangerous. The Department discourages off-duty personnel from becoming involved in armed confrontations.
   d. The officer should provide a statement and cooperate in the investigation by the law enforcement agency with primary jurisdiction. If an arrest is made, then the arrestee will be turned over to the primary law enforcement agency for disposition.
e. For the purposes of civil and criminal liability, an off-duty police officer acting under this policy is acting in an official capacity and within the scope of his or her employment for worker’s compensation purposes.

f. Personnel taking action under this policy should immediately notify a supervisor unless unable to, due to injury or other extenuating circumstances.

9/25/2017

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

This operation order mandates the use of safety belts and restraining devices when operating, or as a passenger, in, department/University-owned vehicles by all officers and staff of the UWL Police. Evidence indicates that the use of safety belts and restraining devices have significantly reduced the number of traffic-related deaths and serious injuries. Restraints also help the officer maintain operating control of their vehicles during emergency driving as well as day-to-day driving.

PROCEDURE

Use of safety belt restraining systems, §347.48(2m) refers.

1. All officers, staff, and passengers seated in a University-owned vehicle are required to use safety belt restraining devices.

2. All officers and staff operating a University-owned vehicle will ensure that all passengers, who are prisoners or under the age of 16, are properly restrained by using safety belt restraining systems.

3. No officer or staff member shall operate a University-owned vehicle in which the safety belt restraining system is inoperable, unless a replacement vehicle is not available.

4. Exceptions:

   A. Officers citing §347.48(2m)(dm) as an exclusion from mandatory use must submit to the Chief of Police Services a written request for exemption explaining the circumstances in which compliance could endanger the safety of the operator or another. The Chief will approve or disapprove the request in writing.

   B. Personnel requesting an exemption for medical reasons must submit written documentation from a physician.

   C. Officers that are actively patrolling are exempt from seatbelt use as stated in §374.48(2m)(dr). However, the use of safety belts is strongly encouraged, as safety belt use could have a significant effect in reducing the number of deaths and severity of injuries resulting from traffic crashes.
Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883

9/21/2017
PURPOSE

To establish a standard of dealing with trespassers to University owned housing according to WI §943.14 and UWS §18.07. Also in accordance with 2015 Wisconsin Act 176.

POLICY

Officers are often contacted by University Staff/Faculty requesting assistance with removing unwanted people identified as trespassers from Residence Halls. It is the policy of the UWL Police Department that its officers, when investigating a Trespass to Dwelling complaint and where probable cause for arrest exists, it is mandatory that the suspect(s) are removed from said property.

PROCEDURE

When investigating a Trespass to Dwelling complaint, the following guidelines shall be followed, regardless if the complainant is physically present on said property during the violation, and/or during the complaint.

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. Considerations include:
   A. Entering an outbuilding accessory to a main house may be a violation.
   B. This policy does not require the officer to follow through on an arrest protocol after removal, which is left to the discretion of the police.
      a. Unless other circumstances exist, or prior knowledge that the offender has violated similar laws in the past, or has already been given a warning, an ordinance citation can be issued.
   C. The use of restraints and/or other measures may be required to effect a lawful arrest if the subject resists and/or doesn't acknowledge an officer's orders to vacate the premises.

3. If the complainant is not present, then the trespass is to be under circumstances that tend to create or provoke a breach of the peace. It seems likely that a person in a dwelling without consent, lease, or other contractual relationship, is creating a circumstance that tends to create or provoke a breach of the peace. The fact that the complainant is contacting police requesting assistance will be sufficient for officers of this department to take action as listed above.
PURPOSE

The purpose of this policy is to set forth a procedure for the wearing, maintenance, replacement or disposal of the Department uniform. The Chief of Police Services or his designee must make all exceptions to this policy.

POLICY

It is the policy of the UW La Crosse Police Department to do everything within reason to present a positive and professional image to the community. To accomplish this, Department personnel will be required to maintain a neat appearance while on duty and in conformity to the standards listed below.

PROCEDURE

1. All officers must wear, when on duty, the established and approved Department uniform. The uniform shall be supplied by the Department but will be maintained by the officer at the officer’s expense. When on duty the uniform shall be maintained and worn properly to display a professional and clean appearance. Excessively worn out or stained uniforms will not be worn and should be presented to the Chief or his designee to be replaced at the Department’s expense.

2. All undershirts or t-shirts visible when wearing the department uniform shall have sleeve length no greater than the uniform shirt being worn. The only approved undershirts are un-monogramed (those parts that are visible) in the color of black, navy blue or white.

3. Shoes worn on duty shall be a polished black in color.

4. Proper badges, collar brass and nametags shall be worn on duty at all times. A duty belt (including only approved equipment/accessories) shall be considered part of the uniform and worn when on duty.

5. When summoned to appear in court, the prescribed uniform of the day shall be worn.

6. Officers assigned to patrol will wear the Department assigned bullet-resistant vests at all times when on duty.

7. The Chief may approve special uniform days in which he mandates/directs officers to wear specific types and colors of uniforms to be worn.

8. Uniform polo shirts maybe worn during training (either by instructors or by trainees) or presentations.

9. Any hat issued by the Department (with or without) insignia will be considered uniform. Faded, frayed or discolored uniform hats and non-Department issued hats will not be worn on duty.
10. Disposal of Uniforms: All uniforms are Department property. They may not be worn when off duty unless coming immediately to and from work. Old worn uniforms that are no longer deemed serviceable for on duty work will be disposed of as follows:

A. Pants and shorts may be thrown away.
B. All Hats or Shirts with any Department insignia or patches shall have said insignia or patches removed then destroyed. The remainder of the shirts may be thrown away.
C. Under no circumstances are hats, shirts or patches to be given, donated or thrown away with Department insignia still attached without approval by the Chief or his designee.

11. Plain clothes

A. Detectives and Command Staff
   a. Shall wear appropriate uniforms for the day or presentable casual business as directed by the Chief or designee. They shall be approved to wear concealed firearms and/or modified duty belts and firearms if they have qualified with them.

B. Officers on Special Duty
   a. May be directed by the Chief or his designee to wear personal plainclothes for special duty. Officers shall be approved to wear concealed firearms and may be directed by the Chief or his designee to wear a selection of duty gear such as vests, radios, and intermediate weapons.
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PURPOSE

The purpose of this policy is to provide law enforcement officers with guidelines for the use of deadly and nondeadly force.

POLICY

It is the policy of this law enforcement agency that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the decision to use force is not a subjective determination and the decision is not left to the unfettered discretion of the involved officer. A use of force must be objectively reasonable. The officer must use only that force which a reasonably prudent officer would use under the same or similar circumstances.

DEFINITIONS

Reasonably Believe
When facts or circumstances the officer knows, or should know, at the time the officer acted, are such as to cause an ordinary, prudent, and reasonably intelligent police officer to act or think in a similar way under similar circumstances.

Deadly Force
The intentional use of a firearm or other instrument, the use of which would result in a high probability of death. Behavior which justifies deadly force is defined as: Any behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

Target-Specific Directed Fire
Target-specific directed fire is an application of deadly force that may be appropriate in certain limited situations. It is purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe. The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm.

Great Bodily Harm
Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or any other serious bodily injury. §939.22(14)

Lawful Force
A physical act by a police officer in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is reasonable considering all the facts and circumstances of the incident.

Non-Deadly/Non-Lethal Force
Any use of force other than that which is considered deadly force.

Active Resistance
Active resistance occurs when an officer encounters behavior which physically counteracts his or her attempt to control and which creates risk of bodily harm to the officer or another person.
The approved definition of active resistance generally prohibits, for examples, use of control devices against verbal aggression; people who are running away; children and older persons; and/or persons engaged in peaceful civil disobedience, unless there is justification of reasonableness from Approach Considerations.

**Bodily Harm**
§939.22(4) of the Wisconsin Statutes defines Bodily Harm as: “physical pain or injury, illness, or any impairment of physical condition.”

**Passive Resistance**
Passive resistance occurs when a subject refuses to comply with a directive from a law enforcement officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or to another person.

**Physical Restraint**
Holding, restraining, pushing, pulling or other physical manipulation without the use of any weapon by one or more officers acting alone or in concert to control a person or to affect an arrest.

**Oleoresin Capsicum (Pepper Spray)**
Oleoresin Capsicum (OC) is a powerful inflammatory agent that occurs naturally in cayenne peppers. OC has a low likelihood of causing injury, but a high potential for control. OC is biodegradable and all symptoms should disappear within 15 to 45 minutes with no after effects.

**Electronic Control Device**
An Electronic Control Device is a conducted energy weapon that utilizes compressed nitrogen to deploy two small probes. These probes are connected to the weapon by high-voltage insulated wire. When the probes make contact with the target, it transmits powerful electrical pulses along the wires and into the body of the target. This produces involuntary contraction of skeletal muscle tissue, overriding the motor nervous system, blocking command & control of the human body, directly stimulating motor nerve and muscle tissue, causing incapacitation.

**USE OF ONLY NECESSARY FORCE**

Police officers shall exert no more force than is reasonably necessary in the discharge of their sworn duty. Officers shall exercise extreme care in the use of deadly force and that the use of deadly force is consistent with law and this Policy. Should any portion of the Use of Force Policy be less restrictive than State Statute, the more restrictive shall have precedence. Should any portion of the Use of Force Policy be more restrictive than the State Statute, the more restrictive shall have precedence.

1. When Necessary Force May Be Used
   
   A. Sworn officers of this agency are authorized to use "Necessary Force" toward another person without their consent when one or more of the following circumstances exist or an officer reasonably believes they exist:
      
      a. Detaining a person reasonably suspected of criminal involvement.
      b. Affecting an arrest.
      c. Overcoming resistance.
      d. Preventing escape, or to retake following an escape.
      e. Protecting oneself or another from physical harm.
      f. Maintaining order.
      g. Taking into protective custody a subject who poses either a threat to him/herself or others.
      h. Enforcing an order of the court.
      i. In executing any other duty imposed by law.
2. Degree of Force That May Be Used

A. Officers shall use only the degree of force they reasonably believe is necessary to control the situation and/or perform their duty. In determining the degree of force that is reasonably necessary, an officer shall consider the following factors:
   a. The existence of alternative methods of control.
   b. Officer-subject factors, including physical size, relative strength, age, and skill level of the subject.
   c. The nature of the encounter.
   d. The actions or statements of the subject.
   e. Subject's ability to escalate force rapidly, i.e., proximity to weapons.
   f. Exigent conditions such as availability of backup, number of persons involved, etc.

3. Verbal Commands

A. Control of a person through verbal commands is a lesser degree of force and may be an alternative to the use of physical force and/or non-deadly weaponry.
   a. It is recognized that this method alone is not always effective or appropriate in gaining compliance and it may become necessary to escalate the degree of force.
   b. When it is determined that verbal commands alone are neither effective nor appropriate, an officer may escalate the degree of force based on the actions of the person (s)he is attempting to control.
   c. Whenever possible, an officer should continue to give verbal directions and commands while using higher levels of force.

4. Intervention Options

A. Intervention options available to officers fall into five categories, or modes, each with a different purpose:

<table>
<thead>
<tr>
<th>Mode</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Presence</td>
<td>To present a visible display of authority</td>
</tr>
<tr>
<td>B. Dialog</td>
<td>To verbally persuade</td>
</tr>
<tr>
<td>C. Control Alternatives</td>
<td>To overcome passive resistance, active resistance, or their threats</td>
</tr>
<tr>
<td>D. Protective Alternatives</td>
<td>To overcome continued resistance, assaultive behavior, or their threats</td>
</tr>
<tr>
<td>E. Deadly Force</td>
<td>To stop the threat</td>
</tr>
</tbody>
</table>

B. The concept of escalating/de-escalating degrees of force is based on an officer’s reaction to a specific action of the person (s)he is attempting to control. Officers are not required to begin a confrontation at the verbal command level and escalate step-by-step until control is gained. Which mode an officer chooses in a given situation depends on the officer’s tactical evaluation and threat assessment. The criteria, as articulated in the landmark case of Graham vs. Connor, is whether the level and degree of force is objectively reasonable.

C. Once a person has stopped resisting or attempting to escape, or is under control, the amount of force used should be reduced to the minimum necessary to maintain control of the subject.

5. Responsibility to Monitor Subject for Signs of Injury

A. Whenever physical force is used to control a subject, it is the officer's responsibility to monitor the subject for signs of injury. If an injury is such that it requires medical treatment, every effort will be made to provide such treatment. If the subject refuses medical treatment for his/her injury this fact shall be documented in the officer's report. Officers should use their medical training and other resources
available to them to determine if the injury is treatable.

USE OF DEADLY FORCE

1. Sworn officers of this agency have the authority to discharge firearms or use other deadly force options in connection with the performance of official police duties under, and only under, the following circumstances:

   A. To protect the officer or another person(s) from apparent death or great bodily harm.
   B. After exhausting or ruling out all other reasonable means to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force and the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed. (Tennessee v. Garner)
   C. In situations where target-specific directed fire is justified.
   D. To destroy a dangerous animal or one so badly injured that humanity requires its relief from further suffering. The latter case requires, when practical, an owner authorization to destroy prior to use of a firearm to destroy a domesticated animal. Officers who destroy an injured animal must be especially sensitive to the presence of bystanders and witnesses that may be emotionally attached to the animal.
   E. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or unintentional discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practical, secure or holster the firearm.
   F. If chemical or electric weapons are employed (or threatened) against an officer, if reasonably possible, she should attempt to protect their eye area, control breathing, disengage, and maintain weapon control. The fact that a subject is armed with or uses chemical or electric weapons does not in and of itself justify the use of deadly force. In determining the appropriate response, an officer shall consider the situational factors described in "Use of Only Necessary Force". It is recognized that an officer will likely be completely vulnerable if successfully attacked with these weapons and that deadly force may be necessary to protect the officer from death or great bodily harm.
   G. Before using deadly force, officers shall identify themselves and state their intent, where feasible. The use of deadly force shall not be threatened unless such force would be justified under this policy.

2. Deadly Force Against a "Fleeing Felon"

   A. Use of deadly force against a fleeing felon will be limited to the force allowed, as stated in this policy and applicable law.

3. Medical Care

   A. Whenever Deadly Force is used, EMS will be summoned to provide aid as necessary.

4. Copies and Instructions to All Personnel

   1. All sworn personnel will be issued copies of and demonstrate their understanding of this policy before being authorized to carry any firearm.

5. Unauthorized Discharge of Firearms
A. An attempt to halt a person because of a mere suspicion and/or one who simply flees to avoid arrest.
B. From a moving vehicle, unless “Use of Deadly Force” applies.
C. At a moving vehicle, unless "Use of Deadly Force" applies (also see High-Speed Pursuit Policy for special restrictions in pursuits).
D. To affect the arrest or prevent the escape of a misdemeanant.
E. An attempt to recover a stolen vehicle when the only facts known to the officer pertain to the offense of stealing a vehicle.
F. Warning shots.
G. At unseen subjects, (for example, through a door or into a building) unless a deadly force threat exists.
H. When the officer is in doubt as to whether or not (s)he has legal justification to use deadly force.
I. Under any circumstances not authorized by this Policy.

USE OF NON-LETHAL WEAPONS

1. Prohibited Tactics and Weapons

A. "Strangle holds" and other similar holds which choke or restrict the ability to breathe are prohibited, except when the officer reasonably believes there exists a threat of serious bodily injury or death to the officer or a third person.
B. The use by an officer of an impact weapon to strike a blow above the shoulders is prohibited except when the officer reasonably believes there exists a threat of apparent death or great bodily harm. This section is not intended to apply to accidental strike to the head due to resistance. An impact weapon is any item used to gain control of a subject by striking.
C. The carrying or use of "filled" batons, numchucks, brass knuckles, saps, and sap gloves is prohibited.
D. Department approved batons are the only authorized impact weapons. The department recognizes that emergency situations involving other objects and instruments may occur.

2. Oleoresin Capsicum (Pepper Spray)

A. Officers, who have been trained in and certified for use of OC by a certified Wisconsin DOJ D.A.A.T. instructor, may carry and use department issued and approved OC. All authorized officers in a uniformed patrol capacity are required to carry department issued OC on their duty belt in department issued holders. Sworn administrative personnel and officers in non-uniform assignments may carry OC on an as needed basis. Before using OC, officers should identify themselves, and state their intent to use OC, where feasible.
   a. Officers are permitted to use OC when necessary to overcome active resistance or its threat.
   b. Mere passive resistance or verbal arguments against being arrested do not justify the use of OC without words and actions showing intent to physically resist or to harm the officer.
   c. OC may be used on animals only if they demonstrate a threat to the officer or other persons.
   d. When using OC, officers shall consider the potential for cross-contamination to the user, other officers and bystanders.
   e. Absent extraordinary circumstances, officers should not utilize OC if it appears children less than two years of age are in the area that would be contaminated.
   f. Blood should be the primary test for persons arrested for an alcohol related driving offense if they have been sprayed with OC.

A. Medical Aid and Decontamination Procedures Departmental personnel who use OC against a person shall
ensure the person is decontaminated as soon as practical after the person has been subdued. At a minimum, officers shall:
   a. Summon EMS as soon as possible to provide aid as necessary.
   b. Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
   c. Inform the subject additional relief may be gained by showering and washing affected areas with soap and water. Do not apply salves, creams, or lotions.
   d. Monitor the subject for 45 minutes after application and, if incarcerated, notify confinement personnel of the use of OC. Transport to a medical facility shall be arranged if there is no recovery within 45 minutes, an adverse reaction occurs, there are contact lens related complications, or if requested by the subject.
   e. Ventilate any enclosed areas where OC was used for at least 45 minutes.
   f. If circumstances permit, and it can be done without endangering departmental personnel, reasonable efforts to decontaminate animals should be made or the information conveyed to the animal’s owner.

B. Carrying of OC Off-Duty
   a. The carrying of Oleoresin Capsicum while off duty is limited to the circumstances and conditions stated in this Policy.
   b. Off-duty officers may, at their discretion, carry OC. Off-duty officers carrying OC shall possess department issued police credentials and, if practical, identify themselves as police officers before taking any police action. Off-duty officers acting under color of law will comply with department policies.
   c. An off-duty officer will not consume or be under the influence of alcoholic beverages or any other drug when carrying Department issued OC.

3. Less Lethal Impact Projectiles

A. Less Lethal Impact Projectiles provide officers with an additional use of force intervention option. Their use is authorized when a subject’s behavior poses a threat of significant physical harm. The use of Less Lethal Impact Projectiles is considered an intermediate force option and their use is not a substitute for deadly force. The use of Less Lethal Projectiles shall be in accordance with this policy and the UW La Crosse Police Department’s overall policy regarding the use of force.

B. Training
   a. Less Lethal Impact Projectiles may only be used by members of the UW La Crosse Police Department who have attended and successfully completed an authorized training course as designated by the UW La Crosse Police Department. The use of Less Lethal Impact Projectiles shall be in compliance with this training and UW La Crosse Police Department policy.
   b. At least biennially, members of the UW La Crosse Police Department will receive training and show an acceptable level of proficiency in the use of Less Lethal Impact Projectiles.

C. Less Lethal Impact Projectile Weapon and Storage
   a. The UWLPD Less Lethal Weapon shall consist of a dedicated Remington model 870 12gauge shotgun and approved ammunition. All such shotguns will be equipped with an orange colored stock and fore grip to assist on scene officers and users in ready identification of the weapon as being less lethal. The shotguns will be stored in patrol vehicles in a locked shotgun mount. The shotgun will be unloaded while in storage and will only be loaded for actual deployment or training.
   b. Only approved less lethal impact projectiles will be stored with the shotgun. The rounds will be stored in a receiver mounted shell holder attached to the shotgun.
D. Deployment
   a. The deployment and use of Less Lethal Impact Projectiles shall be in accordance with UWLPD approved training. The department recognizes that use of force situations are dynamic. Consequently, specific authorization for Less Lethal deployment by a supervisor or OIC is not required. However, supervisory or OIC notification and/or authorization is recommended in situations that allow sufficient time for the notification and authorization process to occur.
   b. Whenever possible or practical, a two person loading procedure will be followed. In all cases, the shotgun chamber and magazine shall be checked prior to loading to ensure that no rounds are in the weapon. Each round shall be inspected and verified as a UWLPD authorized Less Lethal Impact Projectile before it is loaded into the weapon.
   c. Less Lethal Impact Projectiles should, whenever possible, be deployed from a position of cover or concealment.
   d. Less Lethal Impact Projectiles are not a substitute for lethal force. Therefore, Less Lethal Weapons shall not be deployed unless another officer, providing cover with a lethal firearm, is also available on scene.
   e. The officer deploying a Less Lethal Weapon shall, whenever possible, advise other officers in the area of its intended use.
   f. Primary target areas for Less Lethal Impact Projectiles are the thighs, lower legs, calves, and buttocks. Secondary target area is the abdominal area. Intentional deployment of impact projectiles to the areas of the chest, spine, head, neck, and face is considered deadly force.
   g. After Less Lethal Impact Projectiles are fired at a subject, officers should reassess the threat and take appropriate steps to stabilize and control the subject and the scene.
   h. Once stabilized, the subject should be assessed for injury. The subject should be advised that Less Lethal Impact Projectiles have been used and that he/she will receive appropriate medical treatment.
   i. If possible, EMS should be placed on standby prior to the deployment of Less Lethal Impact Projectiles and/or be called to the scene to evaluate and/or treat the subject if the injuries warrant immediate medical treatment. No EMS personnel shall be on the immediate scene until the subject is secured.

E. Evidence
   a. Once the subject and scene have been secured, an attempt shall be made to recover the fired projectile(s). Any recovered projectile(s) shall be retained as evidence.
   b. Consideration should be given to video recording the use of Less Lethal Impact Projectiles, if possible or practical. Any and all recordings shall be retained as evidence.

F. Medical Treatment Requirement
   a. Department personnel who use less lethal impact projectiles against a person shall insure the person is monitored for injury as soon as practical after the person is under control. In all cases, as soon as practical, EMS will be summoned to the scene or location of prisoner transport.
   b. All persons who have been struck by Less Lethal Impact Projectiles shall be taken to an emergency room for medical clearance. Photographs shall be taken of impact areas and any injuries resulting from the use of Less Lethal Impact Projectiles. Any photographs taken shall be retained as evidence.
   c. If, due to the nature of injuries, immediate emergency medical treatment and transport by EMS is necessary, the arresting officer shall remain with the subject during treatment/transport, if practical.

G. Reporting Impact Projectile Use
   a. All officers and supervisors or OIC’s involved in the deployment of Less Lethal Impact Projectiles shall complete a UWLPD Critical Incident Report, accompanied with a narrative report detailing their involvement in the incident.
b. The narrative report of an officer who deploys Less Lethal Impact Projectile(s) shall minimally include the following:
   1. Subject (actions, weapons(s) involved)
   2. Estimated distance to subject at time of deployment.
   3. Number of projectiles fired and impact locations of each.
   4. Medical attention and aftercare.
   5. Other pertinent information supporting the officer’s decision to deploy Less Lethal Impact Projectiles

4. Electronic Control Device

   A. Electronic Control Devices provide officers with an additional use of force intervention option. Electronic Control Devices are a less lethal force weapon utilized by trained personnel that cause Neuromuscular Incapacitation (NMI) to a combative or potentially combative subject. The use of this weapon is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm. The use of Electronic Control Devices shall be in accordance with this policy and the UW La Crosse Police Department’s overall policy regarding the use of force.

   B. Training
      a. Electronic Control Devices may only be used by members of the UW La Crosse Police Department who have attended and successfully completed an authorized training course as designated by the UW La Crosse Police Department. The use of Electronic Control Devices shall be in compliance with this training and UW La Crosse Police Department Policy.
      b. At least biennially, members of the UW La Crosse Police Department will receive training and show an acceptable level of proficiency in the use of authorized Electronic Control Devices.

   C. Carrying of Electronic Control Devices
      a. Electronic Control Devices shall be carried by uniformed patrol officers on their duty belt attached to the reaction side to allow officers to readily identify them as less lethal weapons and insure that they will not be mistaken for their duty firearm. Officers will be allowed to carry Electronic Control Devices in a leg holster on their reaction side if approved by the Chief of Police or his designee. The Electronic Control Device shall be carried in a department approved holster in a cross-draw manner. Plain clothes officers who carry an Electronic Control Device are subject to the same restrictions.
      b. Only Electronic Control Devices approved by the UW La Crosse Police Department shall be carried by officers. The Taser X-26 and Taser X2 are the only authorized Electronic Control Devices currently approved by the Department.

   D. Testing Procedures for Electronic Control Devices
      a. TASER International requires a spark test prior to each shift or a minimum of once per work day. It is not necessary to spark test the Electronic Control Device on days off, as long as a spark test is conducted prior to the start of the next shift. The only way to determine the proper functioning of all components is to conduct a daily spark test. There is no display or other method to verify proper Electronic Control Device operation other than seeing the actual spark between the electrodes.
      b. To spark test a Taser X-26p Electronic Control Device, ensure that the safety is on and remove the cartridge from the unit. Physically verify the unloaded electronic control device. Aim the Electronic Control Device in a safe direction and away from any other personnel who are present. Arm the unit by moving the safety switch to the fire mode activating the light and laser sight. Pull the trigger and listen for normal arching and watch for sparking at the probes. Once the arching is heard and observed for a full 5 second cycle, re-engage the safety switch to disarm the unit and to stop the test. After this testing procedure is completed, the cartridge can be reattached to the Electronic Control
Device. Officers should take additional precautions when reattaching their cartridge to make sure the Electronic Control Device is pointed in a safe direction and not pointed at themselves or other personnel who are present.

E. Deployment
   a. An Electronic Control Device may be used by trained personnel when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat to an officer or another person. It may also be used when the subject poses a threat of harm to him/herself such as self-inflicted injury or a suicide attempt or when other exigent circumstances exist.
      1. Officers may also include in the decision to use this force option information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
      2. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of Electronic Control Devices.
   b. An officer shall not brandish, display or threaten use of an Electronic Control Device unless they can reasonably conclude its use may become justified and is anticipated.
   c. Each and every application of an Electronic Control Device must be legally justified.
   d. When using an Electronic Control Device in drive-stun mode to gain compliance from a suspect who is “actively resisting” arrest, the officer must give the suspect reasonable opportunity to comply with the officer’s commands prior to each Electronic Control Device’s application. Specifically, the officer:
      1. Must perceive that the suspect is “actively resisting”;
      2. Must be certain that the suspect is capable of compliance with the officer’s commands;
      3. If practical, give a warning prior to each application of the Electronic Control Device;
      4. Must give the suspect time to recover from the “extreme pain” experienced during the Electronic Control Device application;
      5. Must give the suspect a reasonable amount of time to regroup; and must give the suspect a reasonable opportunity to consider the consequences of refusal to comply with commands before each ECD application.
   e. Officers may not use an Electronic Control Device on a visible pregnant woman (or one who informs the officer of her pregnancy) unless deadly force is the only other option. These same restrictions would apply to children and the elderly.
   f. The reporting requirements contained in the policy must provide that an officer is required to include in a report specific information indicating that all of these guidelines were followed prior to the application of an Electronic Control Device.
   g. In each instance when an Electronic Control Device is deployed on an incident, a determination will be made regarding the need for lethal cover.
      1. Lethal cover shall be required in all cases in which a subject possesses a dangerous weapon.
   h. Department personnel who use an Electronic Control Device against a person shall insure the person is monitored for injury as soon as practicable after the person is under control. In all cases, as soon as practical, EMS will be summoned to the scene, or location of prisoner transport.
   i. Officers and Paramedics must recognize the behaviors and elements associated with the potentially life threatening medically significant event known as Excited Delirium. Excited Delirium is a medical condition that is usually brought on by stimulant drug abuse or non-compliance with psychiatric medications. Any person who is delirious requires prompt medical evaluation and treatment. The delirious person is likely to manifest an acute behavioral disturbance. These individuals can appear normal until they are questioned, challenged or confronted. When confronted or frightened these
individuals can become oppositional, defiant, angry, paranoid and aggressive. Further confrontation, threats and use of force will almost certainly result in further aggression and even violence. Attempting to restrain and control these individuals can be difficult because they frequently possess unusual strength, pain insensitivity and instinctive resistance to any use of force. The failure of officers to recognize this life-threatening condition may delay the urgent help that is needed to save the affected person. (Also see Excited Delirium Protocol in 7.1.01, p 8.)

j. If an adverse reaction to the Electronic Control Device occurs, or if requested by the subject, transport to a medical facility shall be arranged.

k. If the probes are imbedded in sensitive areas, i.e. neck, face, groin, or the breast of a female, officers shall arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, a trained officer may remove them according to the trained procedure.

l. After the probes have been removed they shall be handled as a biohazard and packaged according to trained procedures.

F. Reporting Electronic Control Device Use
   a. All officers who use an Electronic Control Device against a person or animal shall complete a UWLPD Critical Incident Report, accompanied with a narrative report detailing their involvement in the incident. This does not include verbal threats of use when the Electronic Control Device is not displayed.
   b. The narrative report of an officer who uses an Electronic Control Device shall minimally include the following:
      1. Subject (actions, weapon(s) involved)
      2. Number of probes fired and impact locations
      3. Number and duration (if known by reporting officer) of firings of an Electronic Control Device applied to subject.
      4. Aftercare and medical attention (if needed)
      5. Other pertinent information supporting the officer’s decision to use conducted energy weapon.
   c. The internal data recorded by the Electronic Control Device shall be downloaded and included with report as soon as practicable.
   d. All trigger activations (i.e.: training, deployment in use of force incident or accidental) of the Electronic Control Device shall be reported to the shift supervisor or OIC as soon as practicable. Standard testing procedures do not apply.

G. Evidence Collection Following a deployment of the Electronic Control Device (which involves the firing of the probes at a subject) and the subject and scene have been secured, a reasonable effort should be made to collect the fired probes, wires and spent cartridge. Once collected, these items shall be entered as evidence and packaged in accordance with the department’s evidence collection/packaging policy.

REPORTING USE OF FORCE

1. Purpose of Use of Force Reports

   A. The purpose of filling out the Use of Force Report is for the immediate documentation of the force used so that should a complaint be filed, the pertinent facts would be readily available. The reports will also be used to assist in evaluating the incident, policy, training, and equipment. The mere existence of one or more Use of Force Reports cannot be used in an officer’s performance evaluation. Furthermore, since the report merely records a historical event, the mere existence of one or more Use of Force Reports cannot be the basis for discipline. Force which is justified is permissible, regardless of the number of usages.
B. Use of Force Situations Requiring Reporting
   a. The following are examples of situations where a Use of Force Report and detailed incident report must be completed, however, they are required in any situation which clearly involves a use of force.
   1. An officer is injured in a use of force situation, or injured as the result of an unlawful use of force against the officer.
   2. An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that they are injured.
   3. Whenever lethal or less lethal weapon(s) are used.
   4. An officer exercising police authority uses any object to strike a subject.
   5. An officer exercising police authority uses force which in any way causes a subject to suffer a blow to the head.
   6. An officer exercising police authority decentralizes or physically removes or drags a struggling subject from one place to another.
   7. An officer uses OC, tear gas, or other chemical irritant. In the event that such irritants are used to disperse rioters, mobs, crowds, or barricaded subjects, the Shift Commander or Officer-in-Charge on the scene shall initiate the Use of Force Report.
   8. An officer discharges his/her departmentally sanctioned firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. Recreational and range use are exempt.
   9. An officer exercises police authority on a subject resulting in the subject losing consciousness.
   10. When the level of force used is a “Compliance Hold” or higher in the intervention options.
   11. When a firearm is pointed at any person.
   12. When any agency member witnesses or is party to any apparent unauthorized Use of Force by a member of this or any other law enforcement agency.
   13. When required by the Shift Commander for situations, acts, and omissions that should be documented and reviewed but are not explicitly covered by policy.

C. Method of Reporting Use of Force
   a. Each officer who uses force shall make a verbal report to the on-duty Shift Supervisor as soon as circumstances permit, but in no case later than the end of his/her tour of duty. He/she shall file a detailed incident report and Use of Force Report as soon as practical thereafter describing all the circumstances surrounding the incident. If the officer is hospitalized during the tour and incapable of filing the required reports, his/her on-duty supervisor is responsible for filing as complete a report as possible pending further departmental investigation. Off-duty officers who, under color of law, are involved in a use of force situation are subject to the same reporting requirements and procedures as on-duty officers. Dispatchers and other employees may be required to file a report or memorandum in some situations.

D. Shift Supervisor’s Responsibility
   a. The Shift Supervisor is responsible for evaluating use of force incidents, and completing the Shift Supervisor’s portion of the Use of Force Report. An investigation is required for any “critical incident” involving the use of force. The Shift Supervisor shall promptly conduct or coordinate this investigation. The information gathered shall include at a minimum the following information:
      a. Witness information and statement.
      b. Subject information and statement
      c. Event information - time and location
   b. The Chief of Police shall be notified as soon as possible whenever injuries have been inflicted by or to a department employee sufficient to cause death, great bodily harm or hospitalization.
   c. Absent the objection of the injured person, the Shift Supervisor shall have photographs taken of the
injuries. If consent for photographs cannot be obtained it shall be noted in the report. Employees with visible injuries shall be photographed.

d. If an officer encounters a degree of resistance sufficient to justify a charge of resisting/obstructing, or battery to a police officer, these charges will be made immediately.
e. An officer who discharges a firearm at a human being or at a vehicle in which human beings are contained or who is involved in any other use of force or traffic accident which results in death or great bodily harm shall be required to submit to a timely chemical test or tests for the purpose of determining the presence of alcohol or drugs.

**REVIEW OF USE OF FORCE INCIDENT**

1. Administrative Review of Use of Force Incidents

   A. All reported uses of force will be reviewed by the Shift Commander to determine whether:
      a. Department rules, policy or procedures were violated.
      b. The relevant policy was clearly understandable and effective to cover the situation.
      c. Department training requires revision.

   B. All Use of Force reports shall be forwarded to the Chief of Police or his/her designee. All Use of Force reports shall be retained and the data derived there from shall be compiled and periodically analyzed to assess the effectiveness and adequacy of policy, training, equipment and personnel.

   C. All critical incidents involving Use of Force shall be forwarded to the Chief of Police or his/her designee, and if appropriated.

2. Critical Incident Review Board

   A. For the purposes of this section, a critical incident is defined as one where:
      a. An officer is injured in a use of force situation, or injured as the result of an unlawful use of force against the officer.
      b. A subject receives an injury requiring medical treatment, whether such treatment is accepted or not.
      c. Deadly Force is used.
      d. A firearm is discharged, whether on-duty or off-duty. (This standard does not apply to firearms training, hunting, authorized destruction of injured animals or participation in legitimate sporting events).
      e. There is an alleged or actual unauthorized use of force.
      f. A review is requested by the Agency Administration.
      g. A review is requested by either party to address a Use of Force issue in a disciplinary action.
      h. A civil lawsuit or claim for damages is filed.

   B. All Critical Incidents involving the use of force shall be formally reviewed within one month by a Critical Incident Review Board. The review board will review all reports, statements, and any other relevant information or materials, and may take testimony. The purpose of the review is to determine whether:
      a. The force used was within policy.
      b. The relevant policy was clearly understandable and effective to cover the situation.
      c. Department training is adequate or requires revision.
      d. Department equipment is adequate or requires modification.

3. Report of Findings

   A. The Critical Incident Review Board shall make a written report of findings to the Chief of Police. This
report should include the relevant facts and circumstances surrounding the incident. All findings of policy violations or policy, training or equipment deficiencies shall be reported to the appropriate unit for resolution and/or discipline.

ADMINISTRATIVE LEAVE OF DUTY

1. Whenever an officer uses deadly force, or where an officer’s use of force results in death or serious bodily harm, the officer shall be placed on administrative leave of duty, after completing all internal investigative requirements, until returned to his or her assignment by the Chief of Police. The purpose of this standard is twofold: (1) to protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force and (2) to shield officers who have not exceeded the scope of their authority from possible confrontations with the community.

PSYCHOLOGICAL DEBRIEFING

1. In order to help the officer involved cope with the stress the incident has created a psychological debriefing may be done. This shall be done as soon as possible hours after the incident, preferably with between 24 and 72 hours of the incident. Anything said during a debriefing is strictly confidential and off the record. It has been found that such debriefings greatly aid in the effective psychological handling of such incidents by those involved. The officer will, at any time, for a period of up to 14 months after the incident, be given the option of seeking professional help and counseling which will be paid for by the Department, if not covered through the University’s Employee Assistance Program (EAP) or by insurance. However, the officer must set up time outside his/her regular duty times. This assistance, if not covered through the University (EAP) or by insurance, must be approved in advance by the Chief of Police. This counseling will be confidential, except the Department may be advised as to the Officer's ability to function as a Police Officer.
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PURPOSE

This policy defines the authority to make arrests and guidelines for effecting arrests, both with/without a warrant, and releasing from custody arrested individuals. Guidelines ensure that rights/privileges are afforded to citizens during arrest situations.

POLICY

It is our policy that officers shall investigate violations of laws/ordinances and shall make arrests for violations in accordance with procedures imposed by the U.S./WI Constitution; federal, state and municipal legislation and department policy. Members, take into consideration new case laws, which can affect citizen’s rights.

DEFINITIONS

_Arrest_
Depriving a person his/her liberty by legal authority for a civil, or criminal law violation.

_Custodial Arrest_
Depriving a person his/her liberty by legal authority for the purpose of holding/detaining him/her to answer a criminal charge or civil forfeiture action.

_Non-custodial Arrest_
Temporarily depriving a person of his/her liberty by legal authority for the purpose of issuance of a citation or summons relating to a civil forfeiture action.

_Crime_
Conduct prohibited by law, punishable by fine, imprisonment or both. Conduct punishable by forfeiture only is not a crime.

_Pat Down/Frisk_
The feeling/touching of outer garments of a person temporarily detained for the purpose of locating weapons or articles capable of causing injury.

_Search_
The feeling/touching of garments of a person taken into custody for the purpose of locating weapons, evidence, or personal property.

_Legal Standing_
In cases of warrant-less arrest, a person with legal standing would be a person whom the officer reasonably believes is the person with the authority to grant permission to enter/search. Examples homeowner, renter, long-term guest or as otherwise dictated by case law.

_Hot Pursuit_
Pursuit of a suspect from the scene of a crime.

_Warrant (Arrest)_
A written order issued and signed by a judge, and directed to a law enforcement officer, commanding the officer to arrest the person identified in the order. An arrest warrant may be for the violation of a criminal law (criminal arrest warrant) or in connection with a civil proceeding, e.g. failure to appear at a divorce, family support or paternity hearing, a civil arrest warrant.
Probable Cause
The amount of evidence that would lead a reasonable police officer to believe that a crime probably has been committed and that the person in question has probably committed it. It is more than a hunch or suspicion, but is less than sufficient evidence to bind over for trial. For the purpose of interpreting Wisconsin statutes, “probable cause” is used interchangeably with “reasonable grounds.”

1. Arrests

A. For an arrest to occur, an officer must have the intent to take a person into custody and an understanding by the person arrested that s/he is in custody. When making an arrest, an officer should:
B. Identify him/herself as a police officer. (If it is apparent by the wearing of a uniform or other means that the person making the arrest is a police officer, no further identification is necessary.)
C. Inform the subject that s/he is under arrest.
D. Restrict the arrested subject’s movements as required, using only force necessary to overcome any resistance by the person being arrested.
E. In all cases where an arrested person is taken into physical custody, a report number shall be assigned and the arresting officer shall be responsible for completing a detailed report.

2. Arrests with a Warrant

A. Law enforcement officer may arrest a person when any of the following exists:
B. Have probable cause to believe a warrant for the person’s arrest has been issued in this state.
   a. Have probable cause to believe a felony arrest warrant has been issued for the person in this or another state. A Wisconsin officer may not arrest a person on a misdemeanor warrant issued in another state.
   b. Arrest warrants may be served at any time to the individual on the warrant in a public place, however, discretion should be used when serving a warrant to ensure serving it at a reasonable time. Factors such as the nature of the offense, potential to escape and for doing further injury/damage should be considered when selecting a time to serve an arrest warrant.
   c. As soon as practicable after arresting on a warrant, the officer shall inform the person of the reason for the arrest and if able the officer should read the warrant to the person, then endorse the warrant with arrest time/place. The warrant shall be returned to the issuing court through the jail booking procedure.

3. Arrests Without a Warrant

A. An officer may make an arrest without a warrant if s/he has probable cause to believe a person is committing or has committed a crime.
   a. For an officer to enter a person’s home to arrest a person without a warrant, permission by a person of “legal standing” or probable cause plus “exigent circumstances” must exist. (Exigent circumstances do not include minor traffic offenses. Welsh V. Wisconsin) Exigent circumstances include:
      1. The immediate threat of escape;
      2. The immediate threat of destruction of evidence;
      3. The immediate threat of death or great bodily harm to the officer or another.
      4. Hot pursuit
      5. Fleeing Felon
      6. As directed by Case and/or State laws
B. If exigent circumstances do not exist, it is necessary to obtain an arrest warrant or consent to enter the premises from someone authorized to give consent to make an arrest of a person in his/her own
residence.

4. FORCIBLE ENTRY without Exigent Circumstances

A. When forcible entry is required in the effect of an arrest, officers shall perform the following:
   a. Make a reasonable attempt to contact a supervisor
   b. Locate and control all persons and property, which might potentially serve as a weapon
   c. Photograph damage occurring as a result of the forced entry; complete a detailed report describing same.
   d. Make reasonable efforts to contact the owner and secure the property to prevent further damage/loss.

5. Search Incident to a Lawful Arrest

A. WI §968.10(1), authorizes officers to conduct searches “incident to a lawful arrest.”
B. “Incident to a lawful arrest” requires that the search shall occur as soon as practical after the arrest. The search shall be made at/near the arrest location. Such searches made of the premises where the person was at the time of the arrest shall be made while the person arrested is still at the location of the arrest unless extenuating circumstances exist and are noted in relevant reports. A search of the arrested person “incident to a lawful arrest” may occur after the person has been transported to the department/detention. A search of a vehicle the arrested person was in at the time of the arrest is not permitted unless there is probable cause that further evidence shall be found within the vehicle.
C. “Lawful arrest” for the purpose of a search incident to an arrest, means any arrest action to include issuance of a citation/summons if the person is taken into physical custody and removed from the scene.
D. WI §968.11, scope of a search incident to a lawful arrest: permits officer to reasonably search the person arrested and an area within the person’s immediate presence for the purpose of:
   a. Protecting the officer from attack
   b. Preventing the person from escaping.
   c. Discovering/seizing the fruits of the crime.
   d. Discovering/seizing instruments or things which may have been used in the commission of, or which may constitute evidence of, the offense.
E. The area within an arrested person’s immediate presence can be defined as that area within lunge, reach, or grasp of the person at the time of the arrest.
F. Protective Sweep
G. Officers making a lawful arrest or executing a lawful search in a private residence may conduct a protective sweep of the residence if they have a reasonable belief that the areas to be swept may harbor individuals posing a danger to those on the scene. Officers should be prepared to articulate the reasons for the protective sweep.

6. Stop and Frisk

A. WI §968.24 & §968.25, an officer may stop a person and conduct a limited search of that person if/when:
   a. After identifying him/herself as an officer, may stop a person in a public place for a reasonable time when the officer reasonably suspects that the person is committing, about to commit, or has committed a crime and demand the name/address of the person and an explanation of conduct. Such detention/questioning shall be conducted in the vicinity where the person was stopped.
   b. Refusal to answer the officer’s questions in itself is not “obstructing an officer.” If no further facts lead the officer to probable cause for arrest, the person must be released.

B. When stopping a person for temporary questioning and reasonably suspecting that person or another, is
in danger of physical injury, the officer may search the person for weapons or an instrument/article/substance readily capable of causing injury and of a sort not ordinarily carried in public places by law abiding persons. If such a weapon/instrument or other property possession of which the officer reasonably believes may constitute the commission of a crime, or which may constitute a threat to the officer, that officer may take and keep it until the completion of the questioning, at which time the officer shall either return it or arrest the person.

7. Strip Searches
   A. Refer to policy 3.20

8. Determining Criminal Charges or Civil Forfeiture
   A. The arresting officer should consider the following factors
      a. Injury to person
      b. Extensive property damage
      c. Violence or threat of violence
      d. Prior record of the offender indicates a continuing pattern of deviant behavior, and/or
      e. The offender’s attitude.

9. The decision to charge a person will not be based upon the offender’s race, creed, color, or sex.

10. Cases should not be referred for prosecution unless sufficient evidence.

11. Alternatives to Arrest
   A. Discretion - When confronted with situations involving non-serious conduct/minor violations, officers have the discretion to examine possible alternatives to arrest/confinement, (e.g. bail, citations, warnings, etc.).
   B. Specific Responsibilities
      a. Officer action/discretion may be further regulated by specific policies or supervisory discretion.
      b. The severity of action/inaction is not being influenced by race, sex, ethnic background, religious belief, or political reasons.
      c. Enforcement action must not be more severe than can be reasonably and objectively justified to further department goals and objectives.
      d. Enforcement action or contact may not be extended unnecessarily for the purpose of delaying the release or inhibiting the free movement of any person.

12. Forfeitures and Deposits
   A. Traffic and Misdemeanor Crimes: The forfeiture/deposit amount for traffic violations or misdemeanor crimes shall conform with the State Traffic Deposit and Uniform Misdemeanor Bail Schedule.
   B. Non-traffic Forfeitures: The forfeiture/deposit amount for ordinance violations shall be in accordance with the current Deposit Schedule as set by law and the courts.

13. Release from Custody (Non-Felony Arrests)
   A. Persons arrested for a forfeiture shall be released from custody without a cash bond if they:
      a. Have a valid WI driver's license or show sufficient evidence of ties to the community; or
      b. The officer is satisfied that the accused will make court appearances.
c. By direction of the Court

B. Persons arrested for a misdemeanor shall be released from custody without cash bond unless:
   a. Does not have proper ID, refuses to identify him/herself, or refuses to submit to booking procedures authorized under WI §165.83.
   b. Appears to represent a danger of harm to him/herself, another person or property.
   c. Not a Wisconsin resident.
   d. Cannot show sufficient evidence of ties to the community.
   e. Accused has previously failed to appear in court or failed to respond to a citation.
   f. Arrest/detention is needed to carry out legitimate investigative action in accordance with policy.

C. All persons not released for a forfeiture, misdemeanor or misdemeanor traffic offense shall be released upon compliance with the state deposit or misdemeanor bail schedules unless bail is otherwise set by a court.

D. The guidelines on release from custody for non-felony arrests do not supersede specific statutorily mandated detention, judges’ orders or direction by a supervisor.

E. An officer need not release an arrested person if it is the officer’s opinion the person in custody is not in a fit condition to care for his or her own safety or would constitute, because of his or her physical condition, a danger to the safety of others. If an arrested person is not released under this provision, the person shall be taken before a judge within a reasonable period of time. Refer to WI §969.07 and §970.01.

14. Mandatory Incarceration

   A. Arrested persons are held in custody upon verification of any of the following:
      a. An arrest warrant exists for the person who is unable to post required bond and the issuing agency requests the person detained.
      b. An apprehension request has been issued by Corrections or Probation and Parole.
      c. A state/federal judge has issued a capias for the individual in custody.
      d. As directed by written judicial orders of the County of La Crosse Circuit Court Judges.

15. Persons Held in Custody for Other Agencies

   A. Transported to the jail or turned over to the issuing agency.

16. Juveniles

   A. Refer to policy 3.06 for UWLPD policy on Juveniles.
PURPOSE

The department, in order to achieve the goal of providing for a juvenile's wellbeing and safety, shall always have as its primary consideration the best interest of the juvenile. The department shall also consider the interest of the parent or guardian as well as the interests of the community. The department and its officers shall attempt to remove the consequences of delinquent behavior for juveniles who portray such behavior and substitute therefore a program of supervision, care, and rehabilitation.

DEFINITIONS

Juvenile
A person who is less than 18 years of age, except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "juvenile" does not include a person who has attained 17 years of age [WI §928.12(10m)]

Age of Delinquency
Establishes that the juvenile court has exclusive jurisdiction over any juvenile 10 years of age or over who is alleged to have committed an act that would be a crime if committed by an adult.

Adult
A person who is 18 years of age or older, except for the purposes of prosecuting a person who is alleged to have violated any state, federal, civil law, or municipal ordinance, "adult" means a person who had attained 17 years of age.

Taking into Custody
Taking a juvenile into custody shall not be considered as an arrest (§938.19). A police officer may take a juvenile into immediate custody when one or more of the circumstances exist as are enumerated in §938.20, §938.205, and §938.07.

Release
The returning of a juvenile to either the parent or guardian or legal custodian without further action or pending action in Juvenile Court.

Parent
Means either a biological parent or a parent by adoption. If the juvenile is born out of wedlock but not subsequently legitimated or adopted, "parent" includes a person adjudged in a judicial proceeding to be the biological father. "Parent" does not include any person whose parental rights have been terminated.

NOTE: If a person has reached 17 years of age, they are treated as an adult for arrest purposes and prosecution. A person must still be 18 years of age to purchase tobacco products or 21 years of age to purchase alcohol. The age for victims of abused children or battery to a child, uncontrollable, truant from school, run away from home, remains 18 years of age.

Procedure

1. Role of Police Officers
   a. Police officers are in a position to materially aid in the prevention of delinquency by:
      a. Detecting and observing unfavorable conditions and "high risk" areas through active observant patrol and then using every available legal means of eliminating.
B. Handling minor offenders in a protective yet firm and fair manner.
C. Alerting parents to antisocial acts of their children.
D. Referring juveniles and parents to agencies which can assist them with their problem.
E. Alerting the Department of Human Services of situations of neglect and abuse (physical or sexual) which are often the forerunner of delinquency.
F. Vigorously seeking the prosecution of adults who commit offenses against children.
G. Making appropriate referrals to Juvenile Intake.
H. Working with the courts, Juvenile Intake, schools, and related agencies, in their role of delinquency prevention and control.
I. The prevention of delinquency and respect for authority are closely tied together. In juvenile contacts, the police officer's attitude and manner will have an influence on delinquency prevention. If the officer conducts himself or herself in a manner that commands respect and admiration, it will help develop respect for authority. Respect for authority and an appreciation for the rights of others are often qualities absent in delinquents and criminals. It is the first contact a juvenile has with police that will most often form a lasting impression. It should always be positive.

2. INTERVIEW OF JUVENILES

A. An Officer that conducts a custodial interview of a juvenile will video record said interview.

3. PHYSICAL CUSTODY OF JUVENILES

A. A juvenile may be taken into custody under:
   a. a warrant;
   b. a capias issued by a court under §938.28;
   c. an order of the court if made upon a showing satisfactory to the court that the welfare of the juvenile demands that the juvenile be immediately removed from his or her present custody. The order shall specify that the juvenile be held in custody under §938.207;
   d. Circumstances in which a law enforcement officer believes on reasonable grounds that:
      1. A capias or warrant for the juvenile's apprehension has been issued in this state, or that the juvenile is a fugitive from justice;
      2. A capias or warrant for the juvenile's apprehension has been issued in another state;
      3. The juvenile is committing or has committed an act which is a violation of state or federal criminal laws;
      4. The juvenile has run away from his or her parents, guardian, or legal or physical custodian;
      5. The juvenile is suffering from illness or is in immediate danger from his or her surroundings and removal from those surroundings is necessary;
      6. The juvenile has violated the terms of court-ordered supervision or after-care supervision administered by the department;
      7. The juvenile has violated the conditions of an order under §938.21 or the condition of an order for temporary physical custody by an intern worker, or;
      8. The juvenile has violated a civil law or a local ordinance punishable by forfeiture, provided that in any such case the juvenile shall be released as soon as reasonably possible under §938.20.
      9. "§938.19(2): When a juvenile is taken into physical custody as provided in this section, the person taking the juvenile into custody shall immediately attempt to notify the parent, guardian, or legal guardian of the juvenile by the most practical means." The person taking the juvenile into custody shall continue such attempt until the parent, guardian, or legal guardian of the juvenile is notified, or the juvenile is delivered to an intake worker under §938.20, whichever occurs first. If the juvenile is delivered to an intake worker, or another person at his or her
direction, they shall continue to attempt to notify the parent, guardian, or legal guardian of the juvenile until they are notified.

10. "§938.19(3): Taking into custody is not an arrest except for the purposes of determining whether the taking into custody or the obtaining of any evidence is lawful."

4. TYPES OF DISPOSITIONS

A. Disposition (Detention or Release). Section §938.20 of the Juvenile Justice Code reads in part: "(1) Juveniles taken into custody shall be released from custody as soon as reasonably possible. (2) A person taking a juvenile into custody shall make every effort immediately to release the juvenile to: the juvenile's parent, guardian, or legal custodian or, if the parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the juvenile, may release the child to a responsible adult, and verbally counsel or warn as may be appropriate, or in the case of a child 15 years of age or older, may release the child without immediate adult supervision, counseling or warning the child as may be appropriate, or...."

a. Released
   1. As is the case with adult apprehensions, on occasions after a juvenile has been properly taken into custody, investigation reveals that we are unable to pursue the charges because we find the juvenile was not involved in the offense, there is insufficient evidence to adequately support the charge, etc. As a result, the juveniles must be released and no charges are pursued.

b. Released to Parent or Guardian
   1. When an offense is of a minor nature and a check of the juvenile's record reveals no prior offense, this disposition should be considered.

c. Referral to Juvenile Intake
   1. Juvenile offenders should be referred to Juvenile Intake when one or more of the following conditions or circumstances exist and when other dispositions are deemed adequate:
      A. The offense is a felony or is a serious misdemeanor.
      B. The offense is one of a series of offenses which were heretofore handled without being referred to Juvenile Intake.
      C. The parental attitude towards the juvenile or the offense is negative or they display an inability to cope with the problem.
      D. The attitude of the juvenile towards the offense, towards the juvenile judicial process, or towards authority itself is negative or contemptuous.

2.3.6

d. Detention at the La Crosse County Juvenile Detention Center
   1. Such dispositions should be made by the Juvenile Intake Worker on call. His/her decision should be based on one or more of the criteria set forth in §938.205:
      A. Probable cause exists to believe that if the juvenile is not held, he or she will commit injury to the person or property of others or cause injury to himself or herself or be subject to injury by others;
      B. Probable cause exists to believe that the parent, guardian, or legal custodian of the juvenile or other responsible adult is unavailable, unwilling, or unable to provide adequate supervision or care; or
      C. Probable cause exists to believe that the juvenile will run away or be taken away so as to be unavailable to proceedings of the court or its officers or proceedings of the Division of Hearings and Appeals in the Department of Administration for revocation of aftercare..."
5. REPORT CRITERIA

A. Arresting officers shall complete an Incident Report detailing the circumstances of the arrest and an investigative summary of the charge to substantiate probable cause. This should include information as to the victim’s consent, suspect identification, physical evidence, witnesses, names of accomplices, and statement of the suspect.

B. If a juvenile is to be referred to Juvenile Intake the arresting officer shall complete the Intake Referral Notice and forward that form, along with his/her incident report and Juvenile Report form (JD-1701) to Juvenile Intake. It should be noted that the La Crosse County’s Judicial Policy is that the investigating officer has 14 days after completion of his/her investigation to make a referral to Juvenile Intake. If this time has lapsed, the case may be dismissed with prejudice.

C. Senior officers and supervisors shall monitor case progress and review all arrests and incident reports to assure that they are properly and accurately completed before the juvenile is conveyed to the Juvenile Intake worker or to the Juvenile Detention Center.

6. SECURE OR NON-SECURE DETENTION

A. The Intake Worker has the responsibility of determining whether the juvenile will be held in secure or non-secure detention (§938.20)

B. Non-Secure Detention may include:
   a. The home of a parent or guardian
   b. The home of a relative
   c. A licensed foster home
   d. A licensed private or public shelter facility
   e. A hospital or other approved public treatment facility

   NOTE: Placement in non-secure detention renders the juvenile subject to the orders of the Intake Worker or the court pending disposition of the case.

C. Secure Detention: Only by criteria set forth in §938.208:
   a. Probable cause exists to believe that the juvenile has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away as evidenced by previous acts or attempts so as to be unavailable for a court hearing.
   b. Probable cause exists to believe that the juvenile is a fugitive from another state and there has been no reasonable opportunity to return the child.
   c. The juvenile consents in writing to being held in order to protect him or her from an imminent physical threat from another and such secure custody is ordered by the judge in a protective order.
   d. Probable cause exists to believe that the juvenile, having been placed in non-secure custody by an intake worker under §938.207 or by the court or a juvenile court commissioner under §938.21, has run away or committed a delinquent act and no other suitable alternative exists.
   e. Probable cause exists to believe that the juvenile has been adjudged or alleged to be delinquent and has run away from another county and would run away from non-secure custody pending his or her return. A juvenile may be held in secure custody under this subsection for no more than 24 hours unless an extension of 24 hours is ordered by the court for good cause shown. Only one extension may be ordered by the court.
7. DEPENDENT, ABANDONED, ABUSED, OR NEGLECTED CHILD CASES

A. When any officer of the department is called to or happens upon any of the above they shall promptly investigate and contact their immediate supervisor and the Department of Human Services for assistance.

B. Whenever possible, photographs taken by a department photographer should be obtained which tend to show neglect or injury. Further, if untreated injuries are present, the child shall be taken to a hospital for treatment. Written statements shall always be obtained from the attending physician of an injured child. If statements are unavailable, the medical records may be subpoenaed.

C. Officers finding an apparent dependent, §938.19 juvenile shall make every effort to locate the parents, guardian, or legal custodian of the child. The Department of Human Services shall be contacted if the parent, guardian, or legal custodian cannot be located.
   a. If the injured juvenile is a runaway or missing juvenile from another jurisdiction, said jurisdiction shall be contacted and informed. If the parents, guardian, or other jurisdiction will respond within a reasonable amount of time, the juvenile will be turned over to them. If the parents, guardian, or other jurisdiction cannot respond within a reasonable amount of time, the officer will notify the Department of Human Service. The officer shall notify the other jurisdiction as to the disposition of the child.

D. Wisconsin Statutes dealing with Dependent, Abandoned, Abused, or Neglected Children
   a. §938.13 of Wisconsin Statutes related to Jurisdiction Over Children Alleged to be of Protective Services
   b. Chapter 948 of Wisconsin Statutes deals with Crimes against Children
   c. "Neglect"
      1. Any person who is responsible for a child's welfare who, through his or her actions or failure to take action, intentionally contributes to the neglect of the child is guilty of one of the following:
         a. Class A misdemeanor.
         b. Class H felony if bodily harm is a consequence.
         c. Class F felony if great bodily harm is a consequence.
         d. Class D felony if death is a consequence.
   d. "Physical" Injury
      2. includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising, or great bodily harm as defined under §939.22(14).

8. MANDATORY CHILD ABUSE/NEGLECT REPORTING LAW

A. State statute requires that certain persons, including police officers, to report any known or suspected child abuse or neglect situation. It spells out the duties and procedures to be followed.

B. §48.981(2): Persons Required to Report:
a. A(n) physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, medical or mental health professional not otherwise specified, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in §49.141 (1) (d), school teacher, school administrator, school counselor, school employee not otherwise specified in this paragraph, mediator under §767.405, child care worker in a child care center, group home, or residential care center for children and youth, child care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under §46.23, §51.42, or §51.437 or a residential care center for children and youth, physical therapist, physical therapist assistant, occupational therapist, dietitian, speech-language pathologist, audiologist, emergency medical technician, first responder, police or law enforcement officer, having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect will occur may make such a report. Any person, including an attorney having reason to suspect that an unborn child has been abused or reason to believe that an unborn child is at a substantial risk of abuse may report as provided in sub (3). No person making a report under this subsection may be discharged from employment for so doing.

9/21/2017

X

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
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PURPOSE

The purpose of this policy is to establish guidelines and instruments for eyewitness identification procedures involving photo arrays (independent, folder), show-ups, live lineups, facial composites, and photo collection displays and to reduce the risk of wrongful conviction of innocent persons while increasing the probability of convicting the guilty.

POLICY

Research and nationwide experience suggest that eyewitness evidence can be fragile, and that eyewitnesses can be mistaken. To reduce the risk of wrongful conviction and aid in the detection and apprehension of the guilty, officers should adhere to procedures set forth in this policy to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

DEFINITIONS

**Photo Array**
The showing of multiple photographs (array) to an eyewitness to discover or confirm the identity of a suspect.

**Live Lineup**
The live presentation of a number of individuals, including a suspect, individually shown before an eyewitness for the purpose of identifying or eliminating suspects. Live lineups are sometimes called “physical lineups.”

**Show-up**
The presentation of a suspect to an eyewitness within a short time following the commission of a crime.

**Blank Photo**
A sheet of paper the same size as the photos utilized in an array that is blank, with no photo showing.

**Filler**
An individual or photo (non-suspect) bearing a resemblance to the description of the suspect for use in photo arrays and live lineups.

**Administrator**
An Officer who actually shows a photo array, lineup or suspect to a witness.

**Independent Administrator**
An Officer administering a lineup or photo array who has no knowledge of the suspect’s identity. (Sometimes referred to as a “Blind Administrator.”)

**Single Officer Photo Array**
A process in which the administrator is the investigating officer and/or has knowledge of the suspect’s identity, sometimes referred to as the folder method.

**Folder Method**
A procedure used during a single Officer Photo Array wherein photos are placed in folders and the folders shuffled before presentation to ensure the administrator is not in a position to unintentionally influence the witness’s selection. (Sometimes referred to as the Functional Equivalent Procedure.)
1. Photo Array - Independent Administrator Method
   a. Preparation
      a. Gather one suspect’s photo, a minimum of five filler (non-suspect) photos, and at least two blank photos. If there are multiple suspects, include only one suspect’s photo in the array. If there are multiple photos of the suspect available, choose the photo that most resembles the suspect’s appearance at the time of the crime. If you do not know what the suspect looked like at the time of the crime, choose the photo that most resembles the description of the perpetrator.
      b. Set aside one lead filler, so the administrator will know to place it in the lead position. (Research suggests witnesses are reluctant to identify someone in the first position.)
      c. Set aside two blank photos, so that the administrator will know to place them at the end of the array. (Research suggests witnesses should not know when they are viewing the last photo.)
      d. Assess the array to make sure that no person stands out from the rest.
      e. Bring in an independent administrator to conduct the procedure.
      f. Give the administrator the suspect’s photo and the remaining filler photos. Do not tell the administrator which photo is the suspect’s. Have the administrator mix these photos and place them after the lead filler photo and before the two blank photos. Then have the administrator number all the photos in the series. If the same suspect is to be shown to a new witness, the administrator should remix all but the lead filler and the two blank photos and renumber them accordingly. If a different suspect is to be shown to the same witness, do not reuse the same filler photos.
   b. Conduct the Array
      a. If practical, record the identification procedure. Ensure that no writings or information concerning previous identification results are visible to the witness. No one should be present during the photo array procedure who knows the suspect’s identity. Witnesses should not be aware how many photos will be shown.
      b. Witnesses should be instructed separately and, to the extent possible, not allowed to confer before, during or after the procedure. The administrator should give the witness a written copy of the following instructions and should read the instruction sheet aloud at the beginning of each identification procedure:
         1. In a moment, I am going to show you a series of photos. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included. Even if you identify someone during this procedure, I will continue to show you all of the photos in the series. Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs. You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator. The photos will be shown to you one at a time and are not in any particular order. Take as much time as you need to look at each one. After each photo, I will ask you "Is this the person you saw (insert description of act)?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?" Because you are involved in an ongoing investigation, in order to prevent damaging the investigation, you should avoid discussing this identification procedure or its results. Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?
         A. Witnesses should then be asked to read the following additional paragraph and sign and date below. (Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.)
            a. I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs that will be presented to me,
and I will follow the instructions provided on this form.

c. Present each photo to the witness separately, in order. When the witness is done viewing the photo, have the witness hand the photo back.

d. After the witness has looked at a photo and handed it back to you, ask, “Is this the person you saw (insert description of act)?” If the witness answers “Yes,” ask the witness, “In your own words, can you describe how certain you are?” Document the responses. Show each photo only once and never suggest a second viewing. However, upon the request of the witness, one or more photos may be shown again. If there is a second showing of one or more photos, it must be documented. Even if the witness makes an identification, show the witness the next photo until you have gone through all the photographs. If asked why, indicate that the procedure requires it.

e. Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way.

f. Once the procedure is completed, show the witness the written record of the results, and ask the witness to sign and date that record.

g. The administrator shall preserve the array and document the: a. Incident number b. Name of the person who compiled the array c. The administrator’s name d. The procedure employed e. Date, time, and location of the procedure f. The total number of filler photos and blank photos g. Names of persons present during the array h. If additional viewing occurred i. Whether the procedure was recorded.

2. Photo Array – Folder Method

   A. In some situations, it may be difficult to have an independent administrator conduct the array. In those situations, the investigating officer may conduct the array, but only with safeguards to ensure that he/she is not in a position to unintentionally influence the witness’s selection. The folder system is a method to ensure this safeguard.

   B. Use the independent administrator procedure (supra) but with the following modifications:

   a. Gather folders, each large enough to hold and fully conceal one photograph. Place the lead filler photo in one folder and set it aside. Set aside two empty blank folders.

   b. Place the remaining filler photos and suspect’s photo into the folders (one photo per folder). Shuffle the filler and suspect’s folders so that you no longer know which folder contains the suspect’s photo.

   c. Place the lead folder on top of the pile. Place the empty blank folders on the bottom of the pile. Number the folders.

   d. When presenting the array, position yourself close enough to the witness to verbally communicate with him/her but in a place where the witness will be able to open a folder and look at the photo without you being able to see the photo.

   e. The procedures and instructions are the same as they are for an independent administrator, except the references is to folders containing photos, rather than photos. (See instruction sheet.)

3. Show-Ups – General Considerations

   A. A show-up occurs when law enforcement officials show one suspect to one witness for the purpose of eyewitness identification. Show-up procedures can be suggestive, but may have benefits for both public safety and innocent suspects.

   a. A single suspect show-up conducted on the street is permissible only if there is reasonable suspicion but not probable cause to make the arrest or if there are exigent circumstances (e.g. the victim or witness is in imminent danger of death).

   b. The use of show-ups shall be secondary to the use of photo arrays or lineups. When exigent circumstances require the use of a show-up, the following guidelines should be considered:

   1. Document the eyewitness's description carefully prior to the show-up.
2. Whenever practical, transport the eyewitness to the location of the suspect. The showup shall be conducted at the scene of the incident or within close proximity to the scene. Show-ups should not be conducted at the police station, other public safety buildings, squad cars or with the suspect in handcuffs visible to any witness, unless exigent circumstances are present, i.e. extremely violent suspect or officer/witness safety concerns.
3. The officer shall read the "Show-up Instructions" sheet and have the eyewitness sign and date it.
4. Show-ups shall be conducted with only one witness at a time. Multiple witnesses shall not be permitted to communicate before or after any show-up regarding the identification of the suspect.
5. The same suspect shall not be presented to the same witness more than once.
6. Show-up suspects shall not be required to put on clothing worn by the perpetrator. They may be asked to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
7. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator shall be scrupulously avoided.
8. Assess eyewitness confidence immediately following an identification.

4. Live Lineups – General Considerations

A. The investigating officer will be responsible for preparing the live lineup.
   a. Whenever possible, all live lineups shall be videotaped.
   b. If videotaping is not available, a photograph of each participant shall be taken prior to the live lineup.
   c. The photographs of each participant shall be numbered in their order of appearance.
   d. The photographs shall be placed in evidence and documented in a report.
   e. A minimum of four non-suspect fillers are to be included in the line-up.
   f. The fillers need to resemble the physical description of the suspect such as sex, race, height, weight and distinguishing characteristics such as hair color, facial hair, glasses, scars, etc.
   g. The first person shown must be a filler, never the suspect.
   h. Each of the other participants can be arranged in any other order.
   i. The investigating officer must provide the administrator with any need to have the participants act or speak in a specific manner while being viewed by the witness.

B. Once the participants have been selected and placed in the order to be shown, the investigating officer will turn control over to the administrator who will conduct the live lineup. Anyone knowing the identity of the suspect shall not be present while the live line-up is being conducted.
   a. The administrator shall read the live line-up instruction sheet and have the eyewitness sign and date it.
   b. All participants in the live lineup must be shown individually even after an identification is made.
   c. The administrator shall direct the participants to speak or act during the lineup if so requested by the investigating officer. While each participant is being viewed by the witness the administrator shall ask, "Is this the person you saw ... (description of act)."
   d. Following an identification of a suspect by the witness the administrator shall ask the witness, "How confident are you in your identification?" Let the witness respond in their own words. The witness's response shall be documented in the administrator's report.
   e. The administrator shall permit the re-viewing of the participants only if requested by the witness.
   f. The administrator shall document the proceedings of the live lineup in a report.
   g. If the live lineup was videotaped, the administrator shall cause a DVD to be burned and file it into the evidence system.
   h. The administrator shall convey the results of the live lineup to the investigating officer.

5. Facial Composites
A. In some investigations, police may have an eyewitness description but no specific suspect or no visual likeness of a known suspect. The use of composite images can yield investigative leads in cases in which no suspect has been determined. In these situations, police may produce a facial composite of the perpetrator based on the eyewitness’s description. Various methods exist for carrying out this goal, including manual sketches, mechanical systems such as Identikit, and, more recently, computer-based systems such as E-fit. Composites produced with these methods have been used to gather suspects who resemble the composite or to confirm that an unavailable suspect’s appearance matches the description given by an eyewitness. Because of concerns about the reliability of composites and their potential to taint eyewitnesses’ memories, facial composites should be used cautiously. In the rare situation in which a composite must be used, a double-blind composite procedure, in which both the witness and the person making the composite are unaware of external information about the case, is recommended. It may not be feasible in some circumstances to conduct a completely double-blind procedure because it may not be possible to prevent both the witness and the administrator from learning about the case. In such situations, witnesses should be told to rely on their independent recollection of the event - not information learned from other sources - and administrators should be mindful of the natural tendency to incorporate prior knowledge into the interaction with the witness and into the production of the composite itself.

B. Procedure for Preparing a Composite
   a. Assess the ability of the witness to provide a description of the perpetrator.
   b. Select the procedure to be used from those available (e.g., Identikit-type templates, artist, or computer-generated images).
   c. Unless part of the procedure, avoid showing the witness any photos immediately prior to development of the composite.
   d. Select an environment for conducting the procedure that minimizes distractions.
   e. Conduct the procedure with each witness separately.
   f. Determine with the witness whether the composite is a reasonable representation of the perpetrator.

6. Photo Collection Displays

A. “Mug books” (i.e., collections of photos/images of previously arrested persons) may be useful in cases in which a suspect has not yet been determined and other reliable sources have been exhausted. This technique may provide investigative leads, but results should be evaluated with caution. Avoid individual photos/images that are suggestive or cause anyone to stand out unnecessarily.

B. Mug books must be objectively compiled to yield investigative leads that will be admissible in court. Individuals should be selected who are uniform with regard to physical characteristics such as race, age, gender, etc. The witness should be read and asked to sign the Photo Collection Display instruction sheet.

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PURPOSE

Chapter 346.03(6) of the Wisconsin statutes provides the following:

"Every law enforcement agency which uses authorized emergency vehicles shall provide written guidelines for its officers and employees regarding exceeding speed limits when in pursuit of actual or suspected violators. The guidelines shall consider, among other factors, road conditions, density of population, severity of crime, and necessity of pursuit by vehicle."

Motor vehicle pursuits are the most dangerous of all ordinary police activities. Our duty to apprehend offenders competes with our fundamental mission - the protection of life and property. Our primary goal is to avoid excessive or unjustifiable risks. The purpose of this policy is to give clear direction on when a high speed pursuit is allowed.

GENERAL POLICY

Considering the scope of employment at UW-La Crosse, officers shall not become involved in high-speed chases unless the use of lethal force is warranted.

Should a suspect leave an area of suspicious activity, officers will obtain as much information as possible and may request assistance from other LE agencies. If conditions permit an officer may safely follow a suspect until a stop is conducted, but should it develop into a high-speed chase the officer will not become involved.

All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Officers engaged in motor vehicle pursuits shall continuously utilize both audible and visual emergency warning equipment. All members operating departmental vehicles shall at all times exercise due regard for the safety of all persons and will be held strictly accountable for their actions. Members must exercise that degree of care which a reasonably prudent officer in the discharge of similar duties, under like policy guidelines and under like circumstances would use.

The decision to pursue is not irreversible. Even if lethal force is deemed necessary officers must continually question whether the seriousness of the offense or the need for immediate apprehension justifies the danger of the pursuit. When it becomes apparent that the need for immediate apprehension is outweighed by a clear and unreasonable danger to the officer or others, the pursuit must be terminated. Any doubt concerning the propriety of a pursuit should be resolved in favor of the safety of the officer or others.

Failure to activate either audible or visual emergency warning equipment on a police vehicle operated in excess of posted speed limits does not remove the officer’s conduct from the proscriptions of this order. All caveats and regulations addressed herein to pursuits also apply to operation of police vehicles in other emergency situations. Shift Commander means the person in operational command of the shift.

HIGH SPEED POLICE PURSUIT DEFINED

For the purpose of this policy, a high speed police pursuit is an active attempt by an on-duty police officer, operating an authorized emergency vehicle utilizing emergency light(s) and/or siren, to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by evasive driving tactics (increasing speed, extinguishing lights, disobeying traffic laws, ignoring the officer).

Please note that prior to initiating the stop of a vehicle, officers are expected to make a reasonable effort to 1) Observe and call in the vehicle registration number and make a note of the vehicle description and; 2) Activate emergency lights and ensure that the audio/video of the in-car digital camera is activated.
BASIS FOR PURSUIT

Officers are authorized to pursue and apprehend, as expeditiously and safely as possible, any person in a vehicle who the officer has reasonable cause to believe has committed a violent felony and where lethal force is necessary. When evaluating the initial offense, officers should consider only what they have reasonable grounds to believe and articulate, not the mere possibility of a violent felony. Knowingly fleeing an officer is not, for the purposes of this policy a violent felony warranting lethal force.

Violent Felony means a felony that involves an attack on a person or persons that involves the use of force.

FACTORS TO CONSIDER

The pursuing officer and Shift Commander must continually consider a variety of information to determine whether the pursuit presents an unreasonable danger of death or great bodily harm which outweighs the public interest involved in apprehension. The conditions identified below are among those which must receive consideration when determining to initiate, continue, or terminate a pursuit. Although they are identified individually, each can have an effect on another. Their value for decision-making purposes may be enhanced when considered in combination.

A. The Nature of the Initial Offense Research findings indicate that the officer’s perception of the event preceding the pursuit is usually confirmed by the booking charges. When evaluating the nature of the initial offense, officers should consider only what they have reasonable grounds to believe and can articulate, not the mere possibility of a violent felony. The degree of risk that is justified depends upon the seriousness of the known offense for which the pursuit is being conducted. Knowingly fleeing an officer is not, for the purposes of this policy a violent felony.

B. Necessity of Pursuit If officers know the identity of or obtain sufficient information to identify the suspect for apprehension at a later time, officers must consider whether the need for immediate apprehension justifies the risks of pursuit.

C. Ability of the Officer in Pursuit Every operator has a limit to his or her ability to safely operate a high-speed vehicle on a given roadway. Some of the limiting factors include:
   • Experience and training in high-speed operation.
   • The degree of familiarity with the roadway being traveled.
   • The degree of understanding of the handling characteristics of the vehicle being operated.
   • The visibility and illumination available to the operator in the area being traveled.
   • The obstacles, both present and potential, that must be avoided.

D. Condition of Pursuit Vehicle The suitability of a vehicle for pursuit must be assessed, evaluating such things as tire and suspension suitability, speed capability and vehicle recognizability, if devoid of rooftop lights and agency insignia.

E. Road and Weather Conditions Every roadway has a maximum speed at which a particular vehicle may be operated safely. Some of these limiting factors include:
   • Condition, type, grade and curvature of the road surface.
   • The presence of fog, rain, snow, ice, loose gravel, or other foreign substances on the road surface.
   • The presence of intersections that could allow other vehicles to suddenly and unexpectedly obstruct the roadway.
F. Time of Day/Day of Week Police pursuits occurring during a high level of business, school, or other activities are deemed more hazardous than those occurring during periods of low activity.

G. Volume of Vehicular/Pedestrian Traffic Pursuits occurring during periods of heavy traffic flow are deemed more hazardous than those occurring at other times. The pursued vehicle is an even greater threat to the driving public and to pedestrians because, unlike the police vehicle, the pursued vehicle is without warning devices. In addition, the operators of these vehicles generally have had less experience in high-speed driving than the pursuing officers and are often in a panic controlled mental state.

H. Speeds Involved The officer shall maintain a speed consistent with public and personal safety, those factors taking precedence over apprehension in most cases.

I. Location of Pursuit Pursuits through residential or business areas or along streets near or adjacent to schools and parks are deemed more hazardous than those in lightly populated areas.

J. Passengers in Squad Pursuits shall not be undertaken by any unit which contains prisoners, suspects, complainants, witnesses or other non-sworn passengers.

**TERMINATION RULES**

Pursuits may be terminated by the apprehension of offender, by decision of the pursuing officer, or by order of the Shift Commander. The termination of a pursuit does not prohibit the operation of a vehicle at the legal speed limit in the last known direction of travel, or remaining in an area, to re-initiate a stop of the vehicle if the opportunity and conditions permit. At the point of apprehension, the suspect(s) should be assumed to be dangerous. A pursuit shall be terminated when the degree of danger outweighs the necessity for immediate apprehension.

**INDUCE TO STOP TECHNIQUES**

As department officers are not actively trained to conduct many of the induce to stop techniques these techniques are not allowed to be performed with the exception of a roadblock with escape.

A. Roadblock (With Escape Route)

A roadblock is the placement of vehicles or other objects on the roadway to impede or alter the normal flow of traffic. In a roadblock with an escape route, the roadway is either not completely blocked, or an alternate “escape route” is provided. The intention is to provide a show of force to convince the suspect that escape is impossible and induce him or her to give up. Here are some guidelines for using roadblocks with an escape route:

- The roadblock should be set up on a straight, level stretch of roadway with adequate sight distance to give the suspect time to stop.
- If possible, other traffic should be diverted away from the location.
- Officers should be out of their cars and in a position of safety, due to probability of a collision with their parked vehicle.

**FORCE TO STOP TECHNIQUES**

If possible, Shift Commander approval should be gained prior to performing a Force to Stop Technique. All force to stop techniques requires the justification for use of deadly force against all occupants of the vehicle, unless...
justification can be made under the greater danger theory, and should be used only:

1. As a last resort, and where there is definite knowledge that the violator is committing or has committed a felony which involves the use, or threatened use, of deadly force, and there is a substantial risk that the pursued law violator will cause death or great bodily harm to others if apprehension is delayed, and

2. The officer reasonably believes that if the pursued vehicle went out of control as a result of police use of deadly force that such vehicle would not endanger the safety of innocent citizens. For clarification on when deadly force is justified see the Use of Force policy.

A. Ramming

Ramming is the deliberate act of hitting a law violator's vehicle with a pursuit vehicle for the purpose of functionally damaging or forcing the violator's vehicle off the roadway. Ramming is allowed if the pursued vehicle is already out of control and might collide with another occupied vehicle or pedestrian. Otherwise, ramming will be used only when specifically authorized by the Shift Commander or exigent circumstances exist.

B. Roadblocks (No Escape Route) A roadblock with no escape route; the roadway is completely blocked, and no alternate route is provided. If the suspect does not voluntarily stop, he or she will crash, with great potential for injury to the suspect and others in the area. For that reason these guidelines must be applied:

1. If possible, traffic should be diverted or stopped before reaching the roadblock area.
2. The roadblock must be identified with emergency lighting to give warning.
3. The suspect must have adequate sight distance and time to stop if he or she chooses to do so.
4. Officers must communicate to ensure that their actions are coordinated and officers are not put at risk.
5. Officers must be out of, and away from, their squad cars in a protected area due to the high probability of a crash.

C. Firearms See the Use of Force policy for policy on discharge of a firearm and justification for its use.

OTHER CONSIDERATIONS

A. Traffic Control Devices

Extreme care shall be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

B. Channelization

Channelization is not a technique that induces a fleeing driver to stop; it is used to divert a driver to a preferred location. That location might be one that is less populated, less traveled or it might be one more conducive to a forcible stop. As with roadblocks with an escape route, the goal is to leave the driver with only one available route to travel, by blocking off all other alternatives. The number of squads required depends on the number of alternative routes that must be blocked. The same guidelines as roadblocks apply with respect to providing sufficient warning and adequate distance for the driver to avoid the blocked-off road and choose the preferred route.

C. Alternatives to Pursuits

In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren. Following at a safe speed and calling and waiting for assistance is preferable to a highspeed pursuit in high risk stop or hostage situation, or if the officer
suspects that the suspect may flee. Boxing-in tactics are permitted in these pre-pursuit situations.

D. Involvement in the Pursuit of Another Jurisdiction

Officers will not become actively involved in another jurisdiction's pursuit, in or out of Middleton, unless specifically requested to do so by the agency involved and the reasons for pursuit follow the guidelines set forth in this policy.

E. Pursuit Into Another Jurisdiction

When acting in accordance with the provisions of this policy, officers may pursue vehicles into adjoining jurisdictions. In this event, the jurisdiction involved should be notified by the Dispatcher of the pursuit, the reason for it, and whether direct assistance with the pursuit is requested.

DISCLAIMER

This policy is for department use only and does not apply in any civil or criminal proceeding. This policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative actions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

ANNUAL REPORTING

The department shall annually compile information relating to all police pursuits involving department officers. Such information shall include the circumstances of the pursuit, including the distance, location and maximum speed of the pursuit; the reasons for commencing the police pursuit; and the outcome of the police pursuit, including the number, if any, of resulting deaths or great bodily injuries and an estimate of the value of any resulting property damage, if any. This information, along with any other data requested, shall be forwarded to the Department of Transportation in accordance with the provisions of statute 85.07(8).

9/21/2017

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

It is the department’s position that profiling based on race, ethnicity, skin color, gender, sexual orientation, physical/mental handicap, or religion, is unacceptable and prohibited.

POLICY

It is the policy of this department that all people will be treated in a fair manner consistent with our Policy and Procedures and Mission Statement. Reasonable suspicion shall be the minimum basis for stops.

DEFINITIONS

**Racial Profiling**

Any enforcement action, detention, or disparate treatment that relies upon a person’s race, ethnicity, national origin, or other characteristics, rather than their behavior. Officers **may not** use racial or ethnic stereotypes as factors in selecting who to stop or whom to search. Officers **may** use race, ethnicity, or other specific characteristics to determine whether a person matches a specific description of a particular suspect.

**Reasonable Suspicion**

Suspicion that is based on a set of facts and/or circumstances that can be articulated, and that would warrant a reasonable person to believe that a violation of the law has occurred, is about to occur, or is occurring and that the person under suspicion did it. It can be developed by the observations of an officer combined with their training and experience or through reliable information received from credible sources.

PROCEDURE

1. Training

2. Officers will receive initial and ongoing training in proactive enforcement tactics, including officer safety, professional communication, culture diversity, search and seizure.

3. Enforcement Procedures

4. Law enforcement decisions (to stop, detain, further investigate search, warn or arrest) made by department personnel will be made solely on the basis of reasonable suspicion and probable cause irrespective of the race, gender, ethnicity, national origin, or sexual orientation of the people involved.

5. Each time a citizen is detained, the officer should radio to dispatch the location of the stop, the description of the person or vehicle being stopped and other relevant information.

6. Citizen Contacts

7. All Law enforcement actions should be recorded with dispatch, logging location, vehicle registration and the identification of the driver, passenger, or pedestrian involved.

8. When making any contact with a person, officers should identify themselves, their department and state the reason for the contact. During traffic stops, officers should use the following procedure however, the department recognizes that individual officers may develop approaches that work better for them and still minimize conflict during the contact.

   A. Greeting

   B. I.D. Self and Department
C. Reason for Stop

D. Request Driver’s License

E. Obtain other needed documentation

F. Make Enforcement Decision

9. No citizen, once cited or warned shall be detained beyond the point where there exists no reasonable suspicion for further criminal activity and no searches executed in the absence of a warrant, legally recognized warrant exception, or the person’s voluntary consent exists. In cases of voluntary consent, it is advised to complete the proper department form for consent searches.

10. Enforcement actions will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.

DATA COLLECTION

1. All enforcement activity, to include traffic and ordinance citations, warnings and arrest reports, shall contain the person’s race and gender.

COMPLAINTS

1. Any person may file a complaint pursuant to the department’s citizen complaint policy. This is also true if they feel they have been stopped, searched or otherwise detained based on racial, ethnic, or gender based profiling. No person shall be discouraged, coerced, or intimidated, from filing such a complaint, nor shall they be discriminated against because they have filed such a complaint.

2. Any officer contacted by a person wishing to file a complaint shall immediately advise a supervisor or should a supervisor not be available, provide them with the phone number to the department.

3. Supervisors shall take appropriate action whenever it appears that this policy is being violated, they shall be particularly alert to any pattern or practice of possible discriminatory treatment by individual officers.

9/21/2017

Scott McCullough
Chief

Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
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PURPOSE

This order establishes guidelines concerning investigation, documentation, and interagency cooperation regarding domestic related situations. It is our policy to comply with all mandates in WIs 968.075 and judicial orders relative to domestic situations. This policy applies to all sworn personnel. An officer is immune from civil/criminal liability arising out of a decision by the officer to arrest or not arrest an alleged offender, if the decision is made in a good faith effort to comply with WIs 939.621 and 968.075. Custodial arrests serve to protect victims, deter repeat violence, deter other potential offenders and facilitate ordered treatment for arrested offenders.

POLICY

This department’s official response to cases of domestic violence will stress the enforcement of the laws, protection of the victim, and communicate the attitude that violent behavior is neither excused nor tolerated and that criminal laws will be enforced.

DEFINITIONS

**Domestic Relationship** Adult perpetrator (17 or older) -vs-

1. Spouse
2. Former Spouse
3. Adult with whom the perpetrator resides
4. Adult with whom the perpetrator formerly resided (as adults)
5. Adult with whom the perpetrator has created a child in common

**Domestic Abuse**

Any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. First, second or third degree sexual assault.
4. A physical act, or a threat in conjunction with a physical act, which may cause the person reasonably to fear imminent engagement in the conduct described in A, B, or C above.

**Party**

A person involved in a domestic abuse incident.

**Probable Cause**

The quantum of evidence, which would lead a reasonable police officer to believe that the defendant probably committed a crime. It is not necessary that the evidence is sufficient to prove guilt beyond a reasonable doubt, nor must it be sufficient to prove that guilt is more probable than not. It is only necessary that the information lead a reasonable police officer to believe that guilt is more than a possibility. This belief may be predicated in part upon hearsay information.

**Predominant Aggressor**

The most significant, but not necessarily the first, aggressor in a domestic abuse incident. Officers shall consider all of the following in identifying the predominant aggressor. The history of domestic abuse between the parties, statements made by witnesses, the relative degree of injury inflicted on the parties, the extent to which each person present appears to fear any party, whether any party is threatening or has threatened future harm against another party or another family or household member, or whether either party acted in self-defense or in defense of any other person.
PROCEDURE

1. Procedure Upon Intervention

   A. Approach the scene remembering that you are entering a potentially dangerous event.
   B. Make legal entry.
   C. Check the scene for potential hazards to both yourself and others.
   D. Attempt to separate the parties to prevent escalation. Protect yourselves and others from injury.
   E. If injury has occurred, provide emergency medical services as needed.
   F. Attempt to defuse the situation.
      a. Allow the parties to vent their feelings and relieve tension in a non-destructive manner.
      b. Diverting the attention of the disputants may calm their behavior.
   G. Ascertain the relationship between the parties.
   H. Determine if there is probable cause to believe a crime has occurred. Probable cause refers to that quantum of evidence which would lead a reasonable police officer to believe that the suspect probably committed a crime. The procedure to be used to determine if probable cause exists includes, but is not limited to the following action:
      a. A statement should be sought from victim(s), witness(s) and suspect(s), conforming to the constitutional rights of each. In particular, note any excited utterances, admissions against interest, and other informal statements as well as the formal statements. Whenever possible, these statements should be obtained outside the presence of the suspect.
      b. A detailed description of alleged illegal acts should be obtained.
      c. A specific description of the victim’s injuries should be recorded.
      d. Evidence should be collected according to proper investigative techniques. Photographs should be taken of visible injuries.
      e. The victim’s statement of non-consent must be included in the report.
      f. If medical attention is provided, a statement regarding the treatment should be included in the report. A medical release form should be completed at the time of the initial interview.
      g. Determine if there is a history of police calls/threats/abuse incidents involving the parties. In particular, check for existing Restraining Orders against the suspect.

2. Mandatory Arrest; Presumption Against Certain Arrests

   A. The officer will arrest and take a person into custody if:
      a. The officer, after investigating the incident, has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the persons' actions constitute the commission of a crime and
      b. Any of the following circumstances are present, and the officer is in a position to legally make an arrest:
         1. The officer has a reasonable basis for believing that there is a possibility of continued violence against the alleged victim.
         2. There is evidence of physical injury to the alleged victim.
         3. The person is the predominant aggressor.

   B. It is generally not appropriate to arrest anyone other than the predominant aggressor.
   C. The decision whether or not to arrest may not be based on the relationship of the parties, consent of the victim to prosecution, or solely on the absence of visible indications of injury or impairment.
   D. If not at the scene, a reasonable effort will be made to locate and take the predominant aggressor into custody.
E. An officer may not issue a citation to a person for an offense which the officer is required to make a custodial domestic abuse arrest.
F. A person arrested for a domestic abuse offense may not be released until the person posts bail or appears before a judge.

3. Report Required Where No Arrest

1. If an officer does not make an arrest under this section when the officer has reasonable grounds to believe that a person is committing or has committed domestic abuse and that person’s acts constitute the commission of a crime, the officer will prepare a written report stating why the person was not arrested.
2. The report will be sent to the District Attorney’s office for review to determine whether the person involved in the incident should be charged with the commission of a crime.
3. The department will maintain a compilation of all domestic violence incidents that did not result in an arrest, and forward the compilation to the District Attorney’s office, on a schedule established by the District Attorney, for inclusion in its annual domestic abuse report to the Wisconsin Department of Justice. (RMS, Incident Module, Saved Search, Public Searches, “Domestic Non-Arrest Compilation.”)

4. Domestic Abuse Restraining Orders/Injunctions

1. A Violation of a Domestic Abuse Restraining Order/Injunction is a misdemeanor under Wisconsin Law.
   a. A victim may have sought a restraining order/injunction to keep an offender from any contact with him/her.
   b. If there is reason to believe a restraining order/injunction exists ordering a subject to avoid the premises, the officer will immediately contact the UW La Crosse Police Dispatcher who shall determine the status and contents of the order via the La Crosse County Communications Center.
   c. Determine if the restraining order/injunction has been served on the suspect.
   d. A mandatory custodial arrest is required if an officer has established probable cause that a person has violated a domestic abuse restraining order/injunction.
   e. If there is a restraining order/injunction in existence and the Communication Center records indicate that the subject has not been served, the officer will inform the subject of the contents of the order/injunction and direct the subject to obey the order. If the subject does not leave the premises, then the officer will arrest the subject for violation of the order/injunction.
   f. When the subject is informed by the officer of the existence of a restraining order/injunction and its contents, the officer will communicate this to the Communications Center for entry in the file indicating time and manner in which the subject was so informed.

5. Use of Referrals and Resources
   A. Whether or not an arrest is made, an officer may make a referral to a community agency and encourage both parties to seek assistance. The officer should advise the parties involved of the availability of services in the community and, in particular, give the victim immediate notice of the availability of shelter. The department may share information relating to domestic violence incidents with victim service organizations that are eligible to receive (state) grants under §49.165(2) (for Domestic Abuse Victim Services) or 165.93 (2) (for Sexual Assault Victim Services).

6. Children
   A. Because of the correlation between domestic violence and child abuse, the officer should always be alert for evidence of child abuse. Note the names and ages of children and whether they were present when the incident occurred.
B. In the event that a minor child appears to be the victim of physical and/or sexual abuse, it is the responsibility of the officer to take immediate action, including notifying the La Crosse County Department of Social Services immediately.

C. If the disposition of a dispute leaves minors in the home without a responsible adult, the officers are to contact the La Crosse County Department of Social Services for temporary arrangements.

7. Contact Prohibition

A. Unless there is a waiver as described below, during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person must avoid the residence or any premises temporarily occupied by the alleged victim of the domestic abuse incident and avoid contacting or causing any person, other than an attorney for either party or a law enforcement to contact the alleged victim.

B. If the arrested person commits an act of domestic abuse during this 72-hour period, and the act constitutes commission of a crime, the penalty increases to a felony.

C. An individual arrested for a domestic abuse incident will be informed by an officer, both orally and in writing, of the requirements and the consequences of violating the no contact prohibition.
   a. A form entitled Victim Notification of No Contact Provision will be used for this purpose.

D. The officer responsible for the arrest of a person for a domestic abuse incident will ensure that the alleged victim is notified of these requirements and the possibility of, procedure for, and effect of a waiver of contact prohibition described above. Notice of the Contact Prohibition and Waiver should be done outside the presence of the suspect.

E. When an on-scene arrest is made, the victim shall be advised at the scene of the procedure, likelihood and probable time of the offender’s release. Offenders charged with misdemeanors can post bail and be released at any time, failing that they could be released after an initial appearance or probable cause hearing, potentially the next business day. Offenders charged with a felony will be held until the offender is arraigned or has a probable cause hearing, potentially the next business day.) As required by Policy 5.01 and Wisconsin §950.08(2g), a Crime Victim Information Form shall be provided to crime victims. This form contains references for local services and shelters, and information about injunctions and the VINE service which will allow the victim to register to be notified of changes in the offender’s status or location. The victim shall be re-contacted, whenever an arrest is made other than at the immediate scene, to notify the victim(s) and to complete the Victim Notification of No Contact Provision form. The department informational sheet titled, “Quick Facts About Injunctions” should also be provided to Domestic Abuse Victims.

DOMESTIC ABUSE REPORT PROCEDURE

1. In general, Reports of Domestic Abuse will be processed accordingly.

A. Low risk of Escalated Violence – The majority of Domestic Abuse reports will fall into this category. All reports will be completed prior to the completion of the officer’s shift, unless otherwise approved by the shift commander. All reports, with or without accompanying arrests, will be forwarded to the ISB supervisor for review. The ISB supervisor will review the report, as well as any previous reports involving the same individuals, and make a determination as to any appropriate follow-up or intervention procedures. Unless unusual circumstances exist, the victim will be re-contacted and made aware of any available victim’s services.

B. Probable Cause for Arrest – Suspect not in custody – Any incident which results in probable cause for arrest, but which the suspect is not located or in custody, shall receive priority status for report processing. The shift supervisor shall verify that briefing information is prepared for future shifts and that the briefing information contains the name and description of the suspect, pending charges, and any officer safety concerns. Upon completion of report processing, all reports and arrest paperwork shall be...
forwarded to the court officer. If the suspect is not located and taken into custody within 48-72 hours, the court officer shall prepare the case for submission to the District Attorney’s office and request an arrest warrant be issued.

C. High Risk of Escalated Violence – Any incident which results in a determination that there is a high risk of escalated domestic violence shall receive immediate attention by the shift supervisor and priority status for report processing. The primary officer, in coordination with the shift supervisor, shall ensure that appropriate safety plans are discussed with the victim and that any law enforcement safety plans which are desired by the victim are enacted to the extent possible. The shift supervisor shall verify that briefing information is prepared for future shifts and that the briefing information contains the name and description of the suspect, pending charges, and any officer safety concerns. Upon completion of report processing, all reports and arrest paperwork shall be immediately forwarded to the court officer.

VIOLENCE INTERVENTION AND SAFETY PLAN

1. It can’t be emphasized enough that the problem of domestic violence can’t be resolved by effecting changes in the victim’s behavior. The problem is the offender’s conduct and sense of entitlement to coercive, controlling and terrorist behaviors. Victim-focused measures are an essential element of a domestic violence intervention strategy. Battered victims can and do find ways to reduce the level of risk and danger in their lives, and to reclaim freedom of choice and action. Risk assessment and safety planning provide a method of identifying problems, options and resources, for evaluating those options, and for committing to a plan of action.

2. The goals of victim-focused interventions are:

   A. To reduce offender access to victims and other vulnerable parties; Access needs to be understood as a physical, social, emotional, informational and financial. Access can be gained directly, through agents or intermediaries, and through the actions of social institutions like the courts, the schools, or the child support system.

   B. To re-establish or expand a victim’s zone of free choice and activity, and strengthen her ability to resist and repel her abusive partner and;

   C. To increase the level of community “guardianship” surrounding the victim and other vulnerable people (children, witnesses.)

LAW ENFORCEMENT SAFETY PLANS

1. Ensure that the victim has an easy and quick method for contacting law enforcement when help is needed. Provide, or make arrangements for, a cell phone to be loaned to the victim, if necessary.

2. Explain to the victim how to dial 911 on a cell phone and to leave the phone line open, which may allow the victim to be located.

3. Encourage the victim to leave any residence, building, or other area where the suspect is likely to return. This can be accomplished by staying with a friend, battered women’s shelter, hotel, etc.

4. If possible, provide the victim with a Varda or personal alarm system which allows the victim to contact law enforcement in an emergency.

5. Develop a code phrase for the victim to use when calling a friend or law enforcement while in the abuser’s presence to call for help. The code phrase should not be something that would alert the abuser that the police have been contacted.
6. Contact a “safety partner” for the victim. This can be a friend or relative that can periodically check on the victim, or would be willing to travel with the victim when the victim is away from home.

VICTIM SAFETY PLANS

1. The following elements of safety plans should be shared with victims who are "staying" or "staying in contact".

2. Getting a cellular phone and programming it for an emergency call;

3. Pay attention to the fact that cellular and cordless phones, baby monitors, household intercoms and even some hearing aids can be picked up on a scanner.

4. If you sense trouble, or find yourself in an argument, move to a "low risk space" - rooms with two exits and where there are fewer things that can be used as weapons; rooms where you can be seen or heard from the outside.

5. Learn - and teach your children - to get positioned "between trouble and the door."

6. Learn defensive tactics. If you are going to be around someone who is likely to hit you, learn how to position your body to reduce the damage.

7. Create signals and/or code words that will let your children know to get out and go to a pre-arranged place of safety, or that will let your neighbors'/family members know to come over (and create a supportive or defusing presence) or to call for help. Examples of signals are a turned-on porch light or a drawn shade, or an "I can't come over on Thursday after all" phone call to a friend or family member.

8. Have an escape plan and a back-up. Rehearse getting out: in the dark and with your children. Keep spare keys and important documents where you can get to them readily.

9. Do whatever it is you need to do to buy time and/or space, to defuse the situation, or to protect yourself and your children.

10. Teach your children how to call 9-1-1.

11. Tell trusted friends, family members, and neighbors what is going on.

12. Arrange to have a safe place to go to. A domestic violence shelter is one option. Ideally a safe place is one that your abusive partner doesn't know about.

13. Prepare a bag of clothing, medications, and other essentials for yourself and your children to use if you have to leave quickly. Hide the bag where you can get to it in a hurry.

14. Make several copies of your important papers and keep one set in the bag (other copies could go to trusted friends or family). You may need things such as your identification, birth certificates, financial and insurance information, social security cards, any court Order for Protection. Keep your address and appointment books with you.

15. If you have a car, make an extra set of keys and hide them where you can get to them if you need to. You could hide them on the car; a magnetic key holder is one way to do that.

16. If you cannot get out, stay away from the kitchen, bathroom, garage, or other potentially dangerous rooms. Call for help; if neighbors hear, they may call 9-1-1.

17. If your abusive partner has left the home, you might change the locks and the phone number and you might need to reinforce doors and windows. Have a plan in case you encounter your abuser.

The following elements of safety plans should be shared with victims who are separating from their abusers

1. Moving. Try to use a "no name" mover, so you can't be easily traced, or move your things to storage, then use a different company to move them to where you're going.

2. Protecting the confidentiality of your new address, notify the local postal service that it is not to release the change of address information;

3. Changing your mailing address to a private box; using a private mailing service, or renting a post office in a
4. Changing your mailing address to a private box; using a private mailing service, or renting a post office in a different location from where you live;
5. Getting dropped from commercial mailing lists that get rented or sold (especially with companies who send your catalogs or publications);
6. Advising phone company, utilities, banks and creditors of the change and asking them to put a "code word" on your file to restrict inquiries. (TRW has a service which will let you know if someone runs a credit check on you.)
7. Registering your vehicle at and having your driver's license list your "mailbox" address;
8. Placing property or other assets in trust so that your address cannot be obtained through a title records search;
9. Teaching children to keep address and phone numbers confidential; change window and door locks
10. Install peepholes, window bars, and/or poles to wedge sliding doors; if you can afford it or negotiate with your landlord for it; install outdoor (motion sensitive) lighting, timed indoor lights, and/or electronic security systems and alarms;
11. Program emergency numbers into home and cellular telephones
12. If you are eligible, get involved in victim/witness programs that utilize "panic button" security alert systems, and/or dedicated cellular phones programmed to 911.
13. Changing or modifying social habits - Moving won’t help if you can be found at familiar places. As much as you possibly can, vary your patterns places: join a new congregation; shop at different stores; go to a new dry cleaner; frequent different restaurants and theaters; change banks; work out at a different gym; find a new hairdresser.
14. Change the route you take to get to work or school.
15. Learn to spot someone following you. If you’re in the car, make four right turns in succession, or get off and then immediately back onto the highway (then check to see if the car/s you’re concerned about is/are still there. If you’re on foot, go into a large building through one entrance and out a door on another side. If you’re being followed, go immediately to a police or fire station.

GENERAL CONSIDERATIONS FOR ALL SAFETY PLANS

1. Remember, the more precautions you take, the safer you will be.
2. Keep a record of incidents and contacts
   A. Include the date, time, what happened, who else heard or saw anything, photographs, tapes, and the names and badge numbers of responding officers.
   B. Workplace safety
      a. Inform your supervisor, EAP program and/or the security office about the situation. Some companies have developed protocols for handling these cases. If you have security in your building, give them a photograph of the abuser, a vehicle description, and a copy of your order of protection, if you have one.
      b. Work-site security may also involve changing your work space or shift; screening calls, mail, packages and visitors; arranging for special or different parking spaces and/or accompaniment to and from your car, bus or subway stop. In larger organizations, it may be possible to arrange a transfer to a different office, or another branch.
      c. Similarly, if you are in college or a vocational educational program, you can notify your adviser and the security office, and get their help in keeping safe.
3. Children
   A. Keep copies of orders of protection, custody and visitation with everyone who takes care of your child,
and with their schools;

B. Teach children how to make collect and emergency calls, and that they can give their address and phone number to "safe" adults (i.e. police);

C. Identify locations to re-group and rehearse "escape plans" with your children. (You should do this in case of fire, in any event.)

4. Personal supports and skills

A. Find a "positive mirror" - friends, family members, spiritual supports - to affirm your self-worth and ability to cope with the abuse (and for that matter, with the changes you're making in order to get free of it!);

B. Get involved in peer support groups for victims of domestic violence, sexual assault and/or stalking; or in individual or group psychotherapy where trauma and continuing stress begin to compromise your ability to function;

C. If you've "left", even if it makes you anxious, try to restrict your contact and communications with your ex-partner, to have witnesses present when it can't be avoided, and to keep a record of calls, messages, or unwanted contacts;

D. Be alert to your own "flashpoints": don't let your abuser provoke you - through fear or anger - into a more dangerous situation;

E. Learn techniques for stress reduction;

F. Participate in self-defense training or the martial arts.

G. Make a commitment to good self-care: nutrition, sleep, regular health care, attention to one's use of alcohol, prescription medications and other drugs.

9/21/2017

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

This order establishes a policy of when this department will and will not assist people locked out of their vehicles. Due to the technology applied to all new vehicles, the tools need to get into a vehicle, and the greater chance for damage to the vehicle while attempting to enter them, the following order is placed into effect.

PROCEDURE

1. Motorist Assists
   A. Officers will provide assistance to people on campus property when able and when no other calls have precedence.
   B. Officers will assist people into vehicles that they have locked themselves out of using the provided equipment.
   C. Officers have a battery pack for jump starting a vehicle; they will not use jumper cables under any circumstances.
   D. Officers will have a supply of lock de-icer for those occasions when car door locks are frozen.
   E. Officers are not to change flat tires.

2. This assistance will be free of charge but as already stated will be given when other duties allow and if the assistance is not repeatedly requested by the same person. When providing this assistance an incident number will be issued, the person’s name and vehicle description (and the fact that they are either the legal owners or operator of the vehicle must be verified) given to dispatch

3. Department [Waiver of Liability Form] will be given to the owner/operator. The person who is requesting assistance will be advised that any damage to the vehicle is their responsibility and to reference the waiver of liability. If they do not acknowledge this waiver of liability, then no assistance can be provided.

4. If a vehicle is blocking traffic flow or posing a hazard, officers shall reference the policy of vehicle towing.

9/21/2017

Scott McCullough
Chief

Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
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DEFINITIONS

Traffic Accidents
Occur when a vehicle collides with any other vehicle, object, or person resulting in death, injury, or property damage of any nature. A traffic accident can occur upon highways, park roads and driveways, and upon all premises held out to the public for use of their motor vehicles (whether such premises are publicly or privately owned and whether or not a fee is charged for use thereof). A collision occurring on property not held out to the public for use of their motor vehicles or involving only snowmobiles, all-terrain vehicles, vehicles propelled by human power or drawn by animals does not constitute a traffic accident.

Reportable
Means an accident resulting in injury to or death of any person, any damage to state or other government-owned property (except a state or other government-owned vehicle) to an apparent extent of $200 or more, or total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of $1,000 or more [346.70(1)].

Injury
Means injury to a person of a physical nature resulting in death or the need of first aid or attention by a physician or surgeon, whether or not first aid or medical or surgical treatment was actually received.

1. Traffic Accident Investigation
   A. Traffic Accident Investigation means the collection of factual information identifying and describing people, roads, and vehicles involved describing the results of the accident in terms of damage to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these facts in terms of behavior of road users involved; and, sometimes an attempt to specify the peculiar combination of factors required to produce that particular accident. A traffic accident investigation, in addition to an accident report, should include photographs, measurements, diagram, written or oral statements from the principals and witnesses, and collection of relevant physical evidence.
   B. It is the policy of the department to conduct a traffic accident investigation for all traffic accidents involving:
      a. Death or incapacitating injury
      b. Hit and Run to attended vehicle or pedestrian
      c. Impairment due to alcohol or drugs
      d. Hazardous materials

2. Traffic Accident Reporting
   A. Traffic Accident Reporting means the basic data collections to identify and classify a traffic accident and the person, vehicles, time/location, and planned movements involved, and possible contributing factors such as traffic law violations. Beyond basic documentation, the degree of the investigation should be commensurate with the seriousness of the accident.
   B. It is the policy of the department to complete an accident report for all "reportable" traffic accidents, and for all "non-reportable" traffic accidents upon the timely request of a principal. The department will not routinely complete an Accident Report in cases involving untimely reports of "non-reportable" traffic accidents if the principals have fulfilled their statutory duties, except when the principals appear together at the department with the unrepaired vehicles involved, in all other cases the State self-report form should be given to the principals.
   C. Accidents are documented in two ways:
a. Non-Reportable
   1. Use TRACS non-reportable accident or;

b. Accident Report
   1. Use the MV4000 or TRACS Accident

D. All reportable and "non-reportable" accidents in which a report has been written also require that a
department of public works accident mapping diagram be completed should the accident occur at a
targeted intersection.

E. Government Property Damage Tags When there is accident related damage to State or County property
(or a spill requiring government cleanup) on an Interstate (IH), US Highway (USH), State Highway (STH),
or County Highway (CTH) a Property Damage Tag (Yellow Tag), should be completed (only one per
accident). Attach a portion of the tag to the damaged property, submit the other portion with the
accident report, and enter the 6 digit tag number in the “Govt Damage Tag #” field on the accident
report. The Records Bureau should send the Yellow Tag and a copy of the accident report to the county
highway office. Tags are free and are shipped free from WisDot.

3. Officer Response to Traffic Accident Scene

   A. Generally, officers should respond to the scene of all traffic accidents. However, officer response may be
      influenced by the workload and by the availability of officers. If the immediate demand for police service
      exceeds the capabilities of the department, the Shift Commander (OIC) may direct the dispatcher to
      instruct the principals reporting the accident to exchange all pertinent information and, in the case of a
      "reportable" traffic accident, to obtain and complete a "Drivers Report of Accident" form. An officer
      response to the accident scene is required in cases involving:
      a. Death or injury
      b. Hit and Run
      c. Operator impairment due to alcohol or drugs
      d. Hazardous material
      e. Disturbance between principals
      f. Major traffic congestion
      g. Damage to vehicles to the extent towing is required
      h. Any accident in which a University of Wisconsin La Crosse vehicle is involved

4. Crash Scene Procedures

   A. An officer’s responsibilities at the scene of a traffic accident include:
      a. Providing basic life support/emergency medical care and fire suppression services until properly
         relieved;
      b. Summoning ambulance and/or additional assistance (e.g. officers, extrication, tow trucks, etc.);
         1. In the event a wrecker is needed, the driver of the vehicle to be towed must name the wrecker
            they want to do the towing, and dispatch may contact that wrecker.
      c. Protecting the accident scene;
      d. Preserving and collecting evidence;
      e. Establishing a safe traffic pattern around the scene;
      f. Locating witnesses and recording accident information;
      g. Take statements from persons involved
      h. Expediting the removal from the roadway of vehicles, persons, and debris; and
      i. Whenever the investigating officer detects a violation of traffic law, whether or not it occurs in the
         officer’s presence, and when evidence exists to satisfy all the elements of that particular offense,
         enforcement action should be taken for “reportable” accidents. (Officers may use discretion for
minor “non-reportable” accidents). On private property, only traffic laws relating to Reckless Driving, Hit and Run, Driving over a Firehose, and Operating While Under the Influence of Intoxicants or Drugs may be enforced.

B. In the case of hazardous material incidents, officers should isolate the hazard area, remain at a safe distance upwind and uphill, and evacuate nonessential personnel. The department is responsible for preliminary hazard identification (spill, leak, fire), and identification of vehicle and container placards. Only properly trained and equipped department personnel should attempt to enter areas where hazardous materials may be encountered.

C. In the case of property damage only accidents, whenever possible and/or practical, motorists and/or the police should immediately remove the vehicles involved from traffic lanes, to eliminate unnecessary blockage.

D. When in the course of an officer’s duties, the officer observes an item of apparent value exposed to jeopardy and the owner, authorized operator, or someone on their behalf is not present at the scene or capable of arranging safekeeping, the officer may take reasonable steps to diminish the risk. Possible actions include notifying a tow service driver before a vehicle is removed, locking a car’s door, locking the item in the car glove box or trunk, or removing the item for storage in the property room under its own inventory number.

E. The security of vehicles (and contents) towed from an accident scene are the responsibility of the towing service.

F. At the scene of an accident, the ranking officer, or among officers of equal rank the senior officer, has the prerogative of command.

G. See OWI for procedures for intoxicated drivers involved in injury accidents.
PURPOSE

With the technological advances of the day, the UWL campus is installing a variety of different alarm systems and camera/surveillance systems. With this in mind officers should be prepared to respond to new and possibly unfamiliar systems. This procedure will define the process of the responding to and the reporting of the common alarms used on the UW-L campus.

PROCEDURE

1. Fire Alarms
   
   A. Officers will know the location of all fire alarm control panels for all the buildings on campus and how to reset and silence all the fire alarms being used on campus.

   B. If an alarm is sounding in an occupied building, an officer will immediately respond and verify that the LCFD has been notified and asked to respond. The Officer will verify that the building is being evacuated, will attempt to determine the cause of the alarm, and standby to assist the Fire Department. In no cases will the alarm be silenced without the permission of the LCFD. If the alarm is a malfunction, the alarm can be reset with the permission of the LCFD, an electrician will be notified, and an incident report shall be completed. If the alarm was set off by mistake, the alarm may be reset with the permission of the LCFD, and an incident report shall be completed.

   C. If the alarm was activated falsely and maliciously, the alarm may be reset with the permission of the LCFD, a criminal investigation shall be initiated, and an incident report shall be completed.

   D. If the alarm was activated as the result of an actual fire and damage was done, a supervisor shall be notified immediately. An arson investigation shall be initiated, and at the direction of a supervisor, an arson investigator may be requested. The crime scene shall be secured for further investigations and an incident report shall be completed.

2. Trouble Alarms

   A. The fire alarm sounding on the alarm panel in the office needs to be reset. Because this is not a fire alarm, alarms will not be sounding in the building and the LCFD does not need to be called. In this situation, if the alarm can be reset on site and there is not a malfunction in any of the smoke detectors or heat sensors, no report needs to be taken and maintenance need not be called out. No reports need be completed, but the incident shall be documented in the log and an incident number shall be issued.

3. Loner Alarm

   A. The UWL Power Plant is staffed 24 hours a day and the employee wears a “loner” alarm that sends an alert if they do not move or fall down. When activated Officers will respond to the Power Plant and ascertain the condition of the employee then take appropriate action. A report shall be completed.
4. **Lab Alarm**

   A. UWL operates a lab in its science building that utilizes controlled nuclear material and which is alarmed to alert with unauthorized entry. Upon receiving the alarm, a police officer will respond and attempt to determine the cause without entry as dispatch is utilizing the call in list. If there is an unauthorized entry the officer shall take appropriate remedial action to stabilize the scene and any suspects. A report shall be completed.

5. **Alarm in Cashier’s Office**

   A. Officers will have knowledge of the location of the alarm in the Cashier’s Office and the codes needed to reset the alarm. The alarm does not specify the exact room in the business office.

   B. Officers responding to this alarm should ask the dispatcher to attempt to verify the validity of the alarm over the phone and determine if assistance from the LCPD is needed. Dispatchers also have the ability to monitor this area through the video cameras located in their office. If the dispatcher is able to determine that the alarm was activated falsely, the responding officer (s) should verify this and an incident report will be completed. If the dispatcher is unable to make contact with the office or is advised that the alarm is valid, the responding officer shall respond with backup and assess the safest way to investigate based on all the available information. The safety of the officers and public shall be the primary concern. An incident report shall be completed.

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9/21/2017

Scott McCullough
Chief

Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

To provide a guideline for officers to use when conducting interviews of witnesses, suspects, complainants or other members of the public that are providing information to the UWLPD for possible use during an investigation or court.

PROCEDURE

1. Recording of Interrogations/Interviews-In Custody or Suspects
   
   A. Consistent with Wisconsin State Statue 968.073(2) ALL custodial interrogations/ interviews of ANY person suspected of committing a felony shall be audio recorded with a preference for both video and audio recording. Officers will use the department’s provided equipment to capture video as well as audio or may use the squad mobile video equipment or handheld recording devices in order to record the interview.
      
      a. The recording of the custodial questioning should begin at the start of the contact and continue without interruption until the questioning ends.
      
      b. Officers are not required to inform the subject of the interrogation/interview that they are being recorded.

2. The following conditions may apply as reasons for not recording an interrogation/interview of a suspect under this section. Officers will detail in their written reports why a recording was not made when required.
   
   A. The person refused to respond or cooperate in the interrogation if an audio or audio/video recording was made of the interrogation. If so, the officer shall make a contemporaneous audio or audio/visual recording or written record/statement of the subject’s refusal.
   
   B. The statement was made in response to a question asked as part of the routine processing of the person.
   
   C. The officer in good faith failed to make a recording because the recording equipment did not function or the officer inadvertently failed to operate the equipment properly or without the officer’s knowledge the equipment malfunctioned or stopped.
   
   D. The statement was made spontaneously and not in response to a question by an officer.
   
   E. Exigent public safety circumstances prevented the recording or rendered the making of a recording infeasible.
   
   F. The officer reasonably believed the offense for which the person was taken into custody or for which the person was being investigated, was not a felony.

3. Interview of people not in custody, witnesses, or complainants
   
   A. Per the Body Worn Camera, officers shall activate or insure remote activation of the BWC to record all contacts with citizens in the performance of official duties. Whenever practical, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence or medical setting, they may decline to be recorded unless the recording is
being made pursuant to official law enforcement duties. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy. The fact that an interview was recorded shall not alleviate the officers from the responsibility of attempting to get a written statement from the person.

4. Squad Video

A. When equipped with a functioning video system all Officers shall engage the department owned squad video system at the beginning of their patrol shift. This video system starts to record when emergency lights or sirens are activated but must be manually turned off at the end of the contact. If the video system is also equipped with a functioning microphone it shall be worn by one of the officers in the squad.

5. Maintenance of Recordings

A. All recordings shall be forwarded to and maintained by the Department’s electronic evidence custodian and will be maintained consistent with the UW System’s records retention policy.
PURPOSE

This order established the procedure to follow in the event of a life-threatening emergency or death of a student at UW-La Crosse.

PROCEDURE

When notified, the officer will proceed to the scene and render medical aid or request ambulance for those in need of medical attention. Once all assistance has been given, the officer will follow a basic police procedure which includes securing the scene and starting a preliminary investigation. Once the basic facts have been ascertained notification will be made to the Chief of Police or another police supervisor. In the event that the Chief or other police supervisor is not available the officer will contact the Dean of Student Affairs.

9/21/2017

[Signature]

Scott McCullough
Chief

Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

To set forth a policy when dealing with stray animals or animal bites in order to establish procedures for the investigation of animal complaints and liaison with the County Health Department and Humane Society. WI ss. 95,170,172-174,948

PROCEDURE

1. Stray
   
   A. It is often a police function to encounter animals abandoned or running astray. Members shall make a reasonable effort to locate the owner of such animals. In cases where an animal comes into the possession of this department, the Coulee Region Humane Society shall be notified without delay and preparation shall be made for impounding.
   
   B. Such complaints are referred to the Humane Society for investigation who may request police assistance. This does not prohibit our agency from conducting a cruelty investigation or making appropriate charges as a result of an investigation.
   
   C. For animals in distress within locked vehicles an officer does have permission to enter the vehicle if: the officer is unable to contact the owner in a timely manner, the animal is in immediate jeopardy, the animal can be safely controlled once removed from the vehicle, and access to the vehicle can be made without damaging the vehicle. This type of incident should be considered as a cruelty to an animal complaint.

2. Animal Bites
   
   A. Require investigation as to the type of animal and ownership for Health Department follow-up.
      a. ALL bites/marks that penetrate the skin are investigated by our Department with copies routed to the Health Department and Humane Society
      b. The Animal Report shall be as complete as possible; questions regarding confinement are referred to the Humane Society prior to clearing; the owner will sign relevant confinement orders, if known; if the owner is unknown and the animal is located, the Humane Society will be called to confine the animal.
      c. Quarantine procedures as specified by ordinance are necessary for observation purposes and possible medical treatment of the victim. Information is to be documented on proper incident report forms. All follow-up will be conducted by the initial investigating officer in a timely manner.

3. Injured/Deceased Animals
   
   A. Motorists are required to report accidents with animals to the owner or police; animals may be removed by the owner or Humane Society. DNR notifications may be necessary for endangered or wild species. Refer to policy 3.12 for Accident Reporting.
Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

This policy establishes procedures for the detection, testing, arrest and processing of impaired drivers due to intoxicants, controlled substances or any other drugs.

POLICY

Impaired drivers are a serious threat to public safety. It is department policy that officers will actively apprehend persons operating vehicles while under the influence of intoxicants, controlled substances or any other drugs in accordance with WI §346.63 and all related sub sections as well as §346.71(2) and §343.305 and all related sub sections.

DEFINITIONS

**Drive**
The exercise of physical control over the speed and direction of a motor vehicle while it is in motion §346.63(3)(b).

**Operate**
The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion. §346.63(1)(c).

**Vehicle**
Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, and an electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute §340.01(74).

**Motor Vehicle**
A vehicle that is self-propelled, including a trackless trolley bus, except that a snowmobile, ATV, electric personal assistive mobility device shall only be considered a motor vehicle for purpose made specifically applicable by statute §340.01(35).

**Negligent**
One is considered "NEGLIGENT" when he/she fails to exercise ordinary care in the operation of a vehicle.

**Substantial Bodily Harm**
Bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth §939.22(38).

**Great Bodily Harm**
Bodily injury which creates a high probability of death or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury §939.22(14).
**Under the Influence of an Intoxicant**
The actor’s ability to operate a vehicle or handle a firearm or air gun is materially impaired because of his or her consumption of an alcoholic beverage, a controlled substance, a controlled substance analog under Ch. 961, any other drug under §939.22(42).

**Private Road or Driveway**
Every way or place in private ownership and used for vehicular travel only by the owner and those having expressed or implied permission from the owner and every road or driveway upon the grounds of public institutions other than public schools, as defined in §115.01(1), and institutions under the jurisdiction of the county board of supervisors §340.01(46).

**Roadway**
The portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway, the term "roadway" refers to each roadway separately but not to all such roadways collectively §340.01(54).

**Street**
Every highway within the corporate limits of a city or village except alleys §340.01(64).

**Highway**
All public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in §115.01(1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46) §340.01(22). (Chapter 346 applies exclusively upon highways except as otherwise expressly provided in §346.02(1).)

**Drug Recognition Expert (DRE)**
A law enforcement officer who has successfully completed the National Highway Traffic Safety Administration (NHTSA) approved curriculum for the Drug Evaluation and Classification process, and is certified by the NHTSA and the International Association of Chiefs of Police as a Drug Recognition Expert.

**Drug Evaluation and Classification (DEC)**
A systematic, standardized method of examining a suspect to determine whether the person is under the influence of one or more categories of drugs.

**Restricted Controlled Substance – WI** §340.01(50m)
Any of the following: a controlled substance included in schedule I under Ch. 961 other than a tetrahydrocannabinol, a controlled substance analog as defined in §961.01(4m) of a controlled substance, cocaine or any of its metabolites, methamphetamine, or delta—9—tetrahydrocannabinol.

**PROCEDURES**

1. **Detection**
   
   A. Officers will be alert for signs of impairment. When observing such behavior, officers will gather evidence to stop the vehicle; officers will not permit unsafe driving that endangers others.
   
   B. Upon contact with the operator, officers will watch for signs of impairment and shall request a backup unit if one is available.
   
   C. Officers will note the demeanor, actions of the suspect such as speech, balance, attitude, and odors.
2. Tests and Screening

A. Officers will attempt field sobriety tests on drivers suspected of being OWI; tests should be conducted at the scene unless other factors necessitate moving. When possible, tests should be on a flat, lighted area out of traffic and conducted in a consistent manner.

B. Unless the driver is uncooperative or physically unable to perform, tests will be given as follows:
   a. Standardized Field Sobriety Tests (SFST): horizontal gaze nystagmus (HGN), walk/turn (heel to toe), and one leg stand.
   b. Officers not trained in SFST shall request an officer that has been trained to administer SFST to the operator.
   c. Officers may use other optional tests including alphabet recital, finger to noes, and Romberg balance.
   d. Officers may use a Preliminary Breath Test (PBT).

C. Other, non-standardized, test may be given at the officer’s discretion. These tests include alphabet, finger dexterity, counting backwards, etc. These tests are only to be given by officers specifically trained in these tests.

D. If the officer suspects that the person may be under the influence of a controlled substance or other drug, the officer should administer both SFST’s and non-standard SFT’s, and attempt to contact a DRE to perform an evaluation (especially for a serious crash investigation).

3. Arrest

A. The officer will decide if there is probable cause to arrest based on SFST, other tests and his/her observations. If arrested, the driver will be handcuffed and searched, including a search of the vehicle (for evidence supporting the OWI charge, alcohol and/or open containers) while the driver is at the scene, and will remain handcuffed for transport unless extenuating circumstances are present.

B. If the officer suspects that the person may be under the influence of a controlled substance or other drug, the officer will place the person under arrest and may attempt to arrange for a DRE (see DRE infra).

C. In the case of a crash involving serious injury or death, blood shall be taken from every involved operator where alcohol or drugs are detected, or there is reason to believe the operator violated any traffic law. In other circumstances, officers shall make every attempt to obtain a blood sample with the consent of the operator involved in a serious injury or fatality.

D. In the case of a crash involving serious injury or death, notification shall be made to the Chief or another supervisor, District Attorney’s Office (on-call DA), and crash reconstruction team (State Patrol).

4. Arrestee’s Vehicle

A. The officer will attempt to secure the person’s vehicle and its contents prior to leaving the scene if it is legally parked.

B. If there is no sober passenger in the vehicle that possesses a valid driver’s license and with the owner/driver’s permission, it may be left legally parked; if it is illegally parked please refer to the tow policy.

C. If there is a sober passenger in the vehicle with a valid driver’s license, it may be turned over to such person if the driver/owner consents.

D. This does NOT mandate release if the officer wants the vehicle for evidence.

E. If there are other occupants in the vehicle and it is being secured or towed, the officer will attempt to make reasonable arrangements for them.

F. If the vehicle has been involved in a crash that results in serious bodily injury or death, the vehicle must be taken to a secure impound facility and held pending release by the District Attorney’s Office.

5. Chemical Tests
A. The Department designates the breath test as the primary chemical test of intoxication for 1st, 2nd, and 3rd offenses (forced blood for 3rd offense refusal), and blood for 4th and subsequent offenses and all felonies.

B. If drug use is suspected, blood should be considered as the primary test as it is the only means to quantify the level of drugs present. As you would for alcohol cases, ask relevant what, when, and how much questions for drugs. If you suspect a specific drug, not only put the facts and circumstances in your report, it is helpful to technicians if you identify the suspected drug on the test document.

C. Prior to requesting a person to submit to such test, the officer will inform the driver of the charge they will be receiving a citation for and take a citation number.

D. The officer will read the driver the Informing the Accused form and should avoid further explanation or interpretation of the form. If consent is given, an appropriate test is administered. For cases of second or subsequent offenses where consent is not obtained due to a language barrier, officers should apply for a search warrant.

E. Blood may be drawn from a person who is unconscious or otherwise not capable of giving consent if there is probable cause to believe the person violated WI §346.63(1), (1)(am), (2), (2m) or §940.25, §940.09 or an ordinance that adopts such laws (OWI, OWI Injury, OWI Controlled Substance, Absolute Sobriety, Injury by Intoxicated Use of a MV, Homicide by Intoxicated Use of Vehicle). (**State v. Padley, 2014, WI APP 65 it is recommended officers apply for a search warrant in cases involving unconscious drivers for second and subsequent offenses**)

F. If charged with a crime and the person refuses a test, blood may be ordered and taken as evidence of the crime (OWI 3rd and subsequent, and felonies).

G. If the results show a prohibited alcohol concentration or prohibited amount of some form of drug, the officer will write a citation for such charge or refer the data to the District Attorney if the driver was charged with a felony.

H. Operators of vehicles involved in alcohol related fatal crashes that are killed are required to be tested under WI ss. 346.71(2) (the Medical Examiner’s Office handles the sampling and testing of deceased individuals). Surviving drivers involved in fatal crashes shall be processed in accordance with this policy. If no probable cause exists to require chemical testing of a surviving driver, the officer should encourage the driver to voluntarily submit to testing.

6. Post Test/Refusal Processing

A. Notice of Intent to Revoke - completed by officer, read to the driver refusing a test and issued a copy.

B. Notice of Intent to Suspend - completed by officer, read to the driver, and issued a copy, if the chemical test shows a prohibited alcohol concentration. If the results are delayed, the form should be mailed. Officers should not complete the “notice date” until the form is mailed.

C. Alcohol/Drug Influence Report - completed by officer, if Miranda is waived, questions may be asked of the driver.

7. Release of Driver after Processing

A. First Offense OMVWI: Drivers may be released to responsible sober adult who accepts responsibility for the driver. Persons accepting responsibility must read and sign a Release Form. If the person refuses to sign the form, the driver will not be released.

B. Drivers who do not have a responsible party, those charged with operating under the influence of drugs, or those charged with second or subsequent offense shall be transported to jail and confined on a twelve-hour hold or is below a .04 BAC (per jail guidelines).

INTOXICATED DRIVERS INVOLVED IN INJURY ACCIDENT

1. Unique circumstances exist when an officer suspects that a driver, involved in an injury or fatal accident, is
intoxicated. Officers are not likely to regularly encounter these situations and thus should be aware that special procedures are to be followed. This policy deals with those procedures.

2. 346.63(2) Causing Injury by OWI

   A. Elements
      a. Defendant must have driven or operated a motor vehicle.
      b. Defendant must have been under the influence of an intoxicant (alcohol, drugs or combination).
      c. Defendant must have caused injury to another person. (Injury means any injury, and does not rise to the level of great bodily harms, as defined above.)

   B. Procedure For cases involving violations of 346.63(2), standard OWI procedures are followed (UTC, Informing the Accused, etc.) Upon a refusal, and barring exigent circumstances greater than the basic fact that alcohol dissipates quickly in the bloodstream, obtain an OWI search warrant.

3. 940.25 – Great Bodily Harm by Intoxicated Use of a Vehicle

   A. Elements
      a. Defendant must have operated a vehicle.
      b. Defendant must have been under the influence of an intoxicant (alcohol, drugs or a combination).
      c. Defendant’s operation of a motor vehicle must have caused great bodily harm to another.

   B. Procedure
      a. The on-call DA should regularly be consulted in all serious injury or fatal crashes.
      b. Where there is probable cause, the operator should be arrested (no citation) for violation of 940.25, read the Informing the Accused, and taken to a medical facility for a blood draw, following normal procedures. Upon refusal, see search warrant procedure. Note that an unconscious person is presumed to have consented.

   C. In the case of a crash involving substantial bodily harm, where the officer detects any presence of alcohol, drugs or a combination, but does not yet have probable cause, the operator should be read the informing the accused, and taken to a medical facility for a blood draw (343.305(3)(ar)1), following normal procedures. Upon refusal, arrest the operator under 343.305(3)(a) and follow the search warrant procedure.

   D. In the case of a crash involving great bodily harm or death, where the officer has reason to believe that the operator violated any state or local traffic law, but does not yet have probable cause for arrest under 940.25, the operator should be read the informing the accused, and taken to a medical facility for a blood draw (343.305(3)(ar)2) Upon refusal, arrest the operator under 343.305(3)(a) and follow the search warrant procedure.

   Pending the appeal of State v. Padley it is recommended officers take the following approach in serious crash cases:

   i. First, try to make a case for an OWI arrest. If the officer has probable cause to make an arrest for an OWI offense, he/she can take the blood pursuant to standard implied consent procedures.

   ii. Second, if the officer cannot make an OWI case, he/she should seek to obtain consent for a blood draw. In asking for consent, officers should not read the Informing the Accused form. Instead, consent should be properly documented in the officer’s police report.

   iii. If officers are unable to obtain a blood sample under either of the two above options, it is recommended that officers use Act 163 as a last resort. Officers should read the Informing the Accused form to the subject, and if the subject refuses, under the Act,
the officer can arrest the subject for that refusal. (See Wis. Stat. §343.305(3) (ar) (1) & (2), §343.305(3) (a)). After the arrest for the refusal the officer should read the Informing the Accused form for a 2nd time. If the subject again refuses, the officer should apply for a search warrant on the grounds that the subject was involved in a serious crash, and have refused a request for a blood test under the Implied Consent law.**

4. 940.09 Homicide by Intoxicated use of Vehicle

A. Elements
   a. Same as 940.25 except that the defendant must have caused the death of another.

B. Procedure
   a. Same as 940.25

5. Officers are reminded to:

   A. Properly identify defendants and to document the method of identification.
   B. Establish that the defendant was actually the driver using driver and witness statements, physical evidence, and admission by the defendant.
   C. Establish at what time the accident happened using driver and witness statements and police records. In cases where persons involved are uncertain of the time of the accident, they may be able to state that the accident happened so many minutes before the police arrived.

**OWI SEARCH WARRANT**

1. In light of Missouri v. McNeely, a Search Warrant is required for a forced OWI blood draw, absent exigent circumstances greater than the basic fact that alcohol dissipates quickly in the bloodstream (although a defendant may create their own exigency by withdrawing consent late in the process). Currently, McNeely has no effect on Wisconsin's Implied Consent law. In cases where departmental policy specifies that a forced blood draw is indicated upon refusal to submit to testing (3rd and subsequent offenses and felonies), the OWI Search Warrant procedure is as follows:

   A. Read the “Informing the Accused” form to the defendant as soon as practical. If the defendant consents, proceed with testing under implied consent. If the defendant refuses or stands mute, follow the procedure for obtaining a Search Warrant, and then complete the test. (Note that this does not apply to a person who is unconscious or otherwise not capable of giving consent; that person has legally given consent under the Implied Consent law.)
   B. Prepare the preformatted TraCS Affidavit and start the Search Warrant form (to the extent possible) in electronic formats, and call La Crosse Emergency Dispatch Center (LEDC 785-5962). The TraCS Search Warrant and Affidavit shall be e-mailed to lacrosse.dutyjudge@wicourts.gov.
      a. Officer calls on-duty DA. Call LEDC to get this information.
      b. Officer e-mails paperwork to Judge via e-mail listed above.
      c. Subsequently, the officer calls LEDC to commence a recorded call. LEDC adds the Judge to the call and remains on the line.
      d. The Judge swears the officer over the phone and obtains the officer’s statement supporting probable cause (read the duplicate original warrant, verbatim, to the judge; the Judge may direct that the warrant be modified).
      e. If the Judge finds probable cause, the Judge will electronically sign and e-mail a return to the officer.
      f. At the end of the recorded call, the audio recording will be emailed to both the officer and court officer by the LEDC Dispatcher. Once received, the email should be promptly forwarded to the court officer or person who will be handling court duties the next business day. Please note in the incident
report the date and time the online request was made.

C. The officer who will execute the search warrant should
   a. Ask for consent again.
   b. If the defendant consents, the officer should document it and proceed with the blood draw.
   c. If the defendant refuses, the officer should execute the Search Warrant, entering the exact time of
      execution on the face of the duplicate original warrant (even if there is no field for this). The warrant
      (but not the affidavit) should be read to the defendant and a copy provided. The statute expressly
      authorizes the use of "all necessary force" in executing a search warrant.

D. The officer who executes the Search Warrant completes the Search Warrant Return.
E. The Affidavit, Search Warrant and Search Warrant Return are submitted with reports for urgent handling.
F. If not accomplished in 2f above, the court officer should request a digital copy of the recorded call from
   LEDC.
G. The court officer submits the Affidavit, duplicate original Search Warrant, Search Warrant Return, and
   recorded call to the office of the Judge.
H. The Judge’s office transcribes and certifies the recorded call and submits the Search Warrant, Affidavit
   and Search Warrant Return to the Clerk of Courts.
I. See OWI Forced Blood Flow Chart and 968.12(3).

USE OF DRUG RECOGNITION EXPERT (DRE)

1. The purpose of this section is to improve enforcement and deter impaired driving by recognizing signs of
   drugs other than alcohol, and using a trained Drug Recognition Expert (DRE).

DRE Procedure

1. Patrol officer makes initial contact with suspect. This normally occurs via a traffic stop, but may occur
   through any police contact – complaint received, disabled vehicle, accident investigation, etc.

2. Observations and Indicators: During contact with the suspect, the officer should look for clues or other signs
   of drug use, including but not limited to:
   A. Drugs or paraphernalia in the vehicle.
   B. Drugs or paraphernalia on suspect’s person.
   C. Observations of suspect’s speech, eyes, mannerisms, and/or balance.
   D. Needle marks or scratch marks on suspect.
   E. Distinctive odor (particularly of THC).
   F. Lack of odor of intoxicants.

3. Field Sobriety Testing and Arrest:
   A. Officer shall proceed as per OWI policy.
      a. If probable cause exists, arrest is made [346.63(1)(a)].

4. If alcohol does not appear to be a factor, or if alcohol level is low compared to level of impairment (PBT),
   officer will contact supervisor to request DRE. If the PBT registers greater than 0.12, the DRE will not be
   called unless extreme/extenuating circumstances exist. (EX: traffic fatality)

5. Supervisor will determine if DRE will be called, using available information – if DRE is on- or off-duty /
   available to assist, length of DRE response time, signs of other drug use, or other information from officer on
   scene. Comment: Supervisor may request a DRE to respond and assist other law enforcement agencies if
   mutual assistance is requested. Dispatch will page the appropriate DRE.
6. If the DRE is able to respond he/she will coordinate with the supervisor where to meet with the officer. Comment: Drug evaluations are normally not performed at roadside, but in a controlled environment. Examples: hospital facilities or Intoximeter/pre-booking room.

7. Drug Evaluation and Classification: DEC is a highly technical function performed by the DRE. Persons performing the evaluation and classification must possess the proper certification and credentials.

8. The arresting/contact officer will provide the DRE with the results of field sobriety testing, the PBT result if administered, and any other observations or evidence collected which would indicate impairment.

9. The primary OWI test must be blood or urine if the DEC process is to be used. The DRE can still respond if there is a refusal.

10. The arresting officer must stay with the suspect during the DEC. Once the DRE is finished, the suspect will be returned to the arresting officer.

11. Drug evaluations will be conducted by a minimum of two (2) officers if possible; at least one of who will be a certified DRE. The DRE may direct an officer to record information related to the drug evaluation checklist.

12. Persons arrested will be read the Miranda Warning before a DEC procedure is implemented.

13. The DRE will prepare a supplemental report concerning the Drug Evaluation and Classification procedure.

14. The arrest/contact officer will continue to process the suspect. If a Prohibited Alcohol Concentration (PAC) is not indicated, the officer should consider a citation for 346.63(1)(am) Operating Motor Vehicle with a detectable amount of a Restricted Controlled Substance.

9/25/2017

X

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

The purpose of this policy is to give officers a guideline when dealing with a case of underage alcohol consumption or purchase during their patrols.

POLICY

The Department in cooperation with the Countywide Alcohol Task Force initiative has a zero tolerance for any person who the officer finds to be in possession of or having consumed an alcoholic beverage when they are not at least 21 years of age. The Department follows an incident based approach to this violation and violations are most often discovered during the course of some other investigation or contact.

PROCEDURE

1. The officer’s first responsibility for any person shall always be the person’s safety and the officer will without delay seek medical assistance for any person they feel needs it.

2. An officer will issue a citation to people they have probable cause to believe are in violation of the state’s age requirement for alcoholic beverages. An officer should attempt to obtain a breath sample (by PBT) but failure to do so isn’t justification for not following this policy. If the officer has probable cause (i.e. odor of alcohol on breath, admission, possession of alcohol, etc) to believe the person is in violation the person shall be cited even if hospitalized.

3. Underage persons who have consumed alcohol are exempt from this policy if they have: (a) called emergency services for another individual who is in need of medical assistance or (b) are the victim of a violent crime.

4. First Time Offender Diversion Program

   A. The Department is participating in an alcohol diversion program for those people WE cite for this violation for the first time. Violations from other agencies does not prevent possible referral to this program. Persons that are cited for underage alcohol may be offered this program if all the following conditions are met:

      a. The person has not been booked into jail or issued any other citation that is NOT eligible for a department’s diversion program.
      b. It is believed by the officer the person has not been in the program before
      c. Exhibits behavior consistent with someone who will take responsibility for their actions.

5. Sharing of Information

CONTINUES ON NEXT PAGE
It is also the Department’s responsibility to inform the office of Student Life of any student the Department has charged with a violation of this type.

9/25/2017

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

The purpose of this policy is to establish guidelines for the use of emergency vehicular warning devices both audible and visual.

POLICY

It is the purpose of this policy to ensure that all members of the Department will adhere to statutory restrictions on the use of emergency warning devices and that such devices are employed only in prescribed conditions and circumstances and in ways that will minimize the risk of accidents or injuries to employees or the public.

DEFINITIONS

Emergency Vehicle
An authorized law enforcement vehicle equipped with emergency lights (red/blue/white), siren, and other emergency warning devices required by law and used for emergency response situations.

Emergency Warning Devices
Devices placed in/on each agency emergency vehicle that emit audible or visual signals in order to warn others that law enforcement services are in the process of being delivered.

PROCEDURES

1. Assigning/Determining Response Modes to Calls for Assistance.
   A. Officers will ultimately determine the response mode they will use based on information from dispatch and/or in response to a sudden occurrence unbeknown to communications personnel and include the:
      a. The nature of the situation, and
      b. The location and destination of the field unit.
   B. Use of Emergency Warning Devices While in Emergency Response Mode.
      a. During an emergency response, emergency lights and/or siren and other emergency signal devices shall be activated as required by law.
      b. When responding in the emergency mode, the headlights of the emergency vehicle shall be activated to augment the emergency vehicle’s visibility.
      c. During an emergency response, four-way flashers shall not be used when the emergency vehicle is in motion because they may interfere with brake lights and turn signals.
      d. The spotlight is primarily utilized to facilitate building and stationary vehicle checks and shall at no time be directed at the windshield or vision of oncoming traffic.
      e. When responding in an emergency response mode, emergency signal devices may be deactivated at
a distance from the scene (to be determined by the vehicle operator) so as to not alert subjects to law enforcement proximity.

f. When emergency signal devices are deactivated, the operator of the emergency vehicle shall comply with posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow.

C. Use of Emergency Warning Devices While Conducting Vehicle Stops.
   a. Audible and/or visible warning devices shall be used to make adequate notice of intent to stop a motor vehicle and to provide a safe environment for the vehicle operator, officer, and public.

D. Discretionary Use of Emergency Warning Devices.
   a. Officers may activate emergency signal devices when required to assist in handling any perceived emergency situation. The officer shall advise communications personnel of the nature of the emergency and the emergency response mode that has been taken.
   b. In other than emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or fellow officers, law enforcement officers may activate emergency warning devices to allow orderly and safe transit through heavily congested roadways. Examples of permissible uses of emergency warning devices during nonemergency response situations include, but are not limited to:
      1. Using emergency lights as “beacons” to protect disabled motorists, or
      2. Using emergency lights when it is necessary to use agency vehicles as protective barriers.
   c. Operators of emergency vehicles shall deactivate emergency warning devices as soon as possible.

9/25/2017

Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

The purpose of this policy is to provide officers with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

POLICY

This department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of this agency’s prisoner detention and holding facilities. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this department that such searches shall not be conducted by any member of the department.

DEFINITIONS

Detained
Any of the following:
1. Arrested for any felony.
2. Arrested for any misdemeanor under:
   A. 967.30(1) Use of firearms near park
   B. 940.19 Battery; substantial battery; aggravated battery
   C. 941.20(1) Endangering safety by use of dangerous weapon
   D. 941.23 Carrying concealed weapon
   E. 941.237 Carrying handgun where alcohol beverages may be sold/consumed
   F. 948.60 Possession of a dangerous weapon by a person under 18
   G. 948.61 Dangerous weapons other than firearms on school premises
3. Taken into custody under s. 938.19 and there are reasonable grounds to believe the juvenile has committed an act which if committed by an adult would be covered under subd. 1. or 2.
4. Arrested for any misdemeanor not specified in subd. 2., any other violation of state law punishable by forfeiture or any local ordinance if there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he or she is detained.

Physically Disabled Person
A person who requires an assistive device for mobility, including, but not limited to, a wheelchair, brace, crutch or artificial limb.

Strip Search
Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, breasts and buttocks.
1. Strip Search
   A. Strip searches will be conducted by Jail Staff at the La Crosse County Jail. The officer shall notify the staff of the knowledge or belief of contraband being hidden under suspect’s clothing.

2. Body Cavity Search
   A. No person may be the subject of a Body Cavity Search unless he or she is a detained person.
   B. A Body Cavity Search may not be performed without reasonable, individualized suspicion that the detainee possesses a weapon, evidence of a specific crime, controlled substance or other contraband.
   C. The suspected offense must be of a serious nature and/or present a threat to the safety of officers or others and/or the security of the Jail.
   D. The officer shall make a documented request for a Body Cavity Search clearly defining the basis for suspicion and receive prior written permission from the Chief of Police or a [captain].
   E. Prior to a Body Cavity Search, the officer should attempt to obtain the detainee’s consent.
   F. All body cavity searches shall be conducted by a physician, physician assistant or registered nurse in accordance with §968.255 with or without a warrant.
   G. Officers should generally not be present during Body Cavity Searches so as to ensure the detainee’s privacy. However, there are times when officers may be present, such as when the detainee is a security risk. Specifically, if the medical professional performing the Body Cavity Search requests that an officer be present for safety or security reasons, that would be a good reason. In such a case, the best procedure would be to have the officer be of the same sex as the detainee being searched.
   H. Searches should be conducted in private, in a medically acceptable manner and environment, under sanitary conditions, and conducted in a professional and dignified manner.
   I. The officer managing the search shall prepare a report identifying the person detained, all persons conducting the search, the time, date and place of the search and the required written authorization (supra), and provide a copy of the report (Strip Search Authorization Report, page one) to the person detained at the earliest opportunity. An incident report shall be completed.

3. Search of Body Orifices
   A. A search of the mouth, nose or ears of a detainee which involves nothing more than touching the outside surfaces or observing what is in plain view is permissible.
   B. Officers should refrain from probing into those body orifices with a finger or instrument.
   C. Intrusive searches of the mouth, nose, or ears are not considered body cavity searches; however, searches of those body orifices should be conducted by medical personnel to comply with the 4th and 5th amendments.
   D. Officers who have probable cause to arrest a suspect and who are searching the suspect incident to the lawful arrest and that have a “clear indication” (more than “mere suspicion” or “reasonable suspicion”) that the arrestee has seizureable contraband in his mouth may, either with a warrant or when exigent circumstances (either an “urgent need to preserve evidence” or a “medical emergency”) are present, use objectively reasonable force to acquire the contraband. Any action that could prevent breathing or an obstruction to the blood supply to the brain is prohibited.

4. Search of Physically Disabled Person
   A. A search of a physically disabled person shall be conducted in a careful manner. If a search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his or her body, the search shall be conducted with extreme care by a person who has had training in handling physically disabled persons (§968.256 including a physician, physician assistant, registered nurse, paramedic, EMT or trained officer or jailer.)
Scott McCullough
Chief
Signed by: 7f44a59c-491e-4a2f-8a15-24fb4de66883
PURPOSE

The purpose of this policy is to provide officers with guidelines for determining when and how a motor vehicle inventory should be conducted.

POLICY

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of this law enforcement agency to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

PROCEDURES

1. Legal Authority to Inventory

   A. An authorized member of this agency may conduct a motor vehicle inventory without a warrant or probable cause when: a. the vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; after towing the vehicle for violations, or for related enforcement or safety reasons as defined by state law, and b. when officers conduct the inventory within the scope of this policy as an administrative procedure.

   B. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by this agency’s policy on motor vehicle searches when engaged in these actions.

2. Scope of Inventory

   A. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of section III-A of this policy.

   B. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.

   C. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.

   D. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.

   E. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the impound report as such. If a key or
lock combination is available, locked containers may be opened and inventoried.

3. Property Control

A. All items of value shall be itemized on this agency's property inventory form and such materials turned over to the control of the property room for safekeeping.

B. Control and safekeeping of hazardous materials shall be the responsibility of this agency's designated authority.

C. Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the evidence custodian in accordance with procedures for control of criminal evidence. Notification of this fact shall be provided to the agency's designated authority.
Purpose

To set a policy for officers to follow when confronted with a situation that may warrant a vehicle to be towed.

Policy

A vehicle will not be towed without permission from a supervisor unless the vehicle poses an immediate traffic hazard or poses a threat to public safety in some way. Vehicles that are involved in custodial arrest situations can be towed or legally parked at the owner’s request and cost. If a vehicle is towed the Officer shall inventory the contents of the vehicle.

9/25/2017

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Chief
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Purpose

The following provides officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public.

Officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used for investigations or what is commonly referred to as undercover operations.

1. The use of BWCs is approved to accomplish the following objectives:

   A. Allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
   B. Audio and video recordings enhance the Department’s ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.
   C. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

2. When and how to use the BWC:

   A. Officers shall activate or insure remote activation of the BWC to record all contacts with citizens in the performance of official duties.
   B. Whenever practical, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence or medical setting, they may decline to be recorded unless the recording is being made pursuant to official law enforcement duties. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
   C. If an officer fails to activate the BWC, or an interruption in recording occurs, the officer will document the reason for the failure to start, interruption or termination of recording in a report. If an officer feels it is necessary to stop recording or mute the audio recording (e.g., talking to a victim, or a confidential informant) within constraints of policy, the officer will verbally indicate their intent to stop recording before stopping the device and upon reactivation of the camera, state that the camera was restarted. Documentation can be in the form of an incident report, arrest report, or other electronic means approved by the Chief of Police or his designee.
   D. Civilians shall not be allowed to review the recordings at the scene. All viewing of recordings by non-police department personnel would fall under the departments open records policy.
   E. If an employee is aware that a juvenile has been recorded during an incident, the employee will determine if the juvenile is identifiable within the context of the recording, be it either video and/or audio representation. If the juvenile is identifiable, the employee will ensure this is documented in the report.
F. Employees are encouraged to record all victim or witness interviews with the BWC. Officers should notify victims and/or witnesses when recording is taking place. If a victim declines being video recorded, the officer shall document in their report the reason an interview was not recorded.

G. It may not be immediately apparent to an officer which subjects are witnesses, victims, suspects, or unrelated bystanders. Officers will keep the BWC activated while they determine the role each person took in the incident. Officers are not expected to make a positive determination of what each person’s role was prior to conducting interviews, so the standard will be reasonable belief based on the available information.

H. Personal use of the BWC equipment on or off duty is prohibited.

3. Procedures for BWC use:

A. BWC equipment is used primarily by uniformed personnel. All Officers who are assigned BWC equipment must use the equipment when patrolling unless otherwise authorized by supervisory personnel.

B. Police personnel shall use only BWCs issued by the Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.

C. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

D. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall immediately be brought to the attention of the officer’s supervisor so that a replacement unit may be procured.

E. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

F. Officers shall wear the BWC conspicuously on the outside of their uniform and in such a position as to best record their interactions with the public.

G. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or designee.

H. Officers are encouraged to inform their supervisor or the training sergeant of any recordings that may be of value for training purposes.

I. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the Department reserves the right to limit or restrict an officer from viewing the video file.

J. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or designee in accordance with state record retention laws. All requests and final decisions shall be kept on file for a time equal to the record retention schedule for a similar state record.

K. Officers shall note in incident, arrest, and related report modules when recordings were made during the incident in question.

L. BWC recordings are not a replacement for written reports.

4. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

A. Communications with other police personnel without the permission of the Chief of Police or designee.

B. Encounters with undercover officers or confidential informants.

C. When on break or otherwise engaged in personal activities; or

D. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
5. Storage

A. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.

B. All images and sounds recorded by the BWC are the exclusive property of the Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

C. All access to BWC files must be specifically authorized by the Chief of Police or designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

D. Files should be securely stored in accordance with state records retention laws per UW System Police and Parking Services General Records Schedule, for a minimum of 180 days, and no longer than useful for purposes of training or for use in an investigation or prosecution. Videos which are referred to in a written police report shall be considered part of the police report and retained the same as the written report. Those videos that are not documented will be retained at a minimum of 180 days, then deleted.

E. Further information on record retention can be found in the University’s records retention schedule.

6. Supervisory responsibilities:

A. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

B. Supervisors will review a sample of at least 5 random BWC recordings on a monthly basis to ensure the equipment is operating properly and that officers are using the devices appropriately and in accordance with the policy. The monthly reviews will be documented in a BWC review log located on the Department internal website.

C. Supervisors will inform the training sergeant of any recordings that may be useful for future department training.

9/25/2017
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Chief
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